

Steven Tripp

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August 16, 2023

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

GPO Box 594

CANBERRA ACT 2601

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

Dear Sir/Madam,

I am writing to express my deep concern and outrage regarding the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

As an Australian citizen, I strongly believe that this bill undermines the fundamental principles of freedom of speech and poses a significant threat to the democratic values of our society.

One of the most troubling aspects of this bill is the creation of two classes of citizens. It appears that politicians, journalists, and members of educational institutions will have the power to spread information, whether true or false, without facing the same consequences as regular citizens.

This not only undermines the principle of equality in our democracy but also dismisses the valuable insights and knowledge that regular citizens often possess, including industry insiders.

The Internet has been an open platform and a powerful tool for fostering open expression and giving a voice to regular people. However, this bill puts regular citizens at a disproportionate risk of being silenced, as digital services will be forced to restrict speech due to excessive fines and the lack of "pressure escape valves" on the system. This harm will have a chilling effect on open and honest discussions, which are vital for finding common ground and pursuing the truth – fundamental and necessary tenants of democracy.

Furthermore, the bill's attempt to regulate the truth is fundamentally flawed and impossible

to implement. The ever-evolving nature of information means that what was once accepted as fact can be proven false later on.

The examples of COVID-19-related information highlighted in the draft bill demonstrate the difficulty in accurately judging what is true or untrue. Imposing an industry code or a mandatory code that allows for the removal of true information deemed "misleading" or "deceptive" is a dangerous encroachment on our freedom of speech and stifles genuine conversation.

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 aptly points out that accusations of misinformation are thrown around so readily that implementing such legislation would inevitably lead to fines being levied on things that are not, or turn out to not be, false.

Furthermore, rather than protecting minorities, this bill may result in their persecution. Progress and change often come from challenging previously accepted "facts," but this bill denies minorities the opportunity to share their perspectives by mandating a single code across digital platforms without considering the experiences and viewpoints of ordinary Australians. Diversity in viewpoints is crucial in the sense-making process, and suppressing certain views before they can be shared only hinders our ability to consider all possibilities.

Moreover, the threats levied at both Digital Platform Providers and the ordinary users of digital platforms further disempower and silence the public. The possible reputational damage, financial penalties, and stress caused by these threats demonstrate a style of governance reminiscent of oppressive regimes rather than the democratic values we cherish in Australia.

The bill's categorization of political party viewpoints as misinformation and their subsequent removal from digital platforms undermines our democratic process. It is in the best interest of voters to have access to all viewpoints, even those that may be contested or debunked. Independent media organizations, journalists, and bloggers will face unwarranted scrutiny and damaging reports, while government-approved journalists and publications will be incentivized for supportive perspectives. This threatens the integrity of our media landscape and stifles critical journalism.

Furthermore, this bill unfairly categorizes citizens into two classes, granting certain individuals and institutions the power to participate in public forums without being monitored or reported on, while deeming the viewpoints of ordinary people as unworthy of consideration and potential sources of harm. This division ignores the principles of the Universal Declaration of Human Rights, particularly Article 19, which demands the freedom of opinion and expression without interference.

Additionally, the bill's potential to categorize fundamental faith worldviews as misinformation is inherently intolerant. People of faith hold diverse beliefs and perspectives, and labelling them as misinformation undermines the principles of religious freedom and diversity in our country.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 is deeply flawed and poses a significant threat to our democracy, freedom of speech, and the principles we hold dear as Australians. I urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider this bill and ensure that it upholds the values of equality, freedom, and diversity that our nation stands for.

Yours sincerely,

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Steven Tripp