

Dr. Lindsay Robert Hasluck

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18/08/2023

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,

I write to you with great disappointment and outrage regarding the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I firmly believe in the importance of freedom of speech and I am deeply troubled by the implications of this bill for our democratic society.

This legislation clearly disregards the freedom of speech of Australian citizens. By creating two classes of citizens, with certain privileged groups having the power to spread information deemed false or misleading, while others are subject to excessive fines and restrictions, the government is effectively silencing the voices of regular people who have valuable insights and knowledge.

The internet has been a transformative force in promoting democracy and giving a voice to ordinary individuals. However, this bill puts that democratic power at risk, disproportionately harming regular citizens who rely on this platform to express themselves and contribute to public discourse.

Furthermore, the task of accurately judging what is true or untrue is impossible. Information and scientific understanding are constantly evolving, and what was once accepted as fact can later be proven false. Examples of widely accepted information surrounding COVID-19 that was later debunked demonstrate the challenges of determining truth in real-time.

Under this legislation, not only false information but also information that is deemed misleading or deceptive can be restricted. Freedom of speech is a fundamental right that allows for open and honest discussions, where individuals can be wrong and the truth can be debated to reach common ground.

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 Twitter post on June 25th, 2023, highlighted the difficulty of implementing legislation to combat misinformation while acknowledging the risk of penalizing information that may turn out to be accurate.

Industry bodies, often influenced by the largest players in the industry, are likely to create onerous codes that smaller digital services cannot comply with, effectively gatekeeping the industry. This undermines the principles of free-market competition, which has shown to be effective in addressing misinformation by allowing users to migrate to platforms that meet their expectations.

Furthermore, this bill does not account for competition regulators' efforts to lower barriers for entry into the digital platform industry. The proposed code overlooks the wipeout of small platforms and websites that cannot comply with these codes, favouring the largest digital services and impeding competition.

The far-reaching nature of this bill is concerning, encompassing thousands of community websites and potentially subjecting website owners to exorbitant fines. The lack of awareness of industry codes among website owners, especially those located overseas, raises questions about the practicality and fairness of implementation.

In addition, the delegation of legislative power to private entities, who are not directly accountable to Parliament, raises constitutional concerns. This arrangement infringes upon the freedom of political communication and negatively impacts public debate on matters of public interest, which are often highly contested. By categorizing certain viewpoints as misinformation and disinformation, while giving preferential treatment to government and accredited media and educational institutions, this bill undermines diversity in viewpoints and undermines the democratic process. Australians will be discouraged from engaging in public conversations when their viewpoints may be arbitrarily silenced or labelled as misinformation.

The threats posed to digital platform providers and ordinary users under this bill further reinforce the disempowerment of individuals. The imposition of negative records, financial penalties, and reputational damage on platform providers, as well as the stress and potential harm caused by hauling ordinary people before ACMA, is reminiscent of undemocratic regimes and goes against the values of mateship and fairness.

Furthermore, the limitations imposed by this bill hinder citizens' access to information necessary for informed voting decisions, which is a cornerstone of our democracy. The potential targeting of independent media organizations, journalists, and bloggers will have a chilling effect on free speech and will create an unlevel playing field that favours government-approved publications. Australia, as a founding member of the United Nations and a signatory of the Universal Declaration of Human Rights, should uphold the principles of freedom of thought, conscience, and expression. This bill fails to recognize the diverse perspectives and experiences of ordinary citizens, suppressing their voices in favour of government and accredited institutions.

In conclusion, I strongly oppose the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. Its provisions not only infringe upon the freedom of speech and enterprise but also undermine the democratic principles upon which our nation was built. I implore the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider this bill and uphold the values of freedom, diversity, and democracy that are the foundation of our society.

Thank you for considering my feedback. I trust that my concerns and objections will be taken into account during the review process.

Yours sincerely,

Dr. Lindsay R. Hasluck