

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

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

Dear Sir/Madam,

I am writing to express my deep concern and outrage at the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. As an Australian citizen, I strongly believe that this bill undermines the fundamental freedom of speech that is vital to a democratic society.

One of the most alarming aspects of this bill is the creation of two classes of citizens: one consisting of politicians, journalists, and members of educational institutions, who will have the power to spread information, regardless of its accuracy, while the second group, regular citizens, will be restricted in their ability to express their views. This division is undemocratic and goes against the principles of equality and fairness.

Furthermore, the excessive fines imposed by the bill will lead to an unprecedented level of speech restriction. Even the most restrictive digital services currently do not impose such strict limitations. This will disproportionately affect regular citizens who rely on the internet to voice their opinions and share their knowledge. The lack of "pressure escape valves" in the system exacerbates this harm.

It is essential to recognize the inherent difficulty in accurately determining what is true or untrue. The discovery of new information that contradicts previously accepted facts is a common occurrence. The list of examples provided in the draft bill itself demonstrates the evolving nature of our understanding. Yet, under this legislation, such information could be classified as harmful misinformation. This bill risks stifling open and honest discussions, hindering the progress of knowledge and the search for truth.

Even respected medical experts, such as Dr. Nick Coatsworth, have expressed serious concerns about the scope and application of this bill. His criticism highlights the challenges and dangers of implementing legislation that aims to police truth without compromising freedom of speech.

The bill's focus on large platforms while inadvertently targeting thousands of community websites is highly problematic. It fails to account for the diverse nature of the social web and places an unreasonable burden on website owners. The potential legal risk and exorbitant fines imposed on them will hinder their freedom and liberty.

Moreover, the global reach of the bill raises serious questions regarding its enforceability and fairness. Foreign website owners, who may be unaware of the legislation's existence, could face fines if they permit Australian users on their platforms. This overreach undermines the purpose of protecting the internet and its users.

The bill's impact on minorities is particularly concerning. It may inadvertently result in their persecution, as marginalized groups often rely on challenging existing "facts" and narratives to advocate for their rights. By mandating a single code for every digital platform, this bill leaves no room for dissent or alternative perspectives, thereby silencing minority voices.

Furthermore, the proposed legislation violates the constitutional freedom of political communication. It unjustifiably limits legitimate discussions on matters of public policy, scientific investigation, and public debate. These limitations undermine the principles of democracy and hinder the public's ability to engage in meaningful and diverse conversations.

Lastly, the threats imposed on digital platform providers and ordinary citizens further erode democratic values. The potential reputational damage, financial penalties, and harassment faced by platform providers and users create a climate of fear and self-censorship. Such practices are reminiscent of authoritarian regimes, contrary to the Australian values of mateship and a fair go.

In conclusion, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. This bill poses a significant threat to freedom of speech, democracy, and the open exchange of ideas that the internet has made possible.

Thank you for considering my concerns. I trust that you will take them into account when evaluating the bill.

Yours sincerely,

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