

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

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

To whom it may concern,

I write this submission with immense anger and outrage regarding the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I strongly believe that this bill has been formulated without considering the ramifications it would impose on smaller community websites and the fundamental liberties of individuals.

The bill predominantly focuses on regulating platforms like Facebook, Reddit, and Twitter, but inadvertently encompasses countless community websites that are part of the "social web" due to its broad definitions. This approach is discriminatory and fails to discern between large-scale platforms and smaller websites operated by individuals or small companies.

I firmly assert that the legal risks imposed by this bill would severely restrict my freedom and liberty, infringing upon my right to freedom of speech and enterprise. The broad and ignorant nature of the law is akin to a scenario where the Australian government sets a speed limit on every road across the globe, without even informing people about the specified limit. Such a concept is preposterous and contradictory to the principles of democracy and individual autonomy.

Under this bill, any website owner around the world that incorporates social features such as comment sections or forums would be potentially subject to exorbitant fines. Individual website owners face fines of up to AU\$500,000, while companies, including smaller websites that rely on advertising income, could be hit with fines of AU\$2,500,000. These penalties are far disproportionate and create an unbearable burden on individuals and small businesses.

Furthermore, non-compliance with industry-created codes is deemed an offence under this bill. However, it is unreasonable to expect website owners to comply with codes they may not even be aware of. Will foreign website owners, who are oblivious to these industry codes, face fines upon arriving at the border? The implications of such enforcement measures would be not only unjust but also impractical.

To complicate matters further, the growing migration from platforms like Twitter to alternatives such as Mastodon raises questions about the bill's reach. Mastodon, a decentralized social media network, has approximately 7,500 servers run by a diverse range of individuals and organizations. Are these server owners expected to adhere to Australian industry codes even if they operate from overseas and leave their servers accessible to the global internet community? Should they block Australian users from accessing their servers to avoid legal risks associated with enforcing these industry codes?

It is crucial to recognize that the proposed bill undermines the principles of free expression and imposes unreasonable restrictions on individuals and small-scale website owners who may not possess the resources or awareness to comply with ever-changing industry codes. I call upon the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts to withdraw this bill or undertake substantial revisions to address these concerns adequately.

Thank you for considering my submission. I trust that you will take into account the genuine grievances and outrage expressed by individuals who value their freedom and liberty.

Yours sincerely,

Jolanta Jablonska