



Director – Internal Comms and Creative Services

Communications Branch

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

GPO Box 594

Canberra ACT 2601

REF: Communications Legislations Amendment (Combatting Misinformation and Disinformation) Bill 2023

This letter outlines my strong objection to the above legislation (the Bill), as currently issued for public consultation and outlined in the Department's Fact Sheet and Guidance Note, both dated June 2023. In my assessment, the Bill is fundamentally flawed and an affront to the representative democratic principles of Government, and should be scrapped in its entirety.

In brief, the Bill confers additional powers upon the Australian Communications & Media Authority (ACMA) to combat harmful misinformation and disinformation on digital platforms. The standards to be implemented by digital platforms through these powers are very loosely defined, highly subjective, open to interpretation and subject to misuse and abuse with little, if any, accountability to the Australian Parliament and to the Australia public.

The Bill places the onus on digital platform operators to determine what precisely is misinformation and disinformation, and effectively empowers, and even requires, digital platforms to censor content that is assessed by its operators to be misinformation or disinformation. And where the digital platforms standards are deemed by ACMA to be insufficient, ACMA may demand the application of higher standards. Given that ACMA is constituted as an independent Authority, these arrangements are anathema to accountable Government, and an affront to a representative democracy.

Most critically, the Bill confers powers that may be applied in practice to limit freedom of speech, the freedom of the press and the freedom of political expression. In contrast, all digital communications issued by Commonwealth, State and Local Governments are excluded from the operation of this Bill, irrespective of whether that communication is truthful, or is otherwise viewed as propaganda, misinformation or disinformation. Virtually any digital communication that opposes or contradicts Government communications may, in principle, be construed (correctly or otherwise) as misinformation or disinformation, with the potential to shut down any (and all) political opposition to Government pronouncements.

As an adolescent, in the era of the Vietnam War, I learned that Governments lie. And that lesson has been frequently reinforced throughout my adult life. I have learned that Government communications cannot be trusted. And I have learned that Governments (and Oppositions) are prone to misinform, deceive, mislead and propagandize to shape public opinion for political ends. Accordingly, the potential to misuse and/or abuse the powers under this Bill is entirely unacceptable.