



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

To Whom it may Concern,

I am writing to express my concern regarding the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, it is unbelievable to even contemplate that a bill of this nature would be considered, it is a complete betrayal of trust and transparency surrounding freedom of and is a direct violation of our democratic values.

Firstly, the bill creates a clear distinction between two classes of citizens. It bestows excessive power upon politicians, journalists, and members of educational institutions to spread information, whether true or false, while leaving regular citizens with limited opportunities to voice their opinions or questions the 'experts'. This unequal treatment contradicts the very essence of democracy and undermines the voices of everyday Australians who often possess valuable insights and knowledge on various subjects.

Moreover, the proposed legislation's punitive fines will undoubtedly lead to an overly restrictive environment where digital service providers are forced to restrict speech more than ever before. The lack of pressure escape valves further exacerbates the potential harm caused by these restrictions. By implementing such a one-size-fits-all approach, the bill fails to appreciate the need for a nuanced and balanced approach when addressing misinformation.

There are inherent challenges in accurately differentiating between true and untrue information. The constantly evolving nature of knowledge means that what was once believed to be true might later be proven false. This dynamic nature of information is demonstrated by examples such as the ever-changing understanding of COVID-19 and its vaccines. Including such examples in the scope of removal under this legislation would unjustly restrict important discussions and debates around public health.

Moreover, the bill's consideration of information that is "misleading" or "deceptive" as grounds for removal further erodes the value of freedom of speech. Open and honest discussions require the freedom to express differing viewpoints, allowing for the exploration of truth and the finding of common ground. By prioritizing the prevention of certain information, this bill stifles the necessary diversity of perspectives that contribute to a well-informed society.

It is deeply concerning that even prominent experts, such as Dr. Nick Coatsworth, have expressed serious reservations about the scope and application of this bill. His critique suggests that the implementation of such legislation would be unfeasible and would inevitably lead to fines being levied on information that might not be entirely false. If experts hesitate to endorse this bill, it raises questions about its validity and efficacy.

Additionally, this bill, despite purportedly aiming to protect minorities, may inadvertently lead to their persecution. Marginalized communities often rely on questioning established narratives to challenge oppressive realities. By mandating a single code on all digital platforms, this bill removes any potential shelter for minorities as they contend with a system that pushes back against them.

The proposed delegation of legislative power to private entities not directly accountable to Parliament, such as companies responsible for creating Misinformation Codes, raises significant constitutional concerns. It is an abdication of the legislative power of Parliament and violates the implied constitutional freedom of political communication. Such delegation to non-governmental entities undermines the fundamental principles upon which our democracy is built.

Furthermore, the threat of reputational damage, financial penalties, and the imposition of investigative reporting placed upon digital platform providers demonstrate a concerning level of interference. Simultaneously, the targeting of ordinary citizens through ACMA proceedings creates a distressing environment that promotes surveillance and undermines the spirit of mateship, an intrinsic Australian value.

Equally troubling is the impact this bill will have on independent media organizations, journalists, and bloggers. This legislation subjects them to complex reporting standards and misinformation reports, which could potentially ruin their reputations. In stark contrast, government-authorized publications are exempt from this undue scrutiny, effectively stifling competition and promoting biased coverage.

In conclusion, I strongly condemn the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. This bill infringes upon the freedom of speech and fails to recognize the crucial role of the internet in promoting democratic values. It disproportionately impacts regular citizens and threatens the diversity of viewpoints necessary for accountable decision-making.

I urge the Department to reconsider this bill and to engage in open and inclusive discussions with all stakeholders, including ordinary Australians, to ensure that potential legislation truly values freedom of speech and recognizes the positive

impact of diverse perspectives in our democracy.

Thank you for considering my submission. I trust that you will take my concerns into account as you review the bill.

Yours sincerely,

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20<sup>th</sup> August 2021