

20 August 2023

Submission on Exposure Draft

Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

To Whom it May Concern

I am writing to express my strong objection to the Exposure Draft Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. I firmly believe that this proposed legislation carries significant risks that undermine the cherished principles of free speech, open debate, and the diversity of viewpoints that are essential to a healthy democratic society.

My opposition is grounded in the following concerns:

- 1. Freedom of Speech and Expression:** The proposed legislation has the potential to curtail the freedom of individuals and groups to engage in open public debate within the digital sphere, infringing upon our basic rights to express ideas and opinions freely.
- 2. Broad and Ambiguous Definitions:** The definitions of 'misinformation,' 'disinformation,' and 'harm' are overly broad and open to diverse interpretations. This ambiguity can lead to undue restrictions on content that may not actually meet the threshold of causing harm.
- 3. Oversight and Censorship:** The legislation mandates digital platforms to monitor and police discussions, forcing them to determine what constitutes misinformation in various contexts. This approach creates a risk of over-policing and self-censorship by platforms, stifling free discourse.
- 4. Excessive Penalties:** The threat of substantial fines and potential criminal charges imposed on digital organizations for failing to monitor and police discussions is disproportionate and could lead to excessive caution in hosting diverse opinions.
- 5. Unforeseen Consequences:** The legislation's definition of 'harm' extends far beyond common societal taboos, potentially leading to unwarranted restrictions on discussions related to health, the environment, economics, democratic processes, and more.
- 6. Lack of Clarity on Acceptable Viewpoints:** The legislation fails to define acceptable viewpoints or clear guidelines regarding 'misinformation' for various 'harm' areas. This leaves digital platforms to make subjective decisions, potentially stifling dissent.
- 7. Private Platforms and Bias:** The responsibility for determining what constitutes misinformation is placed on private digital platforms, many of which have their own political and cultural biases. This poses a risk to impartial enforcement of the law.
- 8. Lessons from Recent Events:** The legislation's potential for suppressing views that are later proven to be correct, as exemplified by the handling of pandemic-related information, underscores the importance of preserving open discourse.

9. Divisive Impact: The exemptions outlined in the legislation, including for mainstream news services and government representatives, divide the community into two groups. This division curtails the range of opinions expressed in digital platforms.

10. Historical Examples: The legislation's potential censorship of dissenting voices during critical moments, such as the case of Iraq's weapons of mass destruction, which turned out to be false, although promoted as being true by the government, highlights the danger of stifling important debates.

In light of these concerns, I strongly urge you to reconsider the proposed Exposure Draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. It is essential to uphold the principles of free speech, transparency, and a diverse digital public square. I implore you to ensure that any legislative changes maintain the rights and freedoms that Australians hold dear.

Thank you for your attention to this matter. I trust that you will carefully consider the potential consequences of this legislation and strive to protect the democratic values that make our nation strong.

Yours sincerely,

Michael Williamson