

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 extreme displeasure and anger at the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

As an Australian citizen and supporter for free speech, which we regard as a god given right, not one given by the Australian government, I am certain that this measure indicates a complete disregard for the people's fundamental democratic and human rights.

This bill seeks to create a clear division of citizens by separating Australian society into two classes, the elites and the non-elites, with the elites becoming the "Ministry for Truth" for the non-elites.

On the one hand, the elites will be the politicians, journalists, and members of educational institutions, which are to be granted the authority to disseminate any information that may be inaccurate or misleading, regardless of whether it is done knowingly or unknowingly.

On the other hand ordinary citizens, or the non-elites, who frequently possess more knowledge and common sense on certain topics than individuals in the first group, the so called

elites, are marginalized, and their voices risk being disproportionately repressed and silenced.

It is clear to all that the Internet is the most powerful democratic innovation in human history, because it has given regular people a voice, and created an enormous public square, which prior to the recent censorship by American social media companies in the era of Covid-19, created a truly transparent platform where the thoughts and concerns of the people were able to be expressed.

And before governments created the Censorship Industrial Complex and incentivized Big Tech to interfere with the public discussion, as revealed by the Twitter files, the Lockdown Files, and the Facebook Files, if the public wanted to check any information to see if it was true or if it was 'misinformation,' or 'disinformation,' then it was extremely easy to do by googling it, because the power of the crowd was harnessed to access information which could verify the accuracy of information.

It was never necessary for government or Big Tech intervention to determine what was true information, misinformation or deliberate disinformation. And in light of the details that have come out about the American Censorship Industrial Complex it is quite clear that the agenda to censor the Internet by western governments is to hide the lies, fraud, and corruption of governments themselves, which are creating massive harms against citizens all over the world.

This Amendment by the Australian government threatens to harm the very people that our nations laws should protect, which are the Australian people.

This bill's hefty fines would restrict Internet services and impede free expression far more than any existing rules. Furthermore, the code applies to the whole business, with no measures in place to relieve the strain imposed by such stringent restrictions.

The task of accurately distinguishing between what is true or untrue is an impossible one. New information continuously emerges that challenges previously accepted facts. The only way for the public to ascertain the truth is to protect free speech and the free flow of information.

For example, the evolving understanding of COVID-19, and the mRNA-vaccines, demonstrates the ongoing nature of scientific inquiry and the fallibility of expert consensus. Consensus is not science. Consensus is a group opinion. Consensus is not truth.

The legislation's potential to classify public discussion of the issues around topics like Covid-19 as public health misinformation is concerning and may result in its removal. It is not the Australian government's role to act as a "Ministry of Truth." In fact it is completely unacceptable.

Furthermore, the bill extends its reach far beyond provable false information and encompasses information that is deemed by the assigned "elites" as "misleading" or "deceptive". This is simply the tyranny of the elites, it is a form of creeping fascism.

The value of freedom of speech lies in allowing open and honest discussions, enabling people to be wrong and facilitating debates that lead to a common understanding of truth.

Bills like this often claim to be on the side of truth, but even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has raised serious concerns about the scope and application of this bill.

Industry bodies, which are often influenced by major players in the field, are likely to create industry codes that become anti-competitive tools used by larger digital services to hinder their smaller counterparts. This will ultimately impede free-market competition and innovation. The recent example of users migrating from Twitter to alternative platforms like Mastodon and BlueSky clearly shows the power of competition in tackling mis/disinformation policies.

Moreover, the proposed bill relies heavily on the dominant digital services that dictate policies, which poses a threat to smaller platforms that find it difficult to comply with the requirements set by industry bodies. This approach contradicts the efforts made by competition regulators worldwide to lower barriers to entry for new platforms in the interest of consumers. It is quite the opposite and allows for the greater centralization of power in the hands of global corporations.

The bill fails to take into account the global nature of the Internet and seeks to impose extraterritorial regulations. Websites and services around the world may be subject to industry codes created by Australian bodies and face legal consequences, despite having no knowledge or representation in Australia. This encroachment on foreign entities is unworkable, and may result in Australia being perceived as an outcast from the global Internet community.

Quite apart from that the Australian government has no right to attempt to exercise power beyond Australia's borders, whether they are the physical borders or borders in cyberspace.

The implications of this bill are clearly hypocritical, as the Australian government recently admonished the Hong Kong government for similar extraterritorial actions. To expect foreign digital services, which have no knowledge or representation in Australia, to comply with its industry codes is arrogant, unfair, and impractical. This bill disregards the principles of sovereignty and self-determination that nations, and the Australian people, hold dear.

The proposed bill places unreasonable restrictions on the freedom, liberty, and rights of individuals, infringing upon their freedom of speech and enterprise. Its overly broad scope extends to every website owner globally, potentially exposing them to exorbitant fines and penalties. The requirement of compliance with industry codes that website owners may not even know exist raises serious concerns about the fairness and effectiveness of this legislation.

Furthermore, the bill interferes with the implied constitutional freedom of political communication. It restricts legitimate discussion on matters of public policy, scientific inquiry, and political expression, curbing diverse viewpoints and stifling the democratic process. Citizens should not be silenced or deemed incapable of engaging in public discourse without facing monitoring and reporting of their viewpoints.

The legislation places undue threats on both digital platform providers and ordinary users. Digital platforms face reputational damage, financial penalties, and inefficiencies,

while ordinary citizens risk being summoned before ACMA and required to report on their friends and family. Such actions are reminiscent of oppressive regimes and erode the values of mate ship and respect within our society.

Moreover, the bill undermines the important role of independent media organizations, journalists, and bloggers who provide diverse perspectives. By subjecting them to complex reporting standards and allowing for misinformation reports, these entities may suffer reputational damage, leading to financial losses that could render them unsustainable. This creates an unfair advantage for government-approved media and educational institutions, distorting the media landscape.

Lastly, this bill violates the Universal Declaration of Human Rights, which Australia is a signatory of. It infringes upon the freedom of thought, conscience, religion, and expression guaranteed by the Declaration. Restricting viewpoints based on the belief that they may cause harm or be categorized as misinformation is intolerant and undermines the principles of diversity and democracy.

In conclusion, the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 is deeply flawed and threatens the fundamental democratic rights of Australian citizens, and citizens around the world. Its impact on freedom of speech, competition, and the global nature of the Internet is extremely concerning.

I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts to reconsider this bill in order to protect the democratic values that are the cornerstone of our society.

Yours sincerely,

Ivan M. Paton

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