

SUBMISSION TO OBJECT TO THE PASSING OF THE COMMUNICATIONS AMENDMENT (COMBATING MISINFORMATION AND DISINFORMATION)BILL 2023

I strongly disagree and object to the passing of the above Bill for the following reasons:

Rather than censorship and control, it is wiser and more effective to address the factors that might cause the intolerant view to gain traction, such as inequality, poverty and lack of education, rather than try to silence the intolerant, although I think there is an important distinction to be drawn between expressing a sincerely held view and personal vilification, harassment and verbal abuse, as I believe the impulse to curtail these in a civil society is a right one, with legal prohibition being applied once a threshold of severity or repeat offending has been crossed.

The Australian government's legislation to 'combat misinformation and disinformation' represents, in my view, a regressive and dangerous move to further entrench censorship of public discussion. Like the Four Pests campaign in China, I don't think it will achieve its aims, and it may result in serious harm to Australian society. Banning dissident opinions and beliefs, however repugnant we find them, does not make them go away: rather they go underground and become more virulent, extreme and disconnected from any sense of shared reality.

We need to ask ourselves if this legislation, in seeking to save our society, will actually end up destroying it through entrenching polarisation, distrust of public institutions, extremism and ultimately, violence.

As Louis Brandeis – US Supreme Court, famously wrote:

'Those who won our independence believed ... that public discussion is a political duty . . . They knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones.'

Aggressive Enforcement Encourages the Very Thing You Wish to Eliminate.

It would be more effective for apply 12 Rules for Effective Human Communication and Connection:

1. Rather teach integrity with integrity.
2. Rather teach freedom and peace peacefully with freedom.
3. Rather teach kindness and compassion kindly and compassionately.
4. Rather teach respect respectfully.
5. Rather teach non-violence non-violently.
6. Rather teach caring and values with care and value.
7. Rather teach family, friendship, and connection with a loving family friendship, and connection.
8. Rather teach giving with giving.
9. Rather teach love and happiness lovingly and with happiness.
10. Rather teach co-operation co-operatively.

11. Rather teach mental and physical health with mental and physical health.

12. Rather teach gratitude and appreciation with gratitude and appreciation.

Its an attack on freedom of speech

Countries that cannot contend with diverse viewpoints inevitably miss perspectives that could otherwise help them navigate a competitive global environment.

It will have highly anti-competitive effects

This Bill will give Big Tech platforms like Facebook and Google license to create what the Electronic Frontier Foundation calls anti-competitive wedges. They will be able to set rules for their competitors that only they have the means to comply with, with ACMA stepping in with fines for non-compliance.

It is broad in the extreme

There are no minimum-sizes of “digital services” that the Bill applies to, only that they operate within specific industries. The industries are extremely broad and not well defined (e.g. “instant messaging”, “web-forums”, “dating-sites”). Using the powers granted by this Bill it is conceivable that the Government & ACMA could force any website which offers any type of user-interactivity to comply with these onerous regulations, or be punished for not doing so.

It applies extraterritoriality

Even an unwitting website owner in a foreign country like the United States – with no intention of providing a service specifically to users in Australia – will be brought in-scope of this Bill. Simply that this person's website is published on the global Internet and can be accessed by users in Australia is enough that they be forced to comply

It conflicts with the incentives of the News Media Bargaining Code

The News Media Bargaining Code forces platforms to remove all news content globally if they choose to exit the Australian news industry, while this Bill contradictorily does the opposite and forces platforms to use legacy media. The Government can't have it both ways.

It harms minorities

This bill mandates a single code be applied upon every digital platform in an industry, giving minorities no shelter when the system is pushed back on them by censoring them and suppressing their views.

It is unconstitutional

It violates the constitution's implied freedom of political communication, and amounts to an unconstitutional abdication of the legislative power of Parliament.

It's devising and exclusionary

The Bill assumes that the Government and its accredited media and educational institutions can determine what is true in conjunction with digital platforms without taking the experiences and viewpoints of ordinary Australians into account.

It disempowers ordinary people

Ordinary people will wonder what the point of trying to be involved in public conversation is when you know your viewpoint might be arbitrarily silenced or categorised as misinformation or disinformation.

It will destroy democracy

The whole of the democratic endeavour is based on the assumption that citizens will be able to access the information they need to make voting decisions. These days, this information is available on digital platforms. This Bill will categorise some political party viewpoints as misinformation and have it removed from digital platforms. Voters will be in the dark.

State media will become the only media

Independent media organisations, journalists and bloggers will be thrust under a web of complex reporting standards and misinformation reports attempting to ruin their reputation. Standing against Govt. authorised publications that are excluded from this harassment will become unprofitable then impossible.

It's inequitable

This Bill divides citizens into two classes: 1. Those whom the Govt. deems trustworthy to participate in public forums without being monitored and reported on, and 2. Those whom the Govt. deems cannot be trusted and all that goes with such a determination.

It's a threat to freedom of faith/religious freedom

There is no exclusion for religious or faith-based content in this Bill and such content could, therefore, be categorised as misinformation.

I urge you as our representatives to vote against this Bill for the sake of our future and our children's future. We have a responsibility to maintain this for the generations to come. It is because we have freedom that this is even contemplated -- it doesn't have to be acted upon.

Thank you for considering my submission.

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