

Werner Peenz

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18/08/2023

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

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

Dear Sir/Madam,

Hereby my submission to express my concern regarding the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. As an Australian citizen, I believe this bill disregards the fundamental right to freedom of speech and threatens the democratic values that set us apart from nations with oppressive regimes.

My foremost objection to this bill lies in its creation of two classes of citizens. The first class comprises politicians, journalists, and members of educational institutions who are granted the power to disseminate information, regardless of its accuracy or misleading nature.

The recent pandemic has made clear the simple fact that politicians and journalists are as fallible as the rest of the citizenry, having disseminated incorrect information on numerous occasions. Not only are politicians and mass media just as capable of making mistakes as the rest of the population, but they may, on occasion, have incentive to be less candid with the truth to further the interests of their party, employer, or sponsor.

Further, this unequal distribution of power effectively silences the voices of regular citizens, who often possess a wealth of knowledge on various topics, including insights from their experiences as industry insiders. This bill undermines the democratic principles that allow ordinary people to engage in meaningful discussions and contribute to our shared sense-making process.

Moreover, the severe fines outlined in the bill will undoubtedly restrict freedom of speech more than any existing digital service regulations. The broad application of the code across the entire industry, without any mechanisms to alleviate undue pressure, intensifies the harm caused by this legislation. Digital platforms, fearing hefty penalties, will inevitably adopt stricter speech policies, leading to the censorship of diverse viewpoints and stifling open and honest conversations. Such restrictions go against the very essence of free speech, which encourages a robust exchange of ideas and allows for the discovery of truth through dialogue and debate.

While the intent behind combating misinformation might be well-meaning, the task of accurately determining what is true or untrue poses insurmountable challenges. Scientific and societal understandings evolve over time, rendering previously accepted facts incorrect. Again, during the recent pandemic, numerous experts in the fields of virology, statistics, clinical practice and epidemiology were accused of spreading misinformation, only to be exonerated as more facts came

to light. By mandating the removal of content based on subjective interpretations of accuracy, this bill risks stifling important debates and obstructing the progress of scientific knowledge.

Furthermore, the bill not only targets provably false information but also encompasses true information deemed "misleading" or "deceptive." Freedom of speech affords people the opportunity to express their opinions openly, even if they are mistaken, and allows for the exploration of differing perspectives to arrive at a shared understanding of truth. By enabling the removal of true information, the bill promotes an environment of censorship rather than fostering open and honest dialogues critical to our democracy.

I draw attention to the concerns raised by Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, who questions the bill's scope and implementation. His statement on Twitter, highlighting the potential for fines to be imposed on information that later proves to be accurate, exposes the shortcomings and dangers of this legislation.

Lastly, I emphasize the importance of access to information in the democratic process. By categorizing certain political party viewpoints as misinformation and allowing their removal from digital platforms, this bill risks leaving voters in the dark and impairs their ability to make informed decisions. Independent media organizations, journalists, and bloggers play a vital role in providing diverse perspectives, holding those in power accountable, and contributing to a robust democracy. However, under this legislation, they face onerous reporting standards and malicious misinformation reports, threatening their existence and the principles upon which they operate.

In light of the above concerns, I urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

I believe that protecting the freedom of speech and ensuring a vibrant democratic environment should be the government's paramount goal.

Thank you for considering my submission. I trust that you will carefully examine the numerous valid concerns raised by concerned citizens regarding this bill and take necessary actions to uphold the values and rights we hold dear in Australia.

Yours sincerely,

Werner Peenz