

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

I am writing in response to the draft bill titled "Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023." As an Australian citizen, I am deeply outraged and angry at the existence of this bill, which, in my view, clearly disregards the freedom of speech that is fundamental to our democracy.

One of my main concerns with this bill is its creation of two classes of citizens. The first class includes politicians, journalists, and members of educational institutions who would have the power to spread information, whether true or false, online. The second class comprises regular citizens, who often have greater knowledge on particular topics, such as industry insiders. This distinction risks disproportionately harming regular people, who have found their voice through the Internet, which is the most powerful democratic invention humanity has ever created.

Furthermore, the excessive fines outlined in this bill would lead digital services to be more restrictive in their speech than even the most stringent services currently are. The lack of "pressure escape valves" within the system compounds the harm caused by the code's application across the entire industry. This will severely limit freedom of speech, which is a fundamental part of open and honest discussions that allow for the exploration of truth and the finding of common ground.

Another significant flaw in this bill is the impossible task of accurately determining what is true or false. New information is continuously emerging that contradicts previously widely accepted facts. For instance, authorities and expert consensus have proclaimed certain statements as fact, only to later discover their falsehood. These include claims related to the COVID-19 pandemic, such as the efficacy of masks, human-to-human transmission, and vaccine effectiveness. Under this legislation, such statements could be considered public health misinformation subject to removal. Even more concerning is the inclusion of true information deemed "misleading" or "deceptive." Freedom of speech allows for the open debate of truth until common ground is reached, and bills like this limit that essential process.

It is worth noting that even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has expressed serious concerns about the scope and application of this bill through his personal Twitter account. His tweet on June 25th, 2023, highlighted the challenge in implementing such legislation and the likelihood of fines being levied for information that turns out to be false.

Moreover, this bill's focus on large platforms like Facebook, Reddit, and Twitter inadvertently brings thousands of community websites within its scope. This broad definition overlooks the diverse range of community websites that contribute to the social web and could face fines without even realizing they need to comply with industry codes.

The proposed legislation would impose an unreasonable restriction on my freedom, liberty, and my right to freedom of speech and enterprise. It feels akin to the Australian government setting speed limits on every road globally without informing people of what those limits are.

Under this bill, website owners worldwide, including individuals and companies, would be at risk of fines for allowing social features on their platforms. These fines could reach AU\$2,500,000 for companies and AU\$500,000 for individuals. Many smaller websites operate as companies to generate advertising income and pay for hosting bills. These websites may not even be aware of the existence of industry codes, let alone their compliance requirements. It is impractical and unfair to hold foreign website owners accountable for laws they are unaware of or do not understand.

This legislation's extraterritorial application makes it even more unworkable and introduces uncertainty into the global internet realm. The expectation that large and small foreign digital services must comply without knowledge of Australian law, industry codes, or representation on industry bodies is wholly ignorant.

I draw your attention to the recent admonishment of the Hong Kong government by the Australian

government for charges levied extraterritorially under the Hong Kong National Security Laws against Hong Kong activists based in Australia. It is hypocritical to publicly oppose such actions while proposing legislation that applies extraterritorially in a similar manner.

Furthermore, the bill's potential impact on minorities is deeply concerning. It risks further persecution of minorities who often find themselves oppressed by existing political realities. Progress is often achieved by challenging previous widely held beliefs, and this bill removes any shelter for minorities when the system pushes back against them.

This bill assumes that government, its accredited media, and educational institutions can determine what is true without considering the viewpoints and experiences of ordinary Australians. It stifles diversity in viewpoints by deplatforming certain perspectives as misinformation or disinformation before they can even be shared. Open and diverse viewpoints are essential in the process of sense-making and considering all possibilities.

The bill also includes threats of interference directed towards digital platform providers and ordinary users. Digital platform providers face threats of reputational damage, financial penalties, and business inefficiencies that could lead to significant financial loss or insolvency. Ordinary users could face stress, distress, and wasted time if hauled before ACMA.

Such threats and actions of interference resemble an authoritarian government rather than the democratic principles on which Australia was built. The requirement for ordinary citizens to potentially report on their friends, families, or political co-agitators is reminiscent of a surveillance state rather than the mateship we value as Australians.

The foundations of our democracy rely on citizens accessing information to make informed voting decisions, much of which is now available on digital platforms. However, with this bill categorizing certain political party viewpoints as misinformation and mandating their removal, voters will be left in the dark.

This bill further divides citizens into two classes: those whom the government deems trustworthy to participate in public forums without monitoring and reporting, and those who are deemed incapable of offering viewpoints worthy of consideration. This categorization disregards the principles enshrined in the Universal Declaration of Human Rights and contradicts Australia's commitment to freedom of thought, conscience, religion, opinion, and expression.

In its current state, the proposed bill represents an overextension of Australian law onto foreign entities in an entitled and ignorant manner. It is crucial to remember that we, as a member of the international community, reject such impositions when they affect Australians. We should not be creating laws that unfairly impact foreigners in the same way.

I urge you to reconsider this bill and take into account the concerns raised in this submission. It is imperative to protect freedom of speech, diversity of viewpoints, and the democratic principles that underpin our society.

Yours sincerely,