

Submission regarding: Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

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I am writing to strongly object to the proposed legislation. I am actually horrified that a democratic government would even consider this kind of legislation. Freedom of speech is an essential part of a democratic community, without the confidence to freely share ideas, opinions and information we will be unable to exercise our duty to make decisions affecting our community and government.

I have the following specific concerns about the proposals:

1. The definition of “misinformation” or “disinformation” becomes the responsibility of unelected government bureaucrats – this makes it impossible for opposition opinions to be given fair and unbiased dissemination. This is a hallmark of totalitarianism and is completely incompatible with democracy. Page 32, lines 25-30 puts that definition into the hands of the ACMA. Page 42 lines 5-7 make the ACMA the arbiter of whether the codes are working. Division 5(A)45 requires ACMA to consider freedom of political expression, but doesn't give any detail so it's a complete free-for-all as to what is “reasonable”.
2. The defined term “dissemination” includes sending a message to another individual – ie a private message. Including this in the legislation is effectively controlling individual conversations between individuals and is a huge violation of privacy! I note that the guidance sheet says the Bill doesn't include private messages, but I couldn't see where that distinction is made other than in not requiring storage of records. A DSP could still be required to automatically filter private messages.
3. The exclusion of content produced by the government effectively means the government need not produce information that is considered “truthful”!
4. The inclusion of “disruption of public order or society in Australia” in the definition of “harm” effectively eliminates the public's ability to protest against anything.
5. The definitions of “harm” are incredibly broad and open to wide interpretation – for example sub-definition (f) would mean the statement saying “we should transition away from fossil fuels” could be considered to be harmful to the financial interests of Australians owning coal resources. “Serious” is not defined.
6. Threatening large fines to DSPs will have the impact of encouraging them to be overly cautious in their censorship of content, especially in contentious issues.

I don't believe this legislation is redeemable – it should be completely shelved.

However, if the government wants to clean up the internet in some way, it should be encouraging DSPs to be more even-handed with content and reduce the use of “algorithms” to emphasize one opinion/argument over another. There should be more freedom to give opinions and arguments and discussion of ideas in a free and un-filtered manner (this Bill would be the reverse of that). Consideration could be given to more protection against “bots” and algorithms which have an un-balanced impact on viewable content, rather than on suppression of speech. There could be rules for DSPs to verify accounts as belonging to humans and avoid accounts posting automatically at inhuman speed.

Regards

Stuart Withrington