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20th August 2023

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

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

Dear Sir/Madam,

I am writing this submission to express my outrage and deep concern regarding the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. It is evident that this bill reflects a disregard for the freedom of speech of Australian citizens, threatening the democratic principles upon which our nation is built.

The proposed bill creates a clear distinction between two classes of citizens – namely, politicians, journalists, and members of educational institutions who are granted the authority to disseminate information that may be deemed true or false, and regular citizens, who are denied the same privilege, despite often possessing a greater depth of knowledge on various subjects, including insights gained from industry experience. This disparity places the voices of regular citizens at risk and undermines the power of the internet as an emblem of democracy.

Moreover, the excessive fines imposed by the bill will result in digital services being more restrictive in enabling free speech than any existing regulations allow. The all-encompassing nature of the code further exacerbates the potential harm, as it offers no safeguards or mechanisms to mitigate the restrictions imposed on online discourse.

Attempting to accurately discern between truth and falsehood is an arduous task. New information frequently emerges that contradicts previously accepted facts. The list of examples provided clearly illustrates how certain authoritative statements were later proven to be incorrect. Under this legislation, such well-intentioned information could easily be classified as misinformation causing public health harm, leading to its removal. It is worth noting that the bill's scope also includes information that may be deemed misleading or deceptive, further curbing our freedom of speech and hindering meaningful dialogue.

Governments and proponents of bills such as this often purport to champion truth rather than censorship. However, it is disconcerting when even experts, such as former Deputy Chief Medical Officer Dr. Nick Coatsworth, express serious reservations about the bill's broad application. His scathing critique, shared via his personal Twitter account, raises questions

about the credibility and effectiveness of this legislation.

Additionally, the proposed bill's delegation of legislative power to private entities, such as the registration of Misinformation Codes, violates the principle of responsible delegation to entities directly accountable to Parliament. This arrangement amounts to an unconstitutional abdication of Parliament's legislative power.

Furthermore, provisions within the bill that determine what constitutes misinformation and serious harm impinge upon the implied constitutional freedom of political communication. Matters related to public policy, such as harm to health, the environment, and the economy, are subjects of vigorous political debate, scientific investigation, and differing perspectives. Limiting legitimate discussion on these matters would unjustly curtail our freedom of political communication.

The bill assumes that the government and its accredited media and educational institutions possess the sole authority to decide what is true, disregarding the experiences and viewpoints of ordinary Australians. Without diversity in viewpoints, the process of sense-making becomes undermined, inhibiting the exploration of all possibilities. The bill effectively silences certain views before they can be shared, eroding the essence of a democratic society.

Moreover, the legislation intimidates both digital platform providers and ordinary users, levying threats of reputational damage, financial penalties, and burdensome requirements. In the case of the latter, the prospect of being compelled to appear before the ACMA can cause undue stress and disruption in their lives. The potential expectation for individuals to report on others, reminiscent of Soviet-era tactics, is entirely antithetical to Australian values and the spirit of mateship.

Ultimately, this bill risks plunging voters into darkness by categorizing certain political party viewpoints as misinformation and censoring them from digital platforms. Access to crucial information pertaining to voting decisions is paramount in a democratic society, and this bill has the potential to thwart that access.

In conclusion, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the implications of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. It is essential to uphold the democratic ideals of freedom of speech, diverse viewpoints, and citizen engagement in the public discourse. I implore you to withdraw this bill and seek alternative measures that respect the rights and voices of all Australians.

Thank you for considering my submission. I trust that you will take into account the concerns raised, as well as the potential ramifications of this bill on our democratic society.

Yours sincerely,

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