

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

I oppose the draft bill with absolute certainty titled "Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023". As an Australian citizen, I am deeply concerned about the implications of this bill on our freedom of speech and its disproportionate impact on regular citizens.

Firstly, this bill reveals a lack of respect for the freedom of speech of Australian citizens. By creating two classes of citizens - one consisting of politicians, journalists, and members of educational institutions who have the power to spread information, whether true or false, online, and the other comprising regular citizens who may possess more knowledge on certain topics - this bill infringes upon the democratic values that our society is built upon.

Moreover, this bill poses a significant threat to the power of the internet as a democratic invention. The internet has provided a platform for ordinary people to have a voice, and this legislation risks suppressing their voices disproportionately. The excessive fines imposed by the bill will lead to digital services becoming excessively restrictive in their approach to speech, which is even more severe than the restrictions imposed by the most stringent services currently available. The fact that the code applies universally across the industry without any "pressure escape valves" exacerbates the potential harm.

Furthermore, accurately judging what is true or false is an impossible task. New information is constantly emerging, often contradicting what was once deemed widely accepted fact. I want to draw your attention to a list of examples where authority figures and expert consensus have been proven wrong. These instances, related to COVID-19, could very well be considered misinformation under the proposed legislation. It is important to acknowledge that the dissemination of such information is part of the process of discovering new truths and refining our knowledge.

Moreover, it is not just provably false information that will be targeted under this bill, but also information deemed "misleading" or "deceptive". Freedom of speech is valuable precisely because it allows for open and honest discussions, even if they involve differing opinions or mistakes. It is through such discussions that the truth can be unearthed and consensus can be reached.

It is disheartening to witness that even experts, who were appointed to steward truth, have raised serious concerns about the scope and application of this bill. Dr. Nick Coatsworth, a former Deputy Chief Medical Officer, has publicly expressed doubt regarding the implementation and consequences of this legislation. His skepticism undermines the notion that expert consensus is infallible, and prompts us to consider the potentially detrimental effects of this bill.

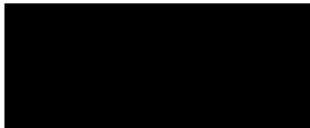
Furthermore, the proposed delegation of legislative power in this bill to private entities and the ACMA raises constitutional concerns. The principles established by the High Court reject such a delegation of lawmaking authority to entities not directly accountable to Parliament. This potential constitutional abdication of legislative power should be a cause for alarm.

Additionally, the power granted to the ACMA to enact Misinformation Codes and Digital Platform Rules violates the implied constitutional freedom of political communication. Matters related to public policy, scientific investigation, and debate, which are highly contested among political parties and interest groups, should not be subject to unnecessary limitations. Restricting legitimate discussions on these topics would unreasonably curtail the implied constitutional freedom of political communication.

Lastly, this bill creates two classes of citizens. Those deemed trustworthy, including the government, approved media, and educational institutions, are exempt from content monitoring, while others are subject to potential monitoring and reporting under the guise of combating misinformation. This division undermines the principles of equality and democratic participation.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 is profoundly flawed and threatens our freedom of speech and the democratic fabric of our society. I urge the Department to reconsider and address the concerns raised in this submission.

Sincerely,

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