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3/8/23

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

Subject: Feedback on the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Dear Sir/Madam,

I am writing to express my vehement opposition and outrage towards the draft bill titled the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. It is deeply concerning to witness the Australian Government disregard the fundamental principles of freedom of speech and demonstrate a lack of respect for the rights of Australian citizens.

I strongly believe that the internet is a powerful tool for democracy, allowing individuals to have a voice and share their knowledge. However, this bill establishes a two-tiered system, dividing citizens into two distinct classes. The first class includes politicians, journalists, and members of educational institutions who are granted the power to spread information, whether correct or incorrect. The second class is composed of ordinary citizens, who often possess more knowledge on specific topics than those in positions of authority. This legislation disproportionately harms the very individuals who rely on the democratic power of the internet to voice their opinions and contribute to discussions.

The bill's excessive fines will undeniably have a chilling effect on freedom of speech, leading digital services to become significantly more restrictive in their approach than the already stringent measures in place. Additionally, the lack of "pressure escape valves" only compounds the harm caused by this legislation on the industry as a whole.

It is an impossible task to accurately judge what is true or false, as new information is constantly emerging that challenges previously accepted facts. Under this bill, information that was once believed

as fact could be categorized as “misinformation” and subject to removal. Furthermore, the inclusion of “misleading” or “deceptive” information within the scope of removal only further restricts freedom of speech, preventing open and honest discussions necessary for the search for truth and the discovery of common ground.

Even respected experts, such as Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, have raised concerns about the scope and application of this bill. Dr. Coatsworth’s criticism of the legislation reveals the inherent risks and the potential for levying fines on information that may not necessarily be false or harmful.

Industry bodies, often influenced by major players within the sector they represent, have the potential to create anti-competitive codes that only benefit large digital services, effectively gatekeeping the industry and inhibiting competition from new entrants. This further reinforces the advantage held by dominant players and hinders a free-market competition that has shown promise in combating misinformation and disinformation.

The proposed bill fails to address the concerns raised by competition regulators worldwide, as it raises barriers to entry for potential competitors to these platforms. The bill’s overly broad definitions result in the inclusion of numerous community websites, subjects them to potential fines for non-compliance with industry codes, and poses a risk to Australia’s standing within the global internet.

The bill places an unreasonable restriction on freedom and liberty, silencing voices and diminishing the right to freedom of speech and enterprise. Its broad and ill-informed approach is reminiscent of a hypothetical scenario in which the Australian government sets a global speed limit without informing anyone what that limit is.

If implemented, this bill would impose fines on website owners around the world, regardless of their knowledge of the legislation or the existence of industry codes. The extraterritorial application of this bill on digital services and the global internet is a clear overreach by Australia, undermining the principles of a global and open internet.

I urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the draft bill and address the serious concerns raised by numerous stakeholders. It is crucial to uphold the principles of freedom of speech, protect the rights and liberties of Australian citizens, and foster a competitive and diverse digital landscape that allows for the open exchange of ideas. In short, the proposed legislation is wholly undemocratic.

I appreciate your attention to this matter and kindly request that my feedback be taken into consideration.

Yours sincerely,

A solid black rectangular box used to redact the sender's name and signature.