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James Kenneth h McDonald

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19th August 2023

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To:

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

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

Dear Sir/Madam,

Firstly I resent the sneaky tactics whereby  
those creating this method of objection  
force is th people to have to spend many  
weeks researching the below information  
in order to respond.

Be well informed here, that we are prepared to use every legal means available to push back on this

And so to begin....

I am writing to express my strenuous objections to the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I am deeply concerned about the implications this bill holds for our freedom of speech and democratic values.

First and foremost, the existence of this bill demonstrates a lack of respect for the freedom of speech of Australian citizens. By creating two distinct categories of citizens, where certain individuals such as politicians, journalists, and members of educational institutions have the power to spread information, whether it is verifiable or not, while regular citizens are subject to punitive measures, this bill violates the principles of equality and fairness that underpin our democracy.

I firmly believe that the internet is a revolutionary democratic tool that has given a voice to ordinary individuals. However, this legislation poses a significant risk of disproportionately harming those regular citizens who rely on the internet as a platform to express their knowledge and insights, often surpassing the expertise of individuals in the privileged category mentioned above. The imposition of excessive fines and the absence of mechanisms to alleviate pressure within the industry will lead to a chilling effect on free speech, surpassing even the most restrictive digital services.

Moreover, determining the veracity or falsehood of information is an inherently complex task. As our understanding of various subjects continuously evolves, new information often contradicts previously accepted notions. As evidenced by various examples surrounding the COVID-19 pandemic, what was once considered factual information later turned out to be false or misleading. Under this bill, legitimate information could be categorized as misinformation, stifling open and honest discussions necessary for progress and the pursuit of truth.

Additionally, the inclusion of "misleading" or "deceptive" information within the scope of removal further erodes freedom of speech. Our society thrives on the ability to engage in open debates, allowing for the discovery of truth through collaboration and discourse. Attempts to curtail such discussions through legislation are tantamount to censorship and hinder the democratic process.

Even respected experts, such as Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, have expressed grave concerns about the scope and application of this bill. Dr. Coatsworth's statement underscores the challenges inherent in implementing legislation of this nature, raising doubts about its effectiveness and appropriateness.

Furthermore, this bill purports to protect minorities but may ultimately lead to their persecution. Often, progress requires challenging established facts and beliefs. However, this legislation's strict codes applied across all digital platforms leave minorities vulnerable without any recourse in the face of pushback from the system. This oppressive outcome is contrary to the bill's intended purpose and contradicts the very notion of progress.

Additionally, I wish to highlight the

constitutional concerns posed by this bill. By delegating legislative power to private entities that are not directly accountable to Parliament, the bill exceeds permissible limits. The power granted to the Australian Communications and Media Authority (ACMA) to administer Misinformation Codes and Standards infringes upon the implied constitutional freedom of political communication, a violation that cannot be remedied by the provisions stated in the bill.

Furthermore, the definition of "harm" as outlined in the bill encompasses matters of public policy and scientific investigation that are highly contested among political parties and interest groups. Any restriction on legitimate discussion in these areas infringes upon our implied constitutional freedom of political communication and poses a threat to the democratic values we hold dear.

Australia, as a founding member of the United Nations and a signatory of the Universal Declaration of Human Rights, must adhere to the principles espoused in Article 18 and Article 19. These articles emphasize the rights to freedom of thought, conscience, religion, opinion, and expression, which include the freedom to hold beliefs and to seek, receive, and impart information. Any attempt to categorize fundamental faith worldviews or tenets as misinformation demonstrates intolerance and contradicts the spirit of human rights.

In light of these concerns, I implore the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider and withdraw the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. Instead, I urge you to explore alternative approaches that uphold freedom of speech, protect democratic values, and facilitate open

discussions within our society.

Thank you for considering my submission. I trust that you will give due consideration to the issues raised herein to ensure that the voice of ordinary Australian citizens is heard and respected.

Yours faithfully,

J Kenneth McDonald

[StopAussieCensorship.org](http://StopAussieCensorship.org)

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