

Mr Trevor Clayton



18/8/23

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

[Address]

Subject: **Feedback on the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023**

Dear Sir,

I am writing to express my strong opposition towards the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I firmly believe that this bill undermines the freedom of speech that is a cornerstone of our democracy.

The creation of two classes of citizens within this bill is deeply concerning. On one hand, politicians, journalists, and members of educational institutions are granted the power to spread information, whether it is deemed true or false. On the other hand, regular citizens, who often possess unique knowledge and insights, are relegated to a group that may face restrictions on their expression. This bill disproportionately affects the voices of ordinary Australians, jeopardizing the very essence of our democratic society.

The proposed legislation poses a significant threat to freedom of speech, as digital services will be forced to implement more restrictive speech policies than what currently exists. The broad scope of this code, applicable to the entire industry, exacerbates the harm it can bring. It is an impossible task to accurately determine what is true or untrue, as new information constantly emerges that challenges widely accepted facts.

Moreover, the bill encompasses not just provably false information but also true information that may be considered "misleading" or "deceptive." Freedom of speech is invaluable as it allows for open and honest discussions, allowing for the exploration of different viewpoints and the pursuit of truth.

Another troubling aspect of this bill is the potential for industry bodies, influenced by industry giants, to create codes that serve as barriers to entry for new competitors. This anti-competitive behaviour not only hampers innovation and stifles competition but also grants more power to the largest digital services, allowing them to set their own regulations while burdening smaller platforms and websites.

Furthermore, the bill's reliance on dominant digital platforms to set policies disregards the efforts of competition regulators worldwide to foster diversity and lower entry barriers. By prioritizing the viewpoints of the Government and accredited institutions over those of ordinary Australians, the bill hampers diversity of opinions and limits our ability to engage in

meaningful sense-making.

The threats posed by this bill to digital platform providers and ordinary users are deeply concerning. The imposition of reputational damage, financial penalties, and business inefficiencies will disproportionately impact the livelihoods and freedom of individuals attempting to exercise their right to freedom of expression.

This legislation threatens the very foundations of our democracy, which rely on access to diverse information for informed decision-making. By categorizing certain political party viewpoints as misinformation and allowing their removal from digital platforms, the bill undermines the public's ability to make informed voting decisions. Furthermore, it places independent media organizations, journalists, and bloggers under unnecessary scrutiny, attempting to ruin their reputations and favouring Government-authorized publications.

As an Australian citizen, I strongly believe in upholding our commitment to the Universal Declaration of Human Rights. Article 19 explicitly protects the right to freedom of opinion and expression, including the right to seek and impart information and ideas through any media. By disregarding the diverse perspectives and experiences of ordinary Australians, this bill violates our fundamental rights and values.

I firmly oppose the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 and urge you to reconsider its provisions. It is crucial to protect freedom of speech, respect diverse viewpoints, and encourage open dialogue for the betterment of our society and democracy.

Thank you for considering my feedback on this important matter. I am happy for you to make this submission public.

Yours sincerely,

Trevor Clayton