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Secretary  
Information Integrity Section  
Department of Infrastructure, Transport, Regional Development, Communications and the Arts  
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## **Public Submission: *The Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 (Cth)***

Thank you for the opportunity to make a submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts regarding the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 (*Cth*)

I oppose the passage of this bill for the following reasons:

- a) This Bill will impose some of the most draconian controls on free speech in the Western world.
- b) It is an attack on freedom of speech that is inconsistent with Australia's international human rights obligations and is out of step with equivalent European laws. The Bill enables government bureaucrats and big tech to silence and censor speech that goes far beyond reasonable limitation.
- c) The Bill will give government the power to silence religious and political speech that contradicts prevailing ideologies and political messaging.
- d) The Bill fails to include mechanisms to protect valid expression of opinion and belief or to ensure that there are clear and defined limits on suppression of speech.

The Bill sets out a framework to restrict speech that is deemed to be 'misinformation' or 'disinformation' which is ***vaguely defined*** in the Bill as anything that ACMA determines is false, misleading or deceptive. Digital platforms such as Facebook and Instagram, Google and Netflix will be required by ACMA-regulated codes and standards to police and remove 'misinformation' and 'disinformation'.

However, the detail in the Bill is inconsistent and somewhat hypocritical in that government communications are exempted from the Bill as are comedy/entertainment programmes and professional news content.

This Bill will encourage service providers to take internal disciplinary action such as removing posts or suspending accounts where they deem posts have breached a code or standards. If the online platforms don't take such disciplinary actions, they face severe financial penalties imposed by ACMA.

This will ensure that service providers are forced to take an extremely careful and conservative view when considering posts and will inevitably err on the side of caution and thus cancel any right to freedom of thought and speech that they deem in any way controversial. This will remove any possibility of exercising the 'contest of ideas' that provides the cornerstone for the sharing of and distilling concepts to come up with the best solutions.

My question is "Who holds the unequivocal, total, complete and unarguable definition of what is true?" My answer is; absolute truth is found only in the Creator of all truth, not in the creation! ACMA does not own the complete and only definition of what is truth and what is deemed misinformation and disinformation. Sadly, history is littered with examples over and over again that which was perceived to be true at one particular time has been later shown to be absolute folly. It is perhaps the epitome of arrogance and pride to ascribe oneself to be the arbiter of all truth.

It is the purpose of civilised society to search out truth through shared wisdom and after considering a wide variety of different opinions.

The passage of this Bill needs to be guided by the following International and Australian Human Rights declarations:

**The Universal Declaration of Human Rights (Article 19) states:**

*"Everyone has the right to freedom of opinion and expression; this right includes freedoms to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."*

**The Australian Human Rights Commission declares:**

*"All efforts to combat misinformation and disinformation need to be accompanied by transparency and scrutiny to ensure any limitations imposed on freedom of expression are no greater than absolutely necessary and strictly justified."*

Please carefully consider the intent of the legislation and make sure it does not breach or contradict the democratically enshrined concepts of the Rights of the Freedom of Expression and Opinion.