

**SUBMISSION TO GOVERNMENT RE: *COMBATING MISINFORMATION AND DISINFORMATION BILL***

To whom it may concern,

We felt compelled to write and ask you to reconsider *The Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023* (Cth).

We feel that the Bill is inconsistent with fundamental freedoms of speech and communication under international human rights instruments like the UN Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The Bill includes a vague and ideological definition of “harm” which risks it being weaponised to shut down legitimate speech on pressing social issues.

The exclusion of government-authorized content from this Bill is hypocritical and inconsistent and will establish an asymmetry that results in one rule for government and another rule for Australians in what they can say.

The few provisions that have been included to acknowledge the competing right to freedom of expression are tokenistic and do not satisfy the high bar required in international law for the interference with fundamental rights of freedom of expression. We are reminded of the maxim attributed to Voltaire: *“I may disagree with what you have to say but shall defend to the death your right to say it.”*

The severity of the penalties for failing to comply with the misinformation codes and standards and for failing to provide evidence requested by ACMA is excessive and will provide a ‘chilling effect’ on free speech. Questions also arise: What happens in the case of a mistake? Is there a review process?

This country is founded on democratic principles which themselves are based on the Judeo-Christian faith. These include the sanctity of human life, the equality of all people, and the freedom to hold public discourse in a civilised manner without the threat of censorship. For a regulatory body to determine what is true or harmful is an overreach of government power and fraught with danger. Do we want the government to dictate what an Australian citizen can and cannot say or write or publish, when the government itself is immune from the same level of scrutiny? It is also of interest that comedy and entertainment programs are exempt.

We urge you to reconsider this Bill.

Respectfully,

Wayne Martin

Garon Berenger