

Tim and Rachel McInnes



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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 our strong opposition to the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I am deeply concerned about the implications this bill has on our freedom of speech and the potential harm it may cause to the democratic nature of the internet.

Firstly, the existence of this bill clearly indicates a lack of respect for the freedom of speech of Australian citizens. It creates two classes of individuals, with politicians, journalists and members of educational institutions having the power to spread information, regardless of its accuracy, while regular citizens are treated as second-class citizens. This division undermines the valuable contributions of regular people who often possess extensive knowledge on various topics, including industry insiders.

The internet is, without a doubt, the most powerful democratic invention humanity has ever created. It has provided a platform for regular people to have their voices heard. This bill, however, jeopardises the power of the internet to give a voice to the ordinary citizens of our democracy.

The excessive fines outlined in the bill will inevitably lead digital services to become more restrictive in terms of speech than even the most stringent platforms currently in existence. The lack of "pressure escape valves" within the system further compounds the potential harm caused by this legislation. Free speech will be replaced with "Government approved speech."

Furthermore, accurately determining what is true or untrue is an impossible task. New information is constantly emerging, contradicting what was once widely accepted as fact. The bill's emphasis on removing misinformation fails to acknowledge the evolving nature of knowledge and scientific discoveries. It also fails to adequately define "misinformation" and "disinformation" creating a subjective and ambiguous legislation which is open to abuse and misuse to silence anyone who opposes a government sanctioned "truth".

For example, numerous statements made by authorities and expert consensus regarding COVID-19 were later proven to be false or misleading. Under this legislation, such statements could be categorised as public health harm-causing misinformation. The bill's focus on removing content based on being "misleading" or "deceptive," even if it is true information, disregards the value of open and honest discussions necessary for finding common ground and discovering truth. Free speech and the free sharing of information from many sources must be allowed to preserve Australian democracy.

Even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has raised serious concerns about the scope and application of this bill, highlighting the challenges of implementing legislation to combat misinformation. His opinion calls into question the bill's credibility and undermines the government's claimed commitment to truth.

Moreover, the bill's narrow focus on large platforms such as Facebook, Reddit, and Twitter fails to consider the thousands of community websites inadvertently affected by its broad definitions. The legal risks imposed by this bill unreasonably restrict our freedom of speech, liberty, and right to enterprise.

The bill's wide-ranging implications are reminiscent of a hypothetical scenario in which the Australian government sets a universal speed limit for every road worldwide without providing that limit to the public. This ignorance and lack of transparency are ridiculous. The fines imposed on individuals and companies, especially smaller websites that rely on advertising income for hosting expenses, are outrageous, and their lack of awareness about these industry-created codes only exacerbates this issue.

Additionally, the question arises as to whether foreign website owners running platforms like Mastodon must adhere to Australian industry codes. This further compounds the absurdity of this bill and the potential for unintended consequences.

Moreover, the bill, intended to protect minorities, may end up persecuting them instead. Historically, minorities have faced oppression, and progress is achieved by challenging previously accepted beliefs. This bill undermines the ability of minorities to advocate for change and prevents their ideas from being considered in the public sphere.

I would also like to express our concerns regarding the unconstitutional abdication of legislative power resulting from the delegation of lawmaking authority to private entities. This bill grants significant power to the AMCA, who are unelected bureaucrats, and companies without direct accountability to Parliament, violating the principles established in previous legal cases.

Furthermore, the bill's violation of the implied constitutional freedom of political communication raises significant concerns. The determination of misinformation based on potential harm to health, the environment, or the economy is highly contested, both within political parties and interest groups. Any limitations imposed on legitimate discussion of these matters unreasonably curtails our freedom of political communication.

Another troubling aspect of the bill is its presumption that the government and accredited media and educational institutions can determine truth without considering the perspectives

and experiences of ordinary Australians. This lack of diversity in viewpoints hampers the sense-making process and limits the exploration of all possibilities.

As an ordinary citizen, this bill undermines our ability to engage in public discourse and ensures that our viewpoints may be arbitrarily silenced or labelled as misinformation. The categorisation of citizens as incapable of contributing meaningfully to public discussions undermines their trust in the democratic process.

Additionally, the threats levelled at digital platform providers and ordinary users demonstrate not only an un-Australian approach but also have severe consequences. The reputational damage, financial penalties, and business inefficiencies imposed on digital platform providers can lead to significant financial loss or even bankruptcy. The imposition on ordinary citizens to appear before ACMA is highly likely to cause stress, disrupt their lives and waste their time.

The proposed bill undermines the principles of mateship and creates a culture of mistrust and division by encouraging individuals to report on their friends, families, and political allies. This style of governance is detrimental to our Australian values and resembles oppressive regimes rather than a democratic society.

Additionally, the bill's potential impact on independent media organisations, journalists, and bloggers poses a significant threat to their credibility and reputation. By subjecting them to complex reporting standards and misinformation reports, the bill creates an environment that favours government-approved publications and stifles opposing viewpoints.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 introduces unreasonable restrictions on our freedom of speech, liberty and the democratic principles we hold dear. It fails to consider the evolving nature of knowledge, the value of diverse viewpoints and the rights enshrined in the Universal Declaration of Human Rights.

I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider this bill and its far-reaching consequences. As Australians, we must protect and preserve our democratic ideals and fundamental freedoms.

Thank you for considering our submission.

Yours sincerely,

Tim and Rachel McInnes