

19th August 2023

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

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

To whom this concerns,

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, I firmly believe that this bill not only infringes upon our freedom of speech, but also creates a deeply troubling division among our society.

To begin with, the bill establishes two distinct classes of citizens, which is an affront to our democratic values. The first class comprises politicians, journalists, and members of educational institutions who are given the power to disseminate information – regardless of its accuracy – online. Meanwhile, the second class includes ordinary citizens who may possess a wealth of knowledge on various topics, including industry insiders. This legislation places disproportionate restrictions on regular people, undermining the very essence of democracy which gives them a voice.

Furthermore, the bill's excessive fines will drastically limit freedom of speech on digital platforms, even more so than what is currently observed. The wide application of the code across the entire industry, without any escape valves or safeguards, exacerbates the potential harm it can cause. It is impractical and unfair to expect online platforms to accurately judge what is true or false, especially considering the constantly evolving nature of information. The examples of widely accepted facts that were later proven false, as mentioned in the provided text, highlight the challenges in determining the validity of information.

Moreover, the legislation extends its reach beyond provably false information and includes information that is considered "misleading" or "deceptive." This only serves to hinder open and honest discussions, where ideas can be debated to arrive at a common understanding. It is ironic that the bill claims to support truth rather than censorship, when even esteemed individuals like Dr. Nick Coatsworth, a former Deputy Chief Medical Officer, have raised significant concerns about its scope and application.

Additionally, the bill's focus on large platforms like Facebook, Reddit, and Twitter fails to consider the implications for thousands of community websites that are part of the "social web." The broad definitions included in the legislation unintentionally encompass numerous websites, creating an unreasonable burden on individuals and small organizations. The potential legal risks faced by website owners, both in Australia and around the world, would severely curtail freedom of speech and enterprise.

It is disconcerting that the proposed bill allows private entities, responsible only to themselves, to create and enforce Misinformation Codes as law. This contravenes the principle of parliamentary responsibility and raises significant constitutional concerns regarding delegation of legislative power. Similarly, the bill's infringement upon the implied constitutional freedom of political communication, without due regard to contested matters and public debate, further undermines our democratic values.

Moreover, the assumption that only the Government and accredited institutions can determine what is true or false neglects the experiences and viewpoints of ordinary Australians. This lack of diversity in viewpoints hampers the vital process of sense-making and neglects the importance of considering all possibilities. By categorizing certain views as misinformation, the bill undermines the participation of ordinary people in public discourse and falsely assumes that their viewpoints pose a greater risk than those of the Government or approved institutions.

The bill also employs threats and intimidation against digital platform providers and ordinary users, further eroding our democratic and inclusive values. Imposing reputational damage, financial penalties, and burdensome reporting requirements on the platform providers creates an unfair and unbalanced playing field. Similarly, subjecting individuals to potential distress and requiring them to report on their friends, families, work colleagues is reminiscent of authoritarian regimes rather than the Australian values of mateship and camaraderie.

Lastly, the bill's potential impact on independent media organizations, journalists, and bloggers is deeply concerning. By subjecting them to complex reporting standards and potential misinformation reports, their reputations may be harmed, making it increasingly difficult for them to operate and provide alternative perspectives. This disproportionately benefits Government-approved journalists, who may receive financial incentives for support and favourable coverage.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 is an affront to our democratic principles and individual freedoms, particularly freedom of speech and expression. It disregards the diversity of viewpoints and undermines public trust in information by placing excessive power in the hands of select individuals and institutions. I strongly urge you to reconsider the provisions of this bill and ensure that Australian citizens' rights and liberties are protected.

Thank you for your attention to this matter.

Yours sincerely,

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