

New ACMA powers to combat misinformation and disinformation

From: Elizabeth Glenn [REDACTED]
To: Information Integrity <information.integrity@infrastructure.gov.au>
Date: Sat, 19 Aug 2023 08:30:41 +1000

Elizabeth GLENN
[REDACTED]
[REDACTED]
[REDACTED]

19/08/2023

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
GPO Box 594
CANBERRA ACT 2601

Subject: Submission - Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Dear Sir/Madam,

I am writing to provide my feedback on the recently proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen who values freedom of speech and believes in the power of the internet as a democratic tool, I am deeply concerned and outraged by the contents of this bill.

Firstly, the existence of this bill sends a clear message that the government does not respect the freedom of speech of Australian citizens. By creating two distinct classes of citizens, one comprising politicians, journalists, and members of educational institutions, and the other comprising regular citizens, this bill unfairly gives power to a select few. It is unjust to assume that these individuals are the only ones capable of spreading information, as often regular citizens possess valuable knowledge and expertise on various topics.

Moreover, the excessive fines outlined in the bill would lead to digital services imposing strict limitations on speech, surpassing even the most restrictive platforms currently in existence. The lack of "pressure escape valves" within the system exacerbates this harm. The internet has allowed regular people to have a voice, and this law has the potential to disproportionately harm those individuals.

Additionally, accurately judging what is true or untrue is an impossible task. Scientific discovery often challenges previously accepted facts, as shown by various instances related to COVID-19. Authority figures and experts have made statements that were later found to be false. The proposed legislation could categorise such statements as misinformation, leading to their removal. It is crucial to understand that true information can also be misleading or deceptive, and limiting freedom of speech inhibits open and honest discussions necessary for finding common ground.

Even respected experts like Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, have expressed concerns about the scope and application of this bill. Dr. Coatsworth's critique brings into question the trustworthiness of expert consensus and highlights the potential for unintended consequences if this legislation were to be implemented.

Furthermore, the proposed codes and regulations established by industry bodies representing the largest players in the industry are likely to become "anti-competitive wedges." These codes could

be wielded by major digital services to hinder smaller competitors, creating onerous requirements that only the largest platforms can comply with. Such a scenario goes against the principles of free-market competition and hinders innovation and diversity in the digital landscape.

The bill's reliance on the current state of dominant digital services neglects the importance of competition regulators' efforts to lower entry barriers for new platforms. This approach contradicts global competition regulations and inhibits a competitive and consumer-friendly digital market.

In light of the News Media Bargaining Code (NMBC) enacted in 2021, which limits digital services' ability to address misinformation and disinformation, the Australian government must recognize its role in restricting the flow of information. The NMBC essentially holds content from non-eligible news organisation's hostage, forcing digital services to pay money to eligible news organisation's. The proposed bill's inclusion of fact-checkers and methods involving news content further contradicts the NMBC. These inconsistencies highlight the need for a more coherent and balanced approach to address misinformation.

I must emphasize that this bill not only puts regular citizens at a disadvantage but also undermines the values of inclusivity, diversity of thought, and respect for human rights. By stifling certain viewpoints as misinformation, this bill hampers the democratic process and the free exchange of ideas necessary for progress.

The threats and potential repercussions faced by digital platform providers, including reputational damage and financial penalties, as well as the intimidation faced by ordinary users who may be hauled before ACMA, are deeply concerning. Such actions create a culture of fear and hinder open discourse and collaboration essential for a democratic society.

Under this bill, citizens are categorised into two classes: those deemed trustworthy by the government to participate in public forums and those considered unable to contribute without causing harm. This hierarchy not only disempowers regular citizens but also assumes that government or accredited institutions possess the ultimate truth. There must be space for diverse viewpoints and a process of sense-making that involves all possibilities.

Furthermore, the proposed legislation poses a direct threat to individuals' freedom of thought, conscience, and religious beliefs. Categorising fundamental faith worldviews as misinformation is not only intolerant but also a violation of the freedom of expression guaranteed by the Universal Declaration of Human Rights.

In conclusion, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. It is imperative to protect freedom of speech, foster open dialogue, and uphold democratic values. I implore the government to engage in comprehensive consultations and seek alternative ways to combat misinformation and disinformation without infringing upon the rights and freedoms of Australian citizens.

Thank you for considering my feedback on this important matter.

Yours sincerely,

Elizabeth Glenn

Sent from my iPhone