

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

I am writing to express my grave concern at the draft bill titled "Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023". As an Australian citizen, I firmly believe that this bill undermines our fundamental right to freedom of speech.

The creation of two classes of citizens, where politicians, journalists, and members of educational institutions are given the power to spread information while regular citizens are restricted, is a stark indication that this government does not respect the principles of freedom of speech. It is unjust to assume that regular citizens lack the knowledge or insight to contribute to the public discourse on various topics, including those on which they possess industry expertise.

The proposed legislation presents a significant risk in undermining the power of the internet, which I believe is the most powerful democratic invention ever created. The internet has allowed regular people to have a voice and participate in shaping our democracy. This bill threatens to disproportionately harm ordinary individuals who rely on the internet to engage in open and honest discussions.

The excessive fines outlined in the bill will undoubtedly lead to an environment where digital services are more restrictive of speech than they currently are. The problem is exacerbated by the fact that the code applies to the entire industry without any mechanisms for relief or flexibility. This lack of escape valves further restricts freedom of speech in an already constricted digital landscape.

The task of accurately determining what is true or untrue is impossible. History has shown that what was once considered widely accepted fact can later be proven false due to new information and discoveries. The examples listed in the text demonstrate the fluid nature of knowledge. Subjecting information providers to potential fines for disseminating information that was considered true at the time but later found to be false stifles the progress of knowledge and the ability to engage in open debates.

Furthermore, the bill does not target only provably false information but also includes true information that is deemed "misleading" or "deceptive". Freedom of speech is vital as it allows for open and honest discussions, even when perspectives differ. It is through these discussions that common ground and truth can be found.

The government must also consider the implications for the global digital landscape. For instance, platforms like Mastodon, which are attracting users seeking alternatives to platforms like Twitter, would be subject to compliance with Australian industry codes. This requirement raises questions about international enforcement and the potential blocking of Australian users, limiting their access to diverse social media networks based on legal risks.

The bill delegates legislative power to private entities, effectively abdicating the legislative power of Parliament. This delegation violates constitutional freedoms, including the freedom of political communication and freedom of opinion and expression. These freedoms are crucial for a functioning democracy and should not be curtailed by legislation.

By categorizing certain political party viewpoints as misinformation and authorizing their removal from digital platforms, this bill undermines the democratic process itself. Voters will be deprived of access to information necessary for making informed decisions. Independent media organizations, journalists, and bloggers will face complex reporting standards and harassment through misinformation reports, while government-approved journalists will benefit financially.

Australia's commitment to the Universal Declaration of Human Rights, including the right to freedom of thought, conscience, religion, and freedom of opinion and expression, should not be undermined. It is crucial to consider diverse viewpoints and allow for legitimate discussions on matters of public policy and scientific investigation.

This bill lacks consideration for the experiences and viewpoints of ordinary Australians and assumes that

the government and accredited institutions hold the authority to determine what is true. Diversity in viewpoints is essential for the sense-making process, allowing for all possibilities to be considered. Silencing or categorizing certain views as misinformation or disinformation before they can be shared hinders this process and disempowers ordinary citizens.

I firmly believe that as a society we should direct our efforts and energy toward healthy, respectful debate, discussion and sharing of information. Ideas when shared can be transformative in the best ways. Good ideas and truth have a way of "rising to the top", like the cream in milk. Bad ideas, information and hateful attitudes likewise tend to fall away and be ignored by the majority who are pretty good at discerning truth from lies. This draft bill would stifle or, I fear, destroy this natural and healthy way of the growth of knowledge and information.

The threats outlined in the bill, directed towards both digital platform providers and ordinary users, further erode trust in the democratic system. Imposing negative records, burdensome reporting requirements, and civil penalties on platform providers damages their reputation and financial stability. Subjecting individuals to ACMA hearings and potentially forcing them to report on friends and family is reminiscent of oppressive regimes, or Orwell's novel 1984.

In conclusion, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider this draft bill. It not only undermines freedom of speech and democratic values but fails to account for the complexities of information dissemination and the potential for stifling diverse perspectives. It is crucial that legislation supports, rather than restricts, the democratic process and the freedom of expression and opinion that Australians hold dear.

Yours sincerely,  
Alan Williamson