

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

Dear Sir/Madam,

I am writing to express my deep concern and outrage regarding the draft bill mentioned above. As an Australian citizen and a believer in the fundamental principles of freedom of speech and expression, I strongly believe that this bill undermines the very essence of democracy and poses a significant threat to the rights of regular citizens.

First and foremost, the existence of this bill clearly demonstrates a lack of respect for the freedom of speech of Australian citizens. By creating two classes of citizens, the bill grants politicians, journalists, and members of educational institutions the power to spread information, whether true or false, while regular citizens are subjected to strict restrictions. This division is unjust and fails to consider the knowledge and insights that regular citizens often possess, especially in specialized fields.

It is essential to acknowledge that the internet is the most innovative and empowering democratic invention in human history. It has provided a platform for ordinary individuals to voice their opinions and engage in open discussions. Unfortunately, this bill jeopardizes the ability of regular people to exercise their democratic right to free speech.

The bill's excessive fines will inevitably lead to the enforcement of more restrictive speech regulations on digital services than currently exist. Furthermore, the code proposed by this bill applies across the entire industry without any mechanisms for checks and balances. This is a dangerous precedent that will stifle free expression and impede open dialogue.

One of the most significant concerns about this bill is the impossible task of accurately determining what is true or false. As we have seen throughout history, previously accepted facts have often been proven false with the discovery of new information. Censoring content based on perceived misinformation is an arbitrary and flawed approach. For instance, the information related to COVID-19 has evolved over time, with many initial assumptions and statements later being disproven. Subjecting such information to potential removal or penalties under this legislation would be detrimental to the free exchange of ideas.

Furthermore, the bill's inclusion of misleading or deceptive but true information is deeply troubling. Freedom of speech allows for open and honest discussions, even when individuals hold differing opinions. The ability to express oneself, even when wrong, is crucial for finding common ground and reaching truth. By suppressing such conversations, this bill undermines the principles of free speech and democracy.

Even experts in the field, such as Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, have raised serious concerns about the scope and application of this bill. His statement on Twitter highlights the potential dangers of levying fines on information that may later turn out to be accurate.

Moreover, this bill appears to target large platforms while inadvertently including thousands of community websites due to its broad definitions. This broad reach will place an unreasonable burden and legal risk on website owners, limiting their freedom and liberty as well as their right to free speech and enterprise.

The proposed extraterritorial application of the bill is an overreach by Australia on the global Internet. Expecting foreign entities, who have no knowledge of Australian law or industry codes, to comply with this legislation is ignorant and unworkable. This bill risks isolating Australia from the global Internet and imposing legal risks on foreign service providers who may unknowingly violate its provisions.

As an Australian, I believe in upholding democratic values and principles, such as freedom of speech and freedom of the press. This bill contradicts those values by subjecting independent media organizations, journalists, and bloggers to complex reporting standards, misinformation reports, and potential reputation damage. This unfairly favors government-authorized publications, creating a system that incentivizes biased news coverage and stifles opposing voices.

In addition, this bill raises constitutional concerns, as it delegates legislative power to private entities that are not directly accountable to Parliament. The power granted to the ACMA violates the implied constitutional freedom of political communication and restricts legitimate discussions on matters of public policy and scientific investigation.

Finally, this bill disregards Australia's commitment to human rights and freedom of expression under international agreements such as the Universal Declaration of Human Rights. The categorization of fundamental faith worldviews as misinformation is intolerant and goes against the principles of religious freedom, diversity, and inclusivity.

In light of these concerns, I 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. It is essential to uphold the values of freedom of speech, open dialogue, and democratic principles, which are the cornerstone of our society.

Thank you for considering my feedback on this crucial issue. I trust that you will take into account the strong opposition to this bill and its potential harm to our democracy.

Yours sincerely,