



16 August 2023

Department of Infrastructure, Transport, Regional Development, Communications and the Arts  
GPO Box 594  
CANBERRA ACT 2601

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

Dear Sir/Madam,

It is my Will and right as an Australian citizen to express my deep concern and strong opposition at the existence of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. I firmly believe that this bill is a direct violation of our freedom of speech.

Firstly, and of the utmost importance, is that no authority, body, organization or person possesses the wisdom to discern what is true or untrue. New information emerges constantly, contradicting previously accepted facts. I provide you with a list of instances where authorities and expert consensus have been proven false or misleading over time. These instances demonstrate the fallibility of determining what is true and what constitutes misinformation.

It is disconcerting that proponents of bills like this claim to champion truth while disregarding the concerns raised by experts. Even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has expressed serious reservations about the scope and application of this bill via his personal Twitter account. His scathing rebuke highlights the challenges in implementing such legislation, further calling into question the government's claim to be on the side of truth rather than censorship.

The proposed delegation of legislative power to private entities, like the creation of Misinformation Codes, infringes upon the constitutional principles. This delegation unconstitutionally abdicates the legislative power of Parliament by granting authority to private entities and statutory authorities, such as the ACMA. Such arrangements undermine the principles of responsible governance and thus, is unconstitutional.

Additionally, the proposed bill violates the implied constitutional freedom of political communication, as the test of misinformation encompasses matters highly contested among political parties, interest groups, and scientific investigations. Limiting legitimate discussion on these matters unreasonably curtails the implied constitutional freedom of political communication.

Australia is a party to seven core international human rights treaties. The right to freedom of opinion and expression is contained in articles 19 and 20 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#), as well as articles 4 and 5 of the [Convention on the Elimination of All Forms of Racial Discrimination \(CERD\)](#), articles 12 and 13 of the [Convention on the Rights of the Child \(CRC\)](#) and article 21 of the [Convention on the Rights of Persons with Disabilities \(CRPD\)](#). These articles highlight the right every Australian citizen has to exercise freedom of expression.

Another concerning aspect of this bill is the creation of two classes of citizens: one made up of politicians, journalists, and members of educational institutions, who have the power to spread information, whether true or misleading, online, and the second group, which includes regular citizens who often possess extensive knowledge on various topics, particularly industry insiders. This classification not only infringes upon the rights of ordinary people but also places undue power in the hands of a select group, undermining the principles of our democracy.

I view the internet as the most powerful democratic tool that humanity has ever created, enabling regular individuals to have a voice and participate in public discourse. However, this bill poses a significant risk to the free expression of ordinary people, causing disproportionate harm to their ability to engage in meaningful discussions.

The imposition of excessive fines on digital services will lead to unprecedented restrictions on freedom of speech. Even the most restrictive digital services of today will pale in comparison to the limitations that will result from this bill.

Additionally, this bill does not solely target provably false information but also targets information that may be deemed misleading or deceptive. The freedom of speech is invaluable as it allows for open and honest discussions, enabling the exploration of differing perspectives and the discovery of truth through debate.

The bill assumes that the government and its accredited media and educational institutions hold the sole authority to determine truth, disregarding the experiences and viewpoints of ordinary Australians. This lack of diversity in viewpoints stifles the process of sense-making and hinders the exploration of all possibilities.

Furthermore, this bill poses threats and impositions on digital platform providers and ordinary users, infringing upon their rights and potentially causing significant financial and personal harm. This style of government undermines trust, cooperation, and the free flow of information, reflecting a style of government that is reminiscent of the Soviet Union and stands in opposition to the Australian values of integrity and equality.

To conclude, the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 poses a severe threat to the freedom of speech of Australian citizens and undermines the principles of democracy and free expression. I strongly urge you to reconsider this bill and ensure that the rights and voices of every Australian are protected, including the voices and rights of your own children and their future generations.

Yours sincerely,



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