

Comment on the Exposure Draft Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

Thank you for the opportunity to comment on the exposure draft for the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023.

I am greatly disappointed that the Australian Government is planning to introduce a bill that supports the state or digital platform providers determining what truth is or is not and thus limiting freedom of speech, religion, and other rights.

The premise of the threat, as stated on the Government website providing information for submissions on this draft legislation, is only partially true. It states: “Misinformation and disinformation *pose a threat to the safety and wellbeing of Australians, as well as to our democracy, society and economy.*” I would strongly argue that *some* misinformation and disinformation might pose a threat to *some* elements of society democracy etc. And what level of threat is envisioned? Does this mis- or dis-information require such draconian restrictions on free speech and open debate as proposed by this legislation? By no means! We have other, existing laws that provide for people to be taken to court for fraudulent, untrue information. The criminal and civil codes already allow for such action. Why add more, and unneeded, laws?

Further, our society should be (note that I have not used “is”) a free society, where everyone can form their own opinions, think freely, question ideas and speak out into any debate about any topic. This law would silence free speech, freedom of religion, and freedom of association. Australians need to listen to different opinions and ideas, evaluate them and come to our own conclusions. We do not want, or need, the state determining what those conclusions, nor restricting which opinions we can listen to. Rather, we need free and open debate. Everyone should be capable and able to pick out false or misleading information ourselves. Otherwise, we will create a non-thinking, authoritarian, non-democratic society. That is not the Australia I know and love.

I am concerned that the definition of “harm” in the legislation, which includes “hatred”, damage to the “health of Australians... the Australian environment’ or economic or financial harm” is so loose as to be dangerous. Who will determine what harm is? A business operating a digital platform? A non-elected Government body? Will I just say “I felt harm when someone said this” to me? Surely, we can’t operate society in such a manner. Some degree of offence will be caused or felt in normal, fair, and open debate. We should help people be

robust enough to cope with that, not try to prevent it happening in the first place. Such prevention would be overreach, and itself be harmful. And we need to be able to put true arguments up for debate without having them censored before they even see the light of day, which is what will likely happen if this legislation is passed. The definition regarding “harm” leaves the option wide open for the courts to decide what is harmful and what is not. As for information causing economic or financial harm in particular, there are existing laws that can deal with fraudulent information. Australia does not need to add more. Please allow free speech and flow of information.

In Div 3 32 the legislation requires digital bodies or ACMA to make the standards. This is also inappropriate. Online platforms are already going too far in silencing comments that they don't agree with, even if true. How can they then be given powers to go further? None of these organisations are elected, and the digital bodies have commercial interests and stakeholders of various persuasions to which to cater.

The proposed legislation is hypocritical. It excludes government statements, websites etc, not to mention electoral and referendum information! What if government information is found to be false!? So political freedoms are being catered for. What about free speech and freedom of religion or association?

I was also greatly surprised when advertising is excluded, not to mention entertainment, parody, or satire. I can foresee much entertainment, parody or satire being made to show misinformation or disinformation! And “professional news” (now a very arguable concept) and education accredited by the State being exempt? Again – hypocritical.

The proposed bill on misinformation and dis-information is draconian and smacks of an authoritarian regime where the rights of people are restricted and people are kept in the dark. I urge the committee to recommend against the bill.

Thank you for the opportunity to comment.