

Paul Dabrowa

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4th August 2023

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

**Re: Submission on the Communications Legislation Amendment (Combatting
Misinformation and Disinformation) Bill 2023**

Dear Sir,

I am writing to express my deep concern and outrage regarding the proposed
Communications Legislation Amendment (Combatting Misinformation and Disinformation)
Bill 2023. As an Australian citizen, I strongly believe that this bill is a direct attack on the
freedom of speech and democratic principles that form the backbone of our society.

First and foremost, the existence of this bill demonstrates a clear lack of respect for the
freedom of speech of Australian citizens. By creating two classes of citizens, with one group
comprising politicians, journalists, and members of educational institutions who have the
power to spread potentially false or misleading information online, and another group
comprising regular citizens who are expected to be subject to stricter regulations, the bill
undermines the fundamental democratic principles of equality and inclusivity.

The internet, in my view, is the most powerful democratic invention ever created. It has provided a platform for regular people to voice their opinions and has allowed for the dissemination of information that was previously inaccessible to the general public. This bill poses a significant risk to regular people, who often possess valuable knowledge and insights on various topics, by disproportionately restricting their freedom of speech.

Furthermore, the exorbitant fines imposed by the bill will result in digital services becoming more restrictive in their approach to speech. Even the most stringent digital services at present will pale in comparison to the level of restriction that will be imposed if this bill is passed. Additionally, the bill's application across the entire industry without any "pressure escape valves" exacerbates the potential harm caused.

The task of accurately determining what is true or untrue is impossible. New information constantly emerges that contradicts previously widely accepted facts. The examples provided in the draft bill, highlighting instances where authorities and experts initially provided misinformation about COVID-19, further demonstrate this point. This legislation could potentially classify such information as public health harm-causing misinformation, leading to its removal. The inclusion of true but misleading or deceptive information within the scope of removal only further restricts freedom of speech, as it inhibits open and honest discussions necessary for reaching the truth.

It is disheartening to witness governments and individuals promoting bills like this one under the guise of being on the side of truth, while disregarding the concerns raised by experts in the field. For instance, Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of

Australia, has expressed serious doubts regarding the scope and application of this bill via his Twitter account. If even these experts are critical of the bill's implications, it calls into question the credibility and effectiveness of the proposed legislation.

The industry bodies responsible for creating the industry codes outlined in this bill are often influenced by and funded by the largest players in the respective industries. This creates a significant risk of these codes becoming "anti-competitive wedges" that enable larger digital services to establish onerous regulations, effectively excluding smaller competitors.

Consequently, the proposed bill not only grants larger digital services the ability to write their own regulations but also allows them to unfairly disadvantage their smaller counterparts.

Moreover, this bill does not align with the principles of free-market competition, which have been proven to help address misinformation and disinformation. Recent examples of platforms such as Twitter witnessing a decline in user satisfaction due to their misinformation policies have led to an emergence of alternative platforms where users can migrate to based on their community expectations. This competition encourages platforms to improve their policies and meet user expectations.

The proposed bill heavily relies on the current context of dominant digital services in determining regulations, thereby disregarding competition regulators' attempts to lower barriers to entry for new competitors. By imposing such extensive regulations on a global scale, Australia risks isolating itself from the global internet community and impeding the progress made by competition regulators.

Additionally, the proposed bill's broad scope extends its application to a multitude of

websites, including community websites that are part of the "social web." This demonstrates a lack of consideration for smaller platforms that may be unable to comply with the industry codes due to financial constraints or lack of awareness.

By imposing substantial fines on individuals and corporations for non-compliance with industry-created codes, the bill creates an unreasonable restriction on freedom of speech and enterprise. Website owners, especially those unaware of the existence or requirements of these codes, may unknowingly face legal risks simply for operating their platforms. It is impractical and unjust to expect foreign website owners, who may not be familiar with Australian law or industry codes, to comply with the regulations outlined in this bill.

Furthermore, the bill's extraterritorial application with regard to digital services and the potential impact on global platforms raises serious concerns. It implies that Australian industry codes should apply to digital services worldwide, even if they are based overseas and have no knowledge or representation in Australian industry bodies. Such an imposition undermines the principles of national sovereignty and global cooperation.

It is important to consider how we would feel if other countries, such as China or Saudi Arabia, demanded compliance with their regulations on Australian websites, potentially infringing upon our freedom of speech and exposing Australians to legal jeopardy. It is hypocritical to criticize other countries for similar actions while proposing legislation that demonstrates a disregard for the principles we claim to uphold.

As an Australian citizen, I value our commitment to human rights and democratic values. This bill directly contravenes Article 18 and 19 of the Universal Declaration of Human

Rights, which protect the freedom of thought, conscience, religion, and expression. By categorizing certain viewpoints as misinformation and silencing dissenting opinions, the bill undermines citizens' ability to engage in public discourse, make informed decisions, and participate fully in the democratic process.

In conclusion, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. This bill infringes on the freedom of speech of Australian citizens, disproportionately impacts regular people, and undermines the principles of democracy and inclusivity. I implore you to prioritize the protection of democratic values, freedom of speech, and open and honest discussions by rejecting this bill.

Thank you for considering my submission. I trust that you will give due importance to the concerns raised by myself and many other concerned citizens.

Yours sincerely,

Paul Dabrowa