



17 August, 2023

Department of Infrastructure, Transport, Regional Development, Communications
and the Arts
GPO Box 594,
CANBERRA ACT 2601

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 proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen who values freedom of speech and the power of the internet as a democratic tool, I strongly believe that this bill infringes upon our fundamental rights and negatively impacts the voice of regular citizens in our democracy.

Firstly, 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, with one group comprising politicians, journalists, and members of educational institutions who have the power to spread potentially false or misleading information, while ordinary citizens are subjected to restrictions, the government undermines the basic principles of democracy.

The internet has been a powerful democratic invention, giving regular people a platform to voice their opinions and knowledge. This bill threatens to disproportionately harm regular citizens who often have valuable insights and knowledge on various topics. The excessive fines outlined in this bill will lead to digital services being more restrictive of speech than even the most restrictive services currently, thereby inhibiting the free expression of opinions and ideas. The code's application across the entire industry without any "pressure escape valves" further compounds this harm.

Furthermore, it is impossible to accurately judge what is true or untrue. Information and knowledge are constantly evolving, with new discoveries often contradicting previously widely accepted facts. History has shown us numerous instances where authorities and expert consensus have been proven wrong, as evidenced by the list

of COVID-19-related information that has been repeatedly revised. Imposing industry or mandatory codes, as proposed by this bill, could lead to the removal of information that might later be proven true, hindering open and honest discussions necessary for finding common ground and uncovering the truth.

Even experts, such as Dr. Nick Coatsworth, who was once a Deputy Chief Medical Officer of Australia, have expressed serious concerns about the scope and application of this bill. His statement on Twitter highlights the difficulty in implementing such legislation and the potential for fines to be levied on information that turns out to be accurate or non-harmful.

Additionally, the influence of industry bodies, often funded and stacked by the biggest players in the industry, raises concerns about the creation of onerous codes that impede competition and the entry of new competitors. By granting the largest digital services the ability to write their own regulations and impose them on smaller competitors, this bill not only stifles competition but also undermines the free-market dynamics that have shown evidence of working in the regulation of misinformation and disinformation.

Moreover, the proposed bill's extraterritorial application and broad definitions subject foreign entities to Australian laws and industry codes without their knowledge or representation. This raises issues of jurisdiction and creates an unworkable concept that threatens the global nature of the internet. The potential legal risks and uncertainties for foreign website owners, including potential fines and imprisonment, are unreasonable and could lead to Australia's isolation from the global internet community.

Furthermore, the proposed bill's conflict with the News Media Bargaining Code (NMBC) enacted in 2021 highlights the government's contribution to limiting digital services' ability to address misinformation and disinformation. By pressuring digital platforms to pay money to eligible news organisations and designating certain content as "covered news content," the NMBC has already compromised the availability of diverse viewpoints. The proposed bill, by hinting at the potential benefits of fact-checkers and other methods involving news content, contradicts the limitations imposed by the NMBC and further restricts legitimate discussions on matters of public policy and scientific investigation.

The proposed bill also undermines the principles of freedom of thought, conscience, and religion, as well as freedom of opinion and expression, as outlined in the Universal Declaration of Human Rights. By categorizing certain viewpoints, including those rooted in faith, as misinformation or disinformation, the bill not only restricts diversity in viewpoints but also fails to recognize the importance of different perspectives in the democratic sense-making process.

Additionally, the threats and impositions levied upon digital platform providers and ordinary users, who may be hauled before ACMA, create a climate of fear and intimidation. The potential reputational damage, financial penalties, and burdensome reporting requirements imposed on digital platform providers are onerous and may lead to financial loss or insolvency. Similarly, the threats to ordinary users exposed to potential harassment and the expectation of dobbing-in on fellow citizens are reminiscent of oppressive regimes and contrary to Australian values of mateship and freedom.

In conclusion, I strongly believe that the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 infringes upon the freedom of speech, undermines the power of the internet as a democratic tool, and creates a climate of fear and restriction. This bill, in its current state, represents an unconstitutional abdication of legislative power and violates the implied constitutional freedom of political communication. It fails to consider the experiences and viewpoints of ordinary Australians while granting excessive power to government-accredited entities. I urge you to reconsider the provisions outlined in this bill and prioritize the protection of freedom, democracy, and diversity of perspectives.

Thank you for considering my feedback. I trust that you will take into account the concerns raised by many Australians who believe in the principles of democracy, freedom of speech, and the power of an open and unrestricted internet.

Yours sincerely,

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