

To the Director
Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

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e: information.integrity@infrastructure.gov.au

Dear Director
re Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill
2023

I feel that this proposed legislation needs to be rejected because as it is, it is undemocratic, and appears to be not well founded or thought through.

If passed, the Bill has the potential to censor all communications in Australia and strikes at the heart of freedom of speech.

A healthy, functioning democracy requires freedom of speech, which means that ideas from across the ideological and political spectrum are discussed and debated with the hope that good arguments, guided by the light of truth, will win the day, “Free speech is democratic and messy, and people can abuse it. But the alternative - whereby the government decides what is allowable - is far more dangerous. People with very fringe views are generally ignored anyway, and the scale of their misdemeanours are often minor compared to what the government gets wrong,” says Andrew Lowenthal, journalist, and I agree.

1. The bill violates Australia’s democratic and constitutional rights to freedom of speech.
2. The bill does not define ‘misinformation’/’disinformation’ adequately, creating the possibility that the terms can be applied to any information that any government chooses at any time.
3. The bill is based on the illogical premise that the informer should be blamed for the behaviour of the recipient. There are other ways, such as education focused on developing critical thinking and research skills to address the problem. Modelling ways of making decisions cooperatively in education and in parenting and in encouraging training skills such as ‘Parent Effectiveness Training’ courses.

4. The bill is based on the questionable premise that a single agency (or government) can determine truth.

Society’s perception of truth is continually evolving, based on growing knowledge and experience. Yesterday’s truth (asbestos/lead/tobacco are safe eg) is tomorrow’s lie, (they are not safe and indeed are harmful!).

No government can continually monitor the stream of new information nor update perceptions of truth across all areas of life, and indeed Governments appear to be actually quite slow to awaken to evolving knowledge, simply because of their bureaucratic nature.

5. It is inappropriate to silence the voices of dissenting researchers who have, in the past, and indeed into the future will continue to benefit society by pointing out for example, adverse impacts eg of smoking, asbestos and environmental pollutants, to name a few. Most of the advances of society come from ‘free thinkers’, thinking outside the box.

The bill fails to address the following critical questions.

- a. Who decides what constitutes ‘misinformation’/’disinformation’? What are their qualifications, their experience, their ties with industry?
- b. How (by what process) will government agencies determine what constitutes ‘misinformation’/’disinformation’?

- c. To what will it apply and will it apply to all industries equally? Who decides? Will industries be able to influence decisions?
 - d. How will government agencies communicate to all Australians (of all ages, ethnicity, education level and ability,) what they can say without being penalised in the future?
 - e. How can Australians protect themselves from prosecution for communications they have sent in the past?
 - f. What penalties will apply to the Australian Government for giving out information that is later proven to be 'misinformation'/'disinformation'?
- And how will it make recompense for penalising people/industries for 'misinformation'/'disinformation' that is later proven to be correct information?

Thank you for your attention and consideration to these issues.

Yours sincerely,

Anonymous (B. Sc.) (Name provided)