

Martin Johansson



20/08/2023

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 to express my deep concern and outrage regarding the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I strongly believe that this bill undermines the freedom of speech and restricts the power of regular people in our democracy.

The bill creates a distinct division between different classes of citizens, with politicians, journalists, and members of educational institutions given the power to spread information, whether true or false. This diminishes the voice and knowledge of regular citizens who often possess deep industry insights and expertise. The Internet has been a powerful tool for democratic participation, empowering ordinary people to share their thoughts and engage in meaningful discussions. However, this law threatens to disproportionately harm regular citizens.

The excessive fines imposed by the bill will lead to digital services becoming more restrictive with speech than ever before. Rather than providing relief or protection, the bill applies across the entire industry without any provisions for accountability or review. This broad application without escape valves will stifle free expression and obstruct open and honest discussions.

Furthermore, the task of accurately discerning what is true or false is an impossible one. The nature of knowledge and information constantly evolves, and what was

once considered factual can be disproven later. History has shown us numerous instances where experts and authorities have presented incorrect information, only to be later proven wrong.

For instance, claims regarding mask efficacy, COVID-19 transmission, and vaccination effectiveness have evolved over time. Under the proposed legislation, these statements could be deemed as public health-harming misinformation. It is essential to recognize that freedom of speech allows for open debates, where people can be wrong, and truth can be discovered through collective discussion and critical thinking.

Even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has expressed serious concerns about the scope and application of this bill, highlighting the challenges of implementation and the potential for unintended consequences.

The bill's focus on larger platforms like Facebook, Reddit, and Twitter fails to consider the broader implications. Thousands of community websites not covered by the original intent will be inadvertently impacted due to the bill's broad definitions. This disregard for smaller platforms and websites, created by individuals or small enterprises, imposes unreasonable restrictions on freedom of speech and enterprise.

Moreover, the bill's extraterritorial reach extends Australian law disproportionately onto foreign entities, creating uncertainty and limiting legitimate global internet access. It places unrealistic expectations on foreign digital service providers who lack knowledge and membership in Australian industry bodies.

To illustrate, imagine if China required Australian websites to comply with its dictates on the Tiananmen Square massacre. The Australian government would rightfully oppose such infringement on freedom of speech. Applying the same principle, we should not impose similar restrictions on foreign digital services.

It is concerning that the Australian government has recently shown concern and opposition to extraterritorial actions by other countries, such as the Hong Kong government charging Hong Kong activists residing in Australia. We should not engage in practices that we criticize, as it undermines our credibility and democratic values.

The proposed bill contradicts the News Media Bargaining Code (NMBC) enacted in 2021, limiting digital services' ability to address misinformation and disinformation. The NMBC forces digital services to remove global content from non-eligible news organizations, hindering the availability of alternative viewpoints. This contradiction further highlights the flaws and inconsistencies within this proposed legislation.

This bill erodes the principles of democracy, marginalizes minority voices, and restricts the free flow of information necessary for an informed electorate. It delegitimizes the viewpoints and experiences of regular Australians, treating them as untrustworthy compared to government-accredited sources.

The threats and pressures imposed on digital platform providers and ordinary citizens only exacerbate this alarming situation. The potential for reputational damage, financial penalties, and interference with personal lives creates a climate of fear, discouraging open dialogue and critical thinking.

The principles of freedom of thought, conscience, and expression are enshrined in the Universal Declaration of Human Rights, to which Australia is a signatory. By stifling diverse viewpoints, this bill contradicts these fundamental rights and undermines the very essence of democracy.

In conclusion, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts to reconsider and withdraw the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. It is imperative to protect and uphold freedom of speech, foster open and honest discussions, and respect the power of ordinary citizens in our democracy.

Thank you for considering my submission. I trust that you will give due importance and attention to this matter.

Yours sincerely,

Martrin Johansson