



19 August 2023

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Dear Sir/Madam

**Re: the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (Cth)**

I am writing to express why the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023, which is currently under consideration, should not proceed. The draft legislation is an unacceptable threat to freedom of speech, access to information, and the democratic principles that underpin our society.

The broad and vague definitions of "misinformation," "disinformation," and "serious harm" in the proposed bill, coupled with the expansive regulatory powers granted to the Australian Communications and Media Authority (ACMA), pose a grave risk to fundamental rights and liberties.

The proper solution to bad speech is not less speech, it is more speech. Attempts at censorship never work, they in fact serve to legitimise the material which the Government has attempted to censor amongst those disinclined to accept authority. A much better approach is to counter misinformation with free and open discourse which will allow the truth to rise to the surface. Legislation which stifles open discourse, curtails the dissemination of diverse opinions, and impede the free exchange of ideas is counterproductive.

Further, the bill's potential to lead to self-censorship among online platforms is particularly concerning, as platforms may opt to overly monitor and restrict content which is not misinformation to avoid severe penalties. This approach not only undermines the principles of free expression but also hampers the public's access to a variety of viewpoints and information sources.

Moreover, the bill vests ACMA with significant authority to determine what content falls under the purview of "acceptable communication" and what constitutes "misinformation" or "disinformation." Granting such power to a regulatory body carries the inherent risk of politicisation and undue influence over the dissemination of information. This has the potential to undermine the foundation of a healthy democracy by limiting the public's exposure to critical perspectives and alternative narratives. The Labor members who may support this Bill may be perfectly happy for ACMA to have these powers, but I doubt they would be happy for ACMA to have these powers while a future conservative Coalition government is in power, I know I would not be.

Additionally, the imposition of heavy fines, such as those stipulated in the bill, could disproportionately affect smaller online platforms and news outlets, potentially stifling innovation and competition in the digital space. The resultant concentration of control over information dissemination could further

consolidate power in the hands of a few dominant entities, undermining the diverse ecosystem of ideas and viewpoints that is essential to a vibrant democracy.

In conclusion, I firmly believe that the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 is not the appropriate solution to misinformation. It should be withdrawn and not revisited.

Thank you for considering my perspective on this matter. I hope that you will take into account the potential ramifications of the proposed legislation and prioritize the preservation of our fundamental rights and democratic ideals.

Sincerely,

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