

Subject: Submission on the Proposed Communications Legislation Amendment Bill 2023

Date: 27 June 2023

I am writing to express my concern and my critique regarding the proposed Communications Legislation Amendment Bill 2023. After careful analysis, it is evident that the bill's implications pose a considerable threat to free speech, the exchange of ideas, and the growth of knowledge within society.

Imperilling Free Speech

Free speech is an essential pillar of any democratic society, encouraging diversity of thought, fostering open dialogue, and provoking intellectual growth. However, the proposed legislation appears to be a potential threat to this fundamental right. The Bill's broad language and the lack of clear definition for what constitutes an offence could potentially lead to the punishment of reasonable discourse and unintentional errors.

The Importance of Errors in Public Discourse

In our pursuit of knowledge and understanding, errors are not only inevitable but often necessary. They serve as steppingstones that guide us towards truth and enlightenment. By penalising the mere possibility of error, the Bill could discourage open dialogue and intellectual exploration. This approach could consequently stifle creativity, innovation, and progress within our society. The proposed Communications Legislation Amendment Bill 2023, as it stands, fails to strike a balance between maintaining decorum in public discourse and allowing for the natural process of human thought and knowledge development.

Risk of Stifling Opinions and Encouraging De-platforming

One of the primary concerns regarding the Communications Legislation Amendment Bill 2023 is its potential to stifle diverse opinions and enable a culture of "cancellation" and "de-platforming". This bill, in its current form, raises serious concerns about the impact on free expression and the robust exchange of ideas that form the bedrock of a democratic society. While the bill purports to address issues of misinformation and disinformation, its broad language and far-reaching implications risk being weaponized to silence dissenting voices, effectively "cancelling" individuals or groups who express views that deviate from the mainstream narrative. This can have a chilling effect on free speech, stifling public discourse and discouraging diversity of thought.

The Prospect of Unreasonable Self-Censorship by Platforms

Another troubling aspect of the proposed legislation is the possibility that it may cause platforms to act unreasonably in an attempt to adhere to what they perceive to be orthodox and acceptable views. The fear of hefty penalties may drive these platforms to over-censor content, leading to the suppression of legitimate speech and the narrowing of public discourse. Even without explicit enforcement, the mere existence of the legislation could cause platforms to adopt overly cautious content moderation policies, resulting in a de facto form of self-censorship. This not only restricts the free flow of information but also

undermines the role of these platforms as public forums for open and candid discussions.

Subjectivity and Politicization of Adjudicating Misleading Information

Lastly, the task of determining what constitutes 'misleading' information is inherently subjective and prone to politicization. The lack of clear, objective standards in the bill opens the door for potential abuses of power, with the risk that the legislation may be used to selectively target certain viewpoints or political opponents under the guise of combating misinformation. Given the subjective nature of interpreting what is misleading, there is a real risk that such determinations will inevitably be influenced by the political, social or ideological leanings of those in power. This risks turning the adjudication process into a politicized exercise, further exacerbating the aforementioned concerns over free speech and diversity of thought.

In conclusion, it is imperative that the government takes these concerns into account and revises the bill to ensure that it strikes a balance between maintaining public discourse standards and protecting individual rights to free speech and diverse opinions. I hope that a more balanced and nuanced approach can be developed, which will protect the rights of individuals while maintaining the standards of public discourse. I trust that my concerns will be taken into account during the deliberation on this significant piece of legislation.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Simon Maher