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August 3, 2023

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

Subject: Call for Feedback on the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

Dear Sir/Madam,

I am writing to express my deep concerns and basically outrage regarding the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. As a regular Aussie, I strongly believe that this bill not only undermines the freedom of speech of Australian citizens but also risks disproportionately harming regular people who utilize the power of the internet to voice their opinions and share information. The bill creates a two-tier system, classifying politicians, journalists, and members of educational institutions as one group with the power to spread information, regardless of accuracy, while regular citizens, often equipped with more knowledge on specific topics, are classified as the second group. This classification is inherently unfair and risks suppressing the voices of regular people in our democracy.

Furthermore, the proposed fines in the bill will significantly restrict digital services from allowing open and honest discussions due to the fear of costly penalties. The broad application of the code without any "pressure escape valves" further compounds the potential harm that can be inflicted on speech and information dissemination.

One of the main issues with this bill is the challenge of accurately judging what is true or false. The continuous discovery of new information that contradicts previously accepted facts makes it nearly impossible to apply strict criteria in determining what is misinformation. Various instances in history, such as the evolving understanding of COVID-19 and its preventive measures, demonstrate the challenges in classifying information as false or misleading. Moreover, the bill not only targets provably false information but also true information that may be deemed "misleading" or "deceptive." Freedom of speech plays a crucial role in enabling open and honest discussions, allowing room for people to be wrong, and fostering debates that eventually lead to the discovery of truth.

Even experts, such as Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, have raised serious concerns about the scope and application of this bill. It is crucial to listen to these concerns and consider the potential consequences of such legislation. Additionally, the proposed codes created by industry bodies may become "anti-competitive wedges" used by large digital services to hinder new competitors. This has the potential to stifle innovation and create barriers for smaller players to enter the market. The recent trend of competition between platforms in addressing misinformation has shown promise, as users naturally migrate to platforms that prioritize community expectations on accurate information.

I also wish to highlight the contradiction between this bill and the News Media Bargaining Code enacted in 2021, which already limits the ability of digital services to address misinformation while forcing them to pay eligible news organizations for displaying news content. The proposed bill seems at odds with the intent of countering misinformation while hinting at the involvement of fact-checkers and news content.

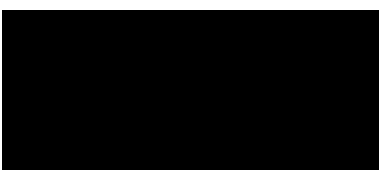
Lastly, the attempts to monitor, report on, and potentially punish ordinary citizens' viewpoints raise significant concerns about freedom of expression and citizens' involvement in public debates. The division created by the bill, designating certain viewpoints as misinformation, undermines diversity in perspectives and discourages citizens from engaging in public discourse.

In conclusion, I strongly oppose the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. Its infringement on freedom of speech, the potential harm to regular citizens, the risks of censorship, and the disregard for international cooperation and diversity of viewpoints make it an ill-conceived and unjust piece of legislation.

I implore the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider this bill and seek alternative and more inclusive methods to combat misinformation and disinformation that do not infringe upon the fundamental principles of freedom of speech and expression.

Thank you for considering my feedback, and I trust that you will take these concerns into account.

Yours sincerely,

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