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4<sup>th</sup> August, 2023

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

**Subject: Submission on the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023**

I am writing to express my deep concern and outrage regarding the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. As an Australian citizen, I strongly believe that this bill poses a severe threat to our freedom of speech and undermines the principles of democracy that our country holds dear.

The existence of this bill clearly indicates a lack of respect for the freedom of speech of Australian citizens. By creating two classes of citizens, the bill prioritises the spread of information by politicians, journalists, and members of educational institutions, while suppressing the voices of regular citizens, who often possess valuable knowledge and insights. This not only disregards the power of the Internet as a democratic tool that gives a voice to regular people but also disproportionately harms these individuals within our democratic society.

One of the major concerns with this bill is the excessive fines, which will inevitably lead to a more restrictive environment for free speech on digital platforms. This will have a cumulative effect, as the code applies industry-wide, and there are no mechanisms for relief or escape from this restrictive system. Such constraints on speech far exceed the limitations currently imposed on even the most restrictive digital services.

Furthermore, the task of accurately determining what is true or false is virtually impossible. New information is constantly emerging, contradicting previously accepted facts. The examples of misinformation listed in the bill, which were once considered true by authorities and expert consensus but later found to be false, demonstrate the fluid nature of information. Imposing fines and requiring the removal of content based on such information undermines the value of freedom of speech, which allows for open and honest discussions, the potential for correcting wrong beliefs, and the pursuit of truth.

It is also alarming that the bill encompasses not only provably false information but also true information that is deemed "misleading" or "deceptive." Freedom of speech should not be limited to information that aligns with the perspectives of those in power; it should embrace diverse opinions and allow for debates that foster common ground.

Even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has raised serious concerns about the scope and application of this bill. His acknowledgement that implementing such legislation would be impossible, and that fines would likely be imposed on things that are not or turn out not to be misinformation, highlights the flaws and risks associated with this bill.

Additionally, the bill's focus on large platforms like Facebook, Reddit, and Twitter neglects to

consider the multitude of community websites that would unintentionally fall within its purview due to the broad definitions provided. This narrow focus demonstrates a lack of foresight and understanding of the broader implications of the legislation.

Moreover, the proposed extraterritorial reach of this bill and its application to any digital service with a single visitor from Australia is an excessive overreach. It is unrealistic to expect foreign digital services to comply with Australian laws and industry codes when they may have no knowledge of them or representation on those industry bodies. This unworkable concept not only introduces uncertainty and potential legal risks to the global Internet but also has the potential to isolate Australia from the rest of the world.

Furthermore, the threats and impositions set out in the bill to digital platform providers and ordinary users are deeply concerning. The potential reputational damage, financial penalties, and interference in the personal lives of individuals undermine the principles of freedom of expression and open dialogue. This style of governance resembles oppressive regimes rather than the democratic values that Australia upholds.

Importantly, the bill's categorisation of faith-based perspectives or fundamental worldviews as misinformation is not only intolerant but also an infringement on our constitutional rights. The right to freedom of thought, conscience, religion, and expression is enshrined in the Universal Declaration of Human Rights, to which Australia is a founding signatory. Attempting to label deeply held beliefs as misinformation curtails the essential freedom of political communication and undermines diversity and inclusion.

In conclusion, I **vehemently oppose** the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. It undermines freedom of speech, disproportionately affects regular citizens, creates an environment of uncertainty and censorship, and jeopardises Australia's standing in the global digital landscape. I urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider this bill and protect the fundamental rights and freedoms of Australian citizens.

Thank you for your attention to this matter.

Yours sincerely,

