

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

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 over the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I strongly believe that this bill undermines the freedom of speech that is fundamental to our democracy.

This bill sets out to create two classes of citizens, with certain individuals such as politicians, journalists, and members of educational institutions granted the power to spread information online, regardless of its accuracy. Meanwhile, regular citizens, who often possess valuable knowledge and expertise, are placed in the second category, risking the suppression of their voices. This bill puts the power of the internet in the hands of a select group, disproportionately affecting regular people.

Furthermore, the excessive fines prescribed in the bill will coerce digital services into becoming more restrictive with regards to speech, surpassing even the most stringent restrictions currently in place. This will be detrimental to open dialogue and the free exchange of ideas. Additionally, the bill's applicability across the entire industry without any room for flexibility only compounds the harm it will cause.

One major flaw in this bill is the impossible task of accurately determining what is true or untrue. Science and knowledge are always evolving, and what was once considered factual can later be proved false. For example, we were told by the government and its departments many things about COVID-19 and the vaccines that later proved to be untrue. ("It was a deadly pandemic", in fact proved to be approximately as deadly as the seasonal flu, "That the vaccines prevented transmission" – patently untrue, "That it was only being spread by the unvaccinated", also patently untrue, "Masks prevented the spread" also untrue)

Under this legislation, even true information deemed misleading or deceptive could be subject to removal. This has already happened - Facebook groups of vaccine injured people were removed with no notice or opportunity to protest. Freedom of speech enables open and honest discussions to take place, allowing for the exploration of ideas and fostering the search for truth.

It is concerning that even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has expressed serious reservations about the scope and application of this bill. His critique highlights the inherent risks of implementing such sweeping legislation that claims to combat misinformation.

Moreover, this bill, intended to protect minorities, may inadvertently result in their persecution. Often, minorities need to challenge existing beliefs and consensus to achieve progress. By mandating a single code to be applied to every digital platform, this bill denies minorities a safe space for discourse, hindering progress.

Furthermore, the proposed delegation of legislative power to private entities and the ACMA violates

the principles upon which our democracy is built. Parliament should be responsible for lawmaking, not private entities or agencies. This arrangement undermines the balance of power and represents an unconstitutional abdication of legislative authority.

The power granted to the ACMA to enforce Misinformation Codes and enact standards and rules infringes upon the implied constitutional freedom of political communication. The definition of "harm" in the bill encompasses highly contested public policy matters, stifling legitimate discussion and limiting the freedom of political communication.

This bill asserts the Government's and accredited institutions' authority in determining the truth, the government itself is exempt from scrutiny, it can publish as much dis/misinformation as it likes while disregarding the experiences and viewpoints of ordinary Australians. This smacks of totalitarianism, not what should be happening in a democracy. By de-platforming certain views as misinformation or disinformation, diversity in viewpoints is curtailed, impeding the essential process of a democratic country, freedom of speech.

Not only does this bill disempower ordinary citizens by suppressing their viewpoints, but it also threatens digital platform providers and individuals who dare to express dissenting opinions. The threats of reputational damage, financial penalties, and interference with personal lives are reminiscent of oppressive regimes and antithetical to Australian values.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 is deeply concerning and poses a threat to our fundamental rights and freedoms. It divides citizens into classes, restricts speech, and stifles democratic discourse. I urge the Department to reconsider this bill and take into account the legitimate concerns raised by experts and ordinary Australians alike.

Thank you for considering my feedback.

Sincerely,

A solid black rectangular box used to redact the sender's name and signature.