

Gabrielle Gesti

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16th August 2023

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 deep anger and outrage regarding the "Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023." As an Australian citizen, I firmly believe that this bill disregards our fundamental right to freedom of speech.

This legislation creates a clear distinction between politicians, journalists, educational institutions, and regular citizens. It confers the power to spread information, whether it is correct or not, to a select group, while suppressing the voices of ordinary people, who often possess more knowledge on various topics, including industry insiders.

The internet is the most significant democratic invention in human history, providing a platform for regular individuals to have a voice. This bill puts this democratic space at risk and disproportionately harms these ordinary people.

The excessive fines imposed by this bill would result in digital services becoming more restrictive in their speech than ever before. Moreover, since the code applies across the entire industry without any "pressure escape valves," the harm caused by this legislation would be amplified.

Accurately determining what is true or untrue is an impossible task. New information is constantly emerging that challenges previously accepted facts. By classifying certain information as misinformation, this legislation threatens the freedom of speech that allows for open and honest discussions and the pursuit of truth.

Even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has raised serious concerns about the scope and application of this bill. When an expert appointed to steward truth in health information questions the effectiveness and potential harm of this legislation, it is clear that there are significant flaws in its design.

The proposed industry codes, heavily influenced by big players in the industry, could become "anti-competitive wedges" that large digital services use to hinder new competitors. This would stifle innovation and curtail the free-market competition, which has shown signs of effectiveness in addressing misinformation and disinformation.

It is also crucial to note that this bill applies globally and mandates compliance from foreign entities that may have no knowledge of Australian law or the industry codes. Such an extraterritorial application is not only impractical but also poses a threat to the freedom of expression on the global Internet.

Furthermore, the proposed legislation contradicts the government's previous enactment of the News Media Bargaining Code, which already limits digital services' ability to address misinformation and disinformation effectively. The discord between these two initiatives signals a lack of coherent policy direction.

The bill's approach marginalizes minorities and restricts their ability to challenge previously accepted facts and promote progress. Instead of providing shelter to such individuals, this legislation forces them into a system that may suppress their voices.

Additionally, the threats imposed on digital platform providers and the monitoring and reporting requirements placed on ordinary users are deeply concerning. They create a culture of fear and hinder open and honest engagement in public forums, cutting off diversity in viewpoints that contribute to informed decision-making.

To add to these grave concerns, the delegation of legislative power to private entities and the potential violation of implied constitutional freedoms raises significant constitutional and legal issues. It is essential to ensure that laws and regulations uphold these fundamental rights and values.

In conclusion, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the "Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023" in its current form. This bill places unreasonable restrictions on freedom of speech, undermines the democratic nature of the internet, and fails to address the complexities of misinformation and disinformation in a fair and effective manner.

Thank you for considering my feedback. I trust that it will be given due attention and consideration.

Yours sincerely,

Gabrielle Gesti