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15.08.23

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

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

Dear Sir/Madam,

I am writing to express my deep concerns and opposition to the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. As an Australian citizen who values freedom of speech and the democratic nature of the internet, I strongly believe that this bill disregards the rights and voices of ordinary people.

First and foremost, the existence of this bill indicates a fundamental lack of respect for the freedom of speech of Australian citizens. By creating two classes of citizens, with politicians, journalists, and members of educational institutions having the power to spread potentially false or misleading information online, while the rest of us are subjected to stringent regulations, the bill perpetuates an unequal and undemocratic system. Regular citizens, who often possess extensive knowledge on various topics, including industry insights, are at risk of being disproportionately affected by this legislation.

The internet is undoubtedly the most powerful democratic invention of our time, providing a platform for regular people to voice their opinions and engage in meaningful discussions. However, this bill jeopardizes the ability of regular people to freely express themselves. The excessive fines imposed by the bill on digital services will result in more restrictive speech than what currently exists, even on the most stringent platforms. This harm is amplified by the fact that the code applies industry-wide, without any provisions for checks and balances.

Moreover, accurately determining what is true or untrue is an impossible task. Knowledge is constantly evolving, and information once considered factual by authorities and experts has been proven false in the past. For instance, the initial perceptions surrounding COVID-19, such as the efficacy of masks, human-to-human

transmission, and vaccine effectiveness, have evolved as new information became available. Under this legislation, such information could be considered public health misinformation, leading to its removal. Furthermore, the bill not only targets provably false information but also restricts true information that may be considered misleading or deceptive. Freedom of speech allows for open and honest discussions, enabling the exchange of ideas and the search for truth through vigorous debate.

Even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has expressed serious concerns about the scope and application of this bill. His statement on Twitter highlights the impossibility of implementing legislation to combat misinformation, as accusations are thrown so readily, leading to potential fines on information that may not be or turn out to be false.

Moreover, the proposed bill delegates legislative power to private entities, allowing them to create Misinformation Codes that become law upon registration. This arrangement is an unconstitutional abdication of the legislative power of Parliament, as the companies creating these codes are not directly accountable to Parliament. Additionally, the power granted to the Australian Communications and Media Authority (ACMA) to enact Misinformation Standards and Digital Platform Rules raises serious concerns regarding the infringement of the implied constitutional freedom of political communication. Matters related to harm, health, the environment, and the economy are highly contested among political parties, interest groups, and scientific communities. Limiting legitimate discussions on these matters curtails the inferred constitutional freedom of political communication.

This bill not only undermines the freedom of speech of citizens but also discourages their participation in public discourse. When ordinary citizens know that their viewpoints may be arbitrarily silenced or labeled as misinformation or disinformation, they will question the purpose of engaging in the public conversation. The legislation divides citizens into two classes, with one group being deemed trustworthy to participate in public forums without monitoring, while the other group, representing ordinary citizens' viewpoints, is deemed insufficiently worthy of consideration. This discriminatory approach undermines the principles of democracy and challenges the core Australian value of mateship.

Furthermore, the bill includes heavy threats and impositions on both Digital Platform Providers and ordinary users. Digital Platform Providers are subjected to the risk of reputational damage, financial penalties, and business inefficiencies, while ordinary users face the threat of being summoned before the ACMA, causing significant stress, distress, and interference in their lives. Additionally, the bill encourages citizens to report on their friends, families, and political co-agitators, eroding the spirit of mateship that forms an integral part of our Australian identity.

Australia, as a founding member of the United Nations and a signatory of the Universal Declaration of Human Rights (UDHR), has committed to upholding the rights to freedom of thought, conscience, religion, opinion, and expression. These rights encompass the freedom to seek, receive, and impart information and ideas through any media. Categorizing fundamental faith worldviews or tenets of faith as misinformation under this bill is highly intolerant and goes against the principles laid out in the UDHR.

In conclusion, I firmly oppose the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. This bill poses a threat to freedom of speech, undermines the democratic essence of the internet, and arbitrarily divides citizens into classes. Its broad scope and potential infringements on constitutional rights must be reconsidered to ensure the protection of democratic values and individual liberties.

Thank you for considering my feedback on this crucial matter. I trust that the Department of Infrastructure, Transport, Regional Development, Communications and the Arts will take into account the concerns raised by citizens like myself to ensure that any future legislation upholds the principles of freedom, democracy, and fairness.

Yours sincerely,

Stevan Dimitrijevic