

19 August, 2023

Department of Infrastructure, Transport, Regional Development, Communications and the Arts  
GPO Box594  
Canberra, ACT 2601

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

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

I am writing to express my deep concern and opposition at the draft bill titled the "Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023". As an Australian citizen, I firmly believe that this bill blatantly disregards our fundamental freedom of speech.

The proposed legislation creates a clear division among Australians, with politicians, journalists, and members of educational institutions being granted the power to spread information, whether true or false, online. Meanwhile, the rest of us, the regular Australian men and women, who often possess extensive knowledge on various topics, are subjected to excessive fines and limitations on our ability to express viewpoints. This biased division undermines the democratic principles on which our nation is built and disproportionately harms ordinary individuals.

Furthermore, the bill's stringent code of conduct will considerably restrict freedom of speech on digital platforms, surpassing even the most stringent existing regulations. This harm is amplified by the fact that the code applies to the entire industry without any avenues for relief or alternative solutions.

The task of accurately determining what is true or false is virtually impossible. New information emerges constantly, often contradicting previously accepted facts. It is important to note that what was once considered an authoritative fact can later be proven false. For instance, several statements about COVID-19, such as the effectiveness of masks, evidence of human-to-human transmission, and vaccine-related information, were initially stated as facts but were later found to be incorrect. These examples demonstrate that even trusted authorities and expert consensus can falter in their judgment of truth.

What's even more concerning is that the bill targets not only provably false information but also true information deemed "misleading" or "deceptive." Freedom of speech allows for

open and honest discussions, enabling people to be wrong and fostering debate in the pursuit of truth and common ground. By censoring information seen as "misleading," this bill suppresses healthy discourse and undermines the value of diverse viewpoints.

Additionally, the proposed bill violates constitutional principles by delegating legislative power to private entities not directly accountable to Parliament. Such a delegation undermines the democratic process and relinquishes the authority Parliament holds to make laws. The power granted to the Australian Communications and Media Authority (ACMA) in enacting Misinformation Standards and Digital Platform Rules infringes upon the constitutionally implied freedom of political communication. Matters of public policy, including those related to public health, the environment, and the economy, are highly contested among political parties and interest groups. Limiting discussions on these topics unreasonably curtails the freedom of political communication.

The bill's assumption that the government and select accredited institutions can determine absolute truth without considering the experiences and viewpoints of ordinary Australians is deeply flawed. Diversity in viewpoints is crucial for the sense-making process, allowing for the consideration of all possibilities. By deplatforming certain views as misinformation, this bill suppresses diversity and stifles the contributions of regular citizens.

Furthermore, the bill introduces threats to both Digital Platform Providers and ordinary users. Digital Platform Providers face negative impacts on their reputation, financial penalties, and the inconvenience of complying with onerous requirements. Ordinary users may be subject to distress and personal burdens if they are summoned before the ACMA. Additionally, forcing ordinary citizens to report on their friends, families, or political associates is reminiscent of an oppressive regime, contrary to the Australian values of mateship and freedom.

This legislation also poses a serious threat to independent media organizations, journalists, and bloggers. The reporting standards and misinformation reports they will be subjected to are complex and could tarnish their reputations. Meanwhile, government-approved journalists are exempt from these requirements, potentially incentivizing them to provide favourable news coverage and perspectives aligned with the government's agenda. This creates an unfair advantage for approved journalists and hinders independent media organizations from challenging the status quo.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 severely undermines the principles of freedom of speech, stifles democratic discourse, and disregards the diversity of viewpoints that underpin our society. I strongly urge the Department to reconsider the provisions of this bill and prioritize the protection and promotion of democratic values and open public discourse.

Thank you for considering my submission. I trust that you will take my concerns seriously and reflect upon the implications of this bill on our democratic society, and keep Australia as a transparent democracy

Yours sincerely



(name place on submission cover – anonymous)