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17 August 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 outrage regarding the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

As an Australian citizen, I strongly believe that this bill not only disregards the freedom of speech of every citizen, but also places the average person in an unfair and unlawful disadvantage to have their voices heard.

The Bill will create two classes of citizens, with politicians, journalists, and members of educational institutions being granted the power to disseminate information that may be judged or proved, to be false or misleading, while regular citizens are subject to strict restrictions. This is an insult to our democratic values.

Regular citizens often possess valuable knowledge and insights on various topics, sometimes more than those in the aforementioned categories, such as industry insiders.

One example (from the many varied) we can draw from, is the misinformation regarding the 'Iraq War', where numerous governments around the world, aided by mainstream media(s), declared Saddam Hussein to be harbouring Weapons of Mass Destruction.

As well documented, this turned out to be misinformation on a massively, devastating level.

The internet is an important tool for democratic dialogue and empowerment. It has given a voice to regular people, and this bill poses a significant risk to silencing their voices disproportionately. The excessive fines and broad scope of this legislation will only lead to self-censorship by digital service providers, surpassing the current restrictions on freedom of speech.

The task of accurately judging what is true or untrue is practically impossible.

Scientific consensus changes as new information emerges, and facts that were once considered true can be proven false in the future. (The earth was the centre of the Universe, while the planets revolved around it)

The inclusion of public health-related information in this legislation further exacerbates the issue, as previous expert consensus on topics such as COVID-19-related mask usage and vaccine effectiveness have been proven incorrect.

Information that is considered "misleading" or "deceptive" will stifle open and honest discussions that are essential for finding common ground and fostering the pursuit of truth. Freedom of speech allows for the exploration of different perspectives and the evolution of ideas, and it should not be restricted by vague definitions and limitations. Debate and discussion on issues is precisely the path required for each person to get to their truth. As we can see, it is how every Australian is currently deciding for themselves which way to vote on the "Voice" referendum.

Additionally, the bill seems to focus primarily on larger platforms like Facebook, Reddit, and Twitter, while unintentionally encompassing numerous community websites that are part of the "social web." This lack of specificity and consideration for smaller websites and platforms demonstrates the careless approach taken in drafting this legislation.

The legal risks and potential fines imposed by this bill on individuals and companies, especially those operating smaller websites, are unreasonable and disproportionate to any harm caused. Maintaining compliance with industry-created codes, which may be unknown to many website owners, is an unrealistic expectation and may lead to unintended consequences.

The bill, which claims to protect minorities, may inadvertently result in their persecution. By deeming certain views as misinformation and suppressing them, the bill stifles progress and fails to acknowledge that societal advancement often comes from challenging established beliefs.

Moreover, the delegation of legislative power to private entities, as outlined in the bill, raises constitutional concerns. Handing the power of lawmaking to entities outside the direct control and accountability of Parliament undermines our democratic principles.

The implied constitutional freedom of political communication is also violated by the bill's provisions. The broad definition of harm, including matters of public policy and scientific investigation, curtails the ability to engage in legitimate discussions on these issues and undermines political communication.

The bill's assumption that only government-accredited institutions and media can determine what is true further alienates ordinary Australians and suppresses diverse viewpoints. Diversity in opinions and perspectives is essential to the sense-making process and ensuring a comprehensive understanding of complex matters.

The threats imposed on digital platform providers and ordinary users, such as reputational damage, financial penalties, and interference by government agencies, endanger freedom of expression and impede democratic discourse. The potential requirement to report on and monitor the viewpoints of friends, family, or political allies is reminiscent of oppressive regimes and goes against the values of mateship.

Furthermore, the bill's impact on independent media organizations and journalists will lead to a complex web of reporting standards and misinformation reports that could undermine their reputation and financial viability. This creates an unfair advantage for government-approved publications while stifling competition and diverse perspectives.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 is deeply flawed and undermines the democratic principles upon which our nation is founded. It disregards the freedom of speech and expression of Australian citizens, disproportionately affects regular people, and fails to account for the evolving nature of knowledge and information.

It is 'My Will' that the Department of Infrastructure, Transport, Regional Development, Communications and the Arts denounce this bill and engage in open and transparent consultations with the public to ensure that any legislation concerning misinformation and disinformation respects the fundamental democratic values and Constitutional rights that Australia upholds.

Thank you for considering my submission.

I trust that you will give careful consideration to the concerns raised and take appropriate action.

Sincerely,

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