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20.08.2023

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

Re: Submission on Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

Dear Sir/Madam,

I write to express my deep concern and outrage regarding the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. As an Australian citizen and a firm believer in the fundamental principles of freedom of speech, I find this bill to be a clear infringement on the rights and liberties of Australian citizens.

It is distressing to see that this bill creates two distinct classes of citizens, with politicians, journalists, and members of educational institutions being granted the power to spread information, whether deemed accurate or not, while regular citizens are subject to restrictions. This classification overlooks the valuable knowledge that regular citizens possess, often surpassing that of industry insiders. The internet has empowered regular people, providing them with a voice, and this bill poses a significant risk to silencing their perspectives and opinions disproportionately.

The excessive fines outlined in the bill lead to a restrictive environment for digital services, surpassing even the most stringent limitations currently in place. The universal application of the code with no "pressure escape valves" further compounds the harm. It is an impossible task to ascertain what is true or untrue, as new information regularly emerges, often challenging previously accepted facts. The listed examples of widely accepted misinformation during the COVID-19 pandemic highlight the fallibility of authorities and expert consensus. Under this legislation, such information, whether provably false or simply misleading, could be subject to removal. This poses a grave threat to the principles of open and honest discussions and the pursuit of truth through debate.

Even prominent experts, such as Dr. Nick Coatsworth, have expressed concerns about the scope and application of this bill. His remark regarding the impossibility of implementing such legislation raises serious doubts about the effectiveness and appropriateness of this bill. It is disheartening to witness a bill that claims to be on the side of truth inadvertently stifling the freedom of speech and expression.

Additionally, the influence of industry bodies, often dominated by major players with vested interests, raises concerns about the proposed industry codes. There is a high likelihood that these codes will create barriers for smaller digital services and impede competition. This restricts the potential for new entrants to flourish and establish themselves in the industry. The bill effectively grants the largest digital services the power to set their own regulations, resulting in damage to smaller competitors through onerous regulatory requirements.

Furthermore, the bill's extraterritorial reach creates an unworkable scenario where foreign entities, with no knowledge of Australian law or industry codes, are expected to comply. This overextension of Australian law onto foreign entities risks alienating Australia from the global Internet community, hindering competition and impacting consumers.

The legislation's impact on freedom of political communication should not be overlooked. By designating certain political party viewpoints as misinformation, the bill curtails public debates and compromises voters' ability to access the information necessary for informed decision-making. The government-approved journalists and educators will enjoy preferential treatment, while independent media organizations and bloggers will be subjected to complex reporting standards and misinformation campaigns hampering their reputation. This unequal treatment stifles diversity of viewpoints and undermines the democratic process.

I must emphasize that the proposed bill is incompatible with the principles enshrined in international agreements to which Australia is a signatory. The Universal Declaration of Human Rights guarantees the right to freedom of thought, conscience, opinion, and expression, without interference from governments, regardless of borders. The bill's potential impact on religious beliefs and faith-based worldviews raises serious concerns about religious freedom.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 poses a significant threat to the freedom of speech, expression, and diversity of viewpoints that are vital to a healthy democracy. This bill disregards the valuable perspectives of regular citizens, limits competition and innovation in the digital services industry, and fails to recognize the importance of open and honest debates. I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider this bill and its implications for the fundamental rights and freedoms of Australian citizens.

Thank you for considering my submission. I trust that my concerns will be taken into account during the evaluation of the bill.

Yours sincerely,

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