

## Submission to **The Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024**

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Liberal democracy is built on the foundation of individual freedoms, which have been gradually eroded over time in Australia. To revitalise our democratic system, we must reconnect with the "forgotten freedoms" that underpin it. This requires understanding the liberal tradition of human rights and freedoms and distinguishing them from other concepts. We believe that this bill, if it is passed will further alienate the citizens of this country with its value of democracy and further reduce our individual freedom of speech.

### **Understanding Australia's human rights.**

Liberal human rights, which we are supposed to adhere to in Australia, prioritise individual autonomy, protecting the people from government abuse and supporting personal freedom. These rights are simple, and they are all-embracing, applying equally to all people. They are inalienable and fundamentally inherent to human dignity. We also must understand that they are limited and must be balanced against the rights of others. This concept is also valuable to maintaining individual freedom within the boundaries of collective democratic constructs.

We've seen these rights slowly but certainly, erode since the government's overreach with mandates and involuntary lockdowns. The balance of our Liberal democracy has been tipped in favour of a socialist collective approach to freedom. The content of this bill goes even further by tipping the scales further towards more government control over the individual than is necessary.

Key liberal human rights, as mentioned in our own Human Rights Charter, include:

1. Freedom of Speech: Protecting individual conscience and thought.
2. Freedom of association: Enabling community building and collective action.
3. Freedom of movement: Allowing individuals to move freely.
4. Freedom of worship: Respecting individual religious beliefs.
5. Freedom from arbitrary detention: Protecting against unjust imprisonment.
6. Equality before the law: Ensuring justice is impartial.

## 7. Property Rights: Recognising individual ownership and control

To distinguish liberal human rights from other concepts we must understand the difference between human rights and civil rights. Civil rights are granted by the act of citizenship, and they vary for different countries. Just as social justice isn't a human right, it focuses on equality and fairness and is a collective approach. Just as collective rights can conflict with individual freedoms they are also not universal.

For this submission, while other valued freedoms tie into the premise of this bill, we will focus on 1. (Freedom of speech, protection of individual conscience and thought).

While the Constitution doesn't explicitly protect freedom of speech or expression, the High Court has recognised an implied freedom of communication as essential to a healthy democratic system and representative of a healthy government. Freedom of speech allows the citizens of this Country to express their opinions, debate ideas and participate in the political process and it ensures that a diversity of ideas can be heard and considered.

By permitting open discussion and criticism, freedom of speech helps hold, not only the government of the day accountable, but public officials. It acts as a check on power and reduces the risk of corruption and overreach.

This bill removes all of that. Placing the communications Minister and a collective group of bureaucrats at ACMA as arbiters of truth, or the deciders of what is permissible infringes upon our individual rights or expression. It removes the natural inquisitive personalities of human beings the ability to critically think and replaces it with what to think. This stifling of our ability to express ourselves is an infringement upon our rights as individuals.

The citizens of this Country must be trusted to exercise their rights responsibly. Government restrictions should be justified, not imposed without reason. This requires healthy spontaneity, allowing people to make choices and take responsibility for their words and actions. The government has a responsibility to limit any intervention and make sober judgments when restricting freedoms if necessary.

With regard to government and mainstream media being granted exemptions from this bill, we make the following assertions.

Both Government and Media should be held to the same standard as its citizenry. Placing either on a separate level of accountability removes any level of trust and confidence the public would have in their ability to act with honesty and integrity. We've

seen examples of both media and government getting it wrong and removing the voice of the people to hold them accountable will widen that gap of trust.

There is also the risk that exemptions from regulation could lead to the spread of false information to either manipulate public opinion or suppress ideas. Giving one or a section of the community an advantage over another causes dissent and the perception of distrust.

## **Conclusion**

We already have adequate protections and laws in place that protect the spread of harmful speech or incitement, defamation and fraud. We don't need another layer of legislation on top of sufficient legal frameworks to handle the spread of misinformation.

The risk of this legislation being abused by those in power to silence critics and control what can and can't be said will undermine the principles of a democratic society. Encouragement of media and social platforms to self-regulate promotes a more inclusive and resilient society.

Protecting our individual freedoms is crucial for maintaining a liberal democracy. By understanding and asserting these fundamental rights, we can maintain the protection of individual autonomy, promote participation in our democratic processes and continue to exercise these freedoms. They are not gifts from the government that can be given and taken at will, they are inherently ours. Instead, we should be bolstering our individual freedom of expression to ensure a vibrant, healthy and forgiving society for future generations to enjoy.