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Department of Infrastructure, Transport, Regional Development, Communications and the Arts
GPO Box 594
Canberra Act 2601

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

Dear Sir/Madam,

I am writing to express my deep concerns and outrage regarding the draft bill titled "Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023." It is disheartening to witness the proposed infringement on the freedom of speech and expression of Australian citizens. This bill creates a clear divide between two classes of citizens, promoting a biased system with disproportionate power in the hands of individuals such as politicians, journalists, and members of educational institutions.

As an Australian citizen, I strongly believe that the internet is one of the most powerful democratic inventions in human history. It provides a platform for regular people to voice their opinions and perspectives, often possessing valuable knowledge on various topics. However, this bill poses a significant risk to the voice of ordinary individuals in our democracy.

The excessive fines outlined in this bill will lead to increased restrictions on freedom of speech, surpassing even the most stringent regulations currently in place for digital services. Furthermore, the lack of "pressure escape valves" within the system compounds the potential harm it can cause. This broad industry-wide code fails to consider the nuances and complexities of accurately distinguishing between what is true and untrue.

The ever-evolving nature of information and scientific discoveries makes it impossible to accurately judge what is true or false. History has shown numerous examples of information initially accepted as fact, later being proven false or misleading. This legislation, with its focus

on public health misinformation, fails to account for the progression and refinement of scientific knowledge.

Moreover, the removal of not just provably false information but also "misleading" or "deceptive" true information further infringes upon freedom of speech. Open and honest discussions are essential for the discovery of truth and the finding of common ground. The introduction of this bill raises serious concerns about the government's stance on censorship and the suppression of differing viewpoints.

Even esteemed experts, such as Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, have expressed serious concerns about the scope and application of this bill. His Twitter post questioning the feasibility and potential for levying fines indicates skepticism towards the implementation of this legislation.

Additionally, this bill has the potential to be exploited by industry bodies to create onerous codes that primarily benefit large digital service providers, effectively stifling competition and hindering new entrants to the industry. The intense influence exerted by major players within these industry bodies leaves smaller competitors at a disadvantage, unable to comply with complex and demanding regulations.

Furthermore, the proposed bill disregards the efforts of global competition regulators to lower barriers of entry for platforms, placing Australia at odds with international standards. The broad definitions used in this bill encompass thousands of community websites, burdening them with legal risks and discouraging innovation and participation in the digital space.

The extraterritorial application of this bill is an excessive overreach that undermines the principles of a global internet. Expecting foreign entities to comply with Australian law, industry codes, and regulations without knowledge or representation is impractical and counterproductive.

I would like to draw your attention to the implications of this bill in relation to the Australian government's stance on laws extraterritorially impacting Australian citizens. The recent criticism of Hong Kong's extraterritorial charges against activists based in Australia highlights the hypocrisy of implementing similar measures within our own legislation.

Furthermore, the potential repercussions of this bill, including fines and imprisonment, for Australians running websites in Australia while unknowingly violating foreign laws would greatly undermine individual freedoms and protections.

The proposed bill requires foreign entities, with no knowledge of Australian law or industry

codes, to comply with these standards. This expectation is wholly impractical and inconsistent with the principles of fairness and international cooperation.

Additionally, the limitations imposed by this bill on digital services' ability to address misinformation and disinformation contradict the News Media Bargaining Code (NMBC) passed in 2021. The NMBC restricts designated platforms from showing content that counterbalances misinformation and disinformation while favoring eligible news media organizations. The conflicting objectives of these two bills undermine the government's credibility in addressing these issues effectively.

This bill divides citizens into two classes, privileging the viewpoints of government-approved institutions while infringing on the rights and perspectives of ordinary Australians. This approach stifles diversity in viewpoints and undermines the principles of democracy and open dialogue.

Furthermore, the threats imposed on digital platform providers and ordinary users of these platforms only serve to disempower and silence voices. Imposing negative records, financial penalties, and reputational damage on platform providers, along with the threat of reporting users to regulatory bodies, creates a climate of fear and exclusion.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 is deeply concerning and represents a clear infringement on freedom of speech and expression. It fails to account for the complexities of discerning truth and misinformation while undermining competition, international cooperation, and the principles of democracy.

I urge you to reconsider and re-evaluate the provisions outlined in this bill, taking into account the concerns raised by experts, citizens, and the international community. It is essential to protect and promote freedom of speech while fostering an environment that encourages open and diverse opinions. Surely no democratic government could possibly want this bill. This is the stuff that dictatorships and communist regimes want in place. Australia, at least up until now has been a proud democracy. God help us if this changes.

Thank you for considering my submission. I trust that you will give careful thought to the serious implications of this bill and work towards a fair and balanced resolution.

Yours sincerely,
Roberta Gilmour