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17/8/2023

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 write this submission to express my deep anger and outrage in response to the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. It is my belief that this bill not only undermines the freedom of speech of Australian citizens

but also creates a disturbing two-tier system that unfairly favors certain individuals and institutions over ordinary citizens.

The proposed legislation establishes two distinct classes of citizens. The first class is comprised of politicians, journalists, and members of educational institutions who will have the power to spread information, whether true or false, with minimal consequence. The second class includes regular citizens who often possess valuable knowledge and insights in various fields, yet their voices risk being disproportionately marginalized. This legislation jeopardizes the democratic nature of the internet, which has empowered regular people to have their voices heard.

Furthermore, the excessive fines outlined in the bill will lead digital services to become more restrictive in their content regulation, potentially stifling freedom of speech even more than current practices. The absence of "pressure escape valves" within the proposed legislation exacerbates the potential harm it may cause to the industry.

Accurately discerning truth from falsehood is an impossible task. Our understanding of facts is constantly evolving as new information emerges. The bill's inclusion of examples like the evolution of knowledge around COVID-19 protections and vaccines demonstrates the challenge of labeling information as misinformation. Moreover, the bill also targets information that may be truthful but deemed misleading or deceptive, further limiting

the boundaries of free speech. Open and honest discussions should be valued, allowing for the exploration of diverse perspectives and the discovery of truth through debate.

It is concerning that even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has raised serious concerns about the scope and application of this bill. His own criticism calls into question the validity of the government's claim to be championing truth through this legislation.

Additionally, the proposed bill risks empowering industry bodies to become anti-competitive instruments used by dominant digital services to gatekeep and obstruct smaller competitors. The potential regulatory burden imposed by

industry codes may inhibit the growth and success of new entrants to the digital services industry, thwarting innovation and limiting consumer choice.

Contrary to the government's claims, recent evidence suggests that competition between platforms effectively addresses misinformation and disinformation. Users have migrated to alternative services, such as Mastodon and BlueSky, demonstrating that market forces naturally encourage platforms to meet community expectations. This trend supports the notion that competition, rather than top-down regulation, is more effective in combatting misinformation and disinformation.

Furthermore, the proposed bill fails to consider the global nature of the internet

and the potential conflict with other countries' laws. Australian regulation cannot expect foreign entities to comply with its rules, and attempting to exert such control could lead to Australia's isolation from the global internet community.

The legislation's potential impact on websites and platforms hosting user-generated content, including those outside Australia, raises concerns about extraterritoriality and the imposition of Australian law on foreign entities. It is unfair to burden foreign website owners with compliance requirements they may not be aware of or subject them to potential legal repercussions.

Moreover, the absence of flexibility to adapt to evolving online platforms and the broad definitions within the bill bring

uncertainty to websites and services that may unintentionally fall under its scope. This broadness and lack of clarity undermine competition regulators' efforts globally to lower barriers to entry, limiting consumer choice and hindering innovation.

The bill's discriminatory effects on ordinary citizens, independent media organizations, journalists, and bloggers are deeply concerning. The threats of reputational damage, financial penalties, and the potential stifling of diverse viewpoints contribute to a climate of fear and self-censorship, reminiscent of oppressive regimes.

The proposed legislation violates the constitutional freedom of political communication by potentially limiting legitimate discussion on matters of public



policy, scientific discovery, and political debate. The contested nature of public policy and the existence of diverse viewpoints render it inappropriate for the government and accredited institutions to determine absolute truth.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 is deeply flawed and contravenes the principles of freedom of speech, democratic participation, and competition. It disregards the valuable contributions of ordinary citizens, imposes undue burdens on digital platform providers, and undermines the global nature of the internet. I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider this bill and its potential

negative consequences.

Thank you for considering my submission.  
I trust that you will take into account the  
concerns and viewpoints expressed herein.

Yours truly

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