

Maria Plier



18/8/23

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 strong opposition to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I am deeply disturbed and angered by the proposal of this bill, as it clearly demonstrates a lack of respect for the freedom of speech of all Australians.

One of the major concerns I have with this bill is the creation of two distinct classes of citizens. The first group consisting of politicians, journalists, and members of educational institutions will have the power to spread information, whether true or false, online. The second group, which includes everyday citizens who often possess more knowledge on various topics, will be disproportionately harmed by this bill. It is important to recognise that the internet is an invaluable tool that has given a voice to ordinary people, this legislation will, potentially, silence their voices.

The excessive fines outlined in the bill will undoubtedly lead to a more restrictive environment for speech, surpassing even the limitations imposed by existing digital services. It will encourage Big Tech to “self-censor” as it will not be prepared to face fines in the millions, and potentially billions, of dollars in fines for breaches of the law. It is nearly impossible to accurately determine what is true or false, as new information constantly emerges, contradicting previously accepted facts.

A prime example of this is the ever-evolving understanding of COVID-19. Authorities and expert consensus have made statements that were later proven false. This bill's scope may encompass content such as mask protection, vaccines, and transmission, despite the evolving nature of knowledge in these areas. It is highly likely that an industry or mandatory code created by the Australian Communications and Media Authority (ACMA) would necessitate the removal of content that is now considered factually accurate but may be deemed misleading. Freedom of speech is crucial as it allows for open and honest discussions, even when individuals may err, paving the way for comprehensive truth-seeking.

Furthermore, the delegation of legislative power to private entities not directly accountable to Parliament contradicts the principles upheld by the High Court. The proposed bill permits digital platform companies to create Misinformation Codes that hold the force of law without requiring Parliament's approval. This arrangement represents an unconstitutional abdication of legislative power and violates the implied freedom of political communication. Matters of public policy, scientific investigation, and debate are highly contested, and any restrictions on legitimate discussions curtail the constitutional freedom of political communication.

This bill disregards the experiences and viewpoints of ordinary Australians, assuming that only accredited media, educational institutions, and governmental bodies can determine truth in conjunction with digital platforms. This lack of diversity in viewpoints impedes the process of comprehensive sense-making, as all possibilities should be considered. By setting ordinary people as incapable of engaging in public discourse without causing harm, the bill inherently undermines the notion that the viewpoints of the government and its accredited sources can be just as harmful. This approach disempowers ordinary citizens and inhibits their involvement in shaping public opinion.

Furthermore, this bill poses a direct challenge to Australia's commitments as a founding member of the United Nations and a signatory of the Universal Declaration of Human Rights (UDHR). Article 18 of the UDHR guarantees freedom of thought, conscience, religion, and the freedom to manifest these beliefs. Article 19 expands on this, affirming the right to freedom of opinion, expression, and the seeking, receiving, and imparting of information and ideas through any media. By categorizing

fundamental faith worldviews and tenets as misinformation, the bill infringes upon these fundamental human rights and exhibits inherent intolerance.

In conclusion, I strongly oppose the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. I urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the provisions within this bill that undermine freedom of speech, limit diverse viewpoints, and give disproportionate power to select entities. It is crucial to protect the democratic principles that the internet affords us as Australian citizens. As Justin Quill, a highly accomplished Australian media lawyer, stated: this Bill is “the biggest imposition of free speech that I have ever seen.”

Thank you for considering my submission. I trust that you will take these concerns into account during the review process.

Yours sincerely,
Maria Plier