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CANBERRA, ACT, 2601

Subject: Strong Opposition to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

To Whom It May Concern,

I write this letter to express my deep concern and unwavering opposition to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As a concerned citizen and staunch advocate for the principles of free speech and democratic values, I firmly believe that this bill represents a dangerous encroachment on these most valuable of our ideals.

The essence of any democratic society lies in the robust exchange of ideas, the clash of differing viewpoints, and the unrestrained pursuit of truth. It is through the free flow of information, even when it may be contested or flawed, that progress and enlightenment are achieved. As John Stuart Mill emphasised, "If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind... the peculiar evil of silencing the expression of an opinion is that it is robbing the human race... If the opinion is right, they are deprived of the opportunity of exchanging error for truth."

Mill's quote highlights the detrimental consequences of stifling opinions, even those deemed erroneous or misguided. The suppression of any viewpoint, regardless of its accuracy, deprives us of the chance to engage in open dialogue and for the potential correction of errors through the exchange of ideas. By attempting to curtail misinformation and disinformation through government regulation and control, the Communications Legislation Amendment Bill denies individuals the opportunity to confront and challenge flawed beliefs, hindering the collective pursuit of truth and dumbing down our nation's ability to think critically for ourselves.

Unfortunately, the Communications Legislation Amendment Bill gravely undermines these foundational principles. By granting extensive powers to the government and the Australian Communications and Media Authority (ACMA) to combat misinformation and disinformation, this bill opens the door to excessive state control and stifling of dissenting voices. The very notion that the government should serve as the arbiter of truth and dictate what information is accurate or misleading is a severe violation of the principles of a free and open society. It is an outright attack on democratic principles, and is no better at its foundation than what we see occurring in countries like Russia, China and Iran.

Furthermore, the lack of clear definitions and guidelines for what constitutes misinformation and disinformation in the bill is deeply problematic. The ambiguous language employed in the legislation leaves room for subjective interpretation and arbitrary enforcement, leading to potential censorship and suppression of legitimate speech. I question whether a robust definition of “misinformation” is even possible in this context.

Moreover, the bill’s provisions granting the ACMA the power to order the removal or alteration of content raises serious concerns. This provision circumvents established legal mechanisms and undermines the principles of justice and individual rights. It effectively grants the government unchecked authority to act as judge, jury, and executioner in matters of online speech, eroding the foundations of a fair and democratic society.

The voluntary code framework outlined in the bill is not an adequate solution to the problem of misinformation and disinformation. It places excessive reliance on self-regulation by digital platform providers, potentially leading to inconsistent and ineffective measures. While an effective self-regulatory scheme could be desirable, the bill’s provisions for reserve regulatory powers undermine the voluntary approach and create a slippery slope towards government control.

In light of these substantial concerns, I implore you to reconsider the provisions of this bill and engage in a more inclusive and comprehensive dialogue with stakeholders, experts, and the wider community. It is crucial to strike a balance between protecting citizens from harmful content and upholding their fundamental rights to freedom of expression and engagement in discourse. Any legislation aimed at combating misinformation and disinformation should prioritise media literacy, critical thinking education, and empowering individuals to make informed decisions.

In conclusion, I urge you to abandon the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 in its current form. Instead, I implore you to pursue alternative measures that respect the principles of free speech, foster media literacy, and encourage responsible online behaviour. Let us not sacrifice the very essence of our democracy and the values we hold dear for the illusory promise of a sanitised information landscape.

Thank you for considering my perspective on this matter. I trust that you will take into account the concerns raised by countless citizens who value the principles of freedom, transparency, and individual rights.

Yours sincerely,

James Cox