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20/08/2023

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

Sydney NSW 2000

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

Dear Sir/Madam,

I am writing to express my deep concern and opposition to the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. As an Australian citizen, I find this bill to be an outrageous attack on the freedom of speech and the democratic ideals that are the foundation of our society.

Firstly, I strongly believe that this bill undermines the freedom of speech of Australian citizens. By creating two classes of citizens, one with the power to spread information, whether true or false, and the other without that power, the government is setting a dangerous precedent. It is essential to recognize that regular citizens often possess valuable knowledge and insights that may surpass those of politicians, journalists, and members of educational institutions.

Secondly, I firmly believe that the internet is a paramount democratic innovation that has given a voice to ordinary people. This bill, however, poses a significant risk to those very people it claims to protect. The excessive fines and restrictive speech regulations imposed by this bill will stifle open discourse and disproportionately harm regular citizens who rely on the internet to express their opinions and share their knowledge.

Furthermore, I contend that it is virtually impossible to accurately judge what is true or untrue. The rapidly evolving nature of information means that what was once considered fact can later be proven false. History is riddled with examples of widely accepted information that was later discovered to be incorrect. Imposing industry codes that can remove content based on the possibility of misinformation or deception is a direct infringement on our freedom of speech, hindering our ability to engage in open and honest discussions.

Concerns about the scope and application of this bill have been raised even by experts in the field. Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has expressed serious reservations about the implementation of this bill, highlighting the

risk of levying fines on information that is not or turn out not to be misinformation.

Moreover, the proposed bill places too much power in the hands of industry bodies, potentially leading to anti-competitive practices and stifling innovation. The influence of major players in a particular industry can create onerous codes that only benefit large digital services while preventing new entrants from competing fairly. This goes against the principles of free-market competition and negatively impacts consumers.

It is crucial to consider that the regulation of misinformation and disinformation is already being addressed organically through the market. Users have been migrating from platforms with lax policies to alternative services that better meet community expectations. This natural competition promotes the development of platforms that align with user demands and concerns.

Additionally, the extraterritorial application of this bill represents a significant overreach by Australia onto foreign entities. It is unreasonable to expect foreign digital services, with no knowledge of Australian law or industry codes, to comply with broad regulations that can lead to hefty fines. This approach could isolate Australia from the global internet and impede efforts to lower barriers for competitors in the digital landscape.

Furthermore, the threats and intimidation tactics embedded within this bill, including reputational damage, financial penalties, and investigations, will have a chilling effect on freedom of expression. The notion of citizens being compelled to report on their friends, families, or political allies is reminiscent of oppressive regimes and is uncharacteristically un-Australian.

This bill undermines the democratic process by categorizing certain political party viewpoints as misinformation and potentially removing them from digital platforms. Such actions hinder the ability of voters to make informed decisions and curtail the diversity of viewpoints necessary for open discourse and sense-making.

Lastly, I must emphasize that this bill has significant implications for religious freedom. The classification of fundamental faith worldviews or tenets as misinformation is not only intolerant but also violates the rights outlined in the Universal Declaration of Human Rights.

In conclusion, I vehemently oppose the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. Its infringement on freedom of speech, the disproportionate impact on regular citizens, the inability to accurately discern truth from falsehood, the monopolistic power it grants to industry bodies, the extraterritorial application, and the threats to digital platform providers and ordinary users are deeply concerning. I implore the Department to reconsider and withdraw this bill.

Thank you for considering my views and feedback. I trust that you will take them into account during the review process. Please feel free to contact me if you require any further information or clarification.

Kind Regards,

