

Sahar Khalili



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Dear Sir/Madam,

I am writing to express my concerns and provide feedback on the draft bill titled "Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023". As a concerned citizen, I believe it is crucial to address the flaws and potential negative consequences of this proposed legislation.

One of the main issues I have identified is the bill's narrow focus on platforms like Facebook, Reddit, and Twitter, while inadvertently encompassing a plethora of community websites that form part of the "social web." Prelude Australia is one such example that would be unfairly affected, as it qualifies as a "web forum" according to the bill's broad definitions.

My primary concern lies in the excessive legal risk and unreasonable restriction on freedom and liberty that this bill would impose on individuals like myself. It poses a direct threat to our right to freedom of speech and enterprise. The bill's sweeping and poorly defined parameters reflect a lack of understanding of the complex dynamics of information dissemination on the internet.

Equating this bill to setting a speed limit on every road globally without providing any clarity on what that speed limit is only adds to the unreasonable nature of the proposed legislation. It is incumbent upon the government to ensure clear guidelines and regulations, which are currently absent from this bill.

To compound matters, the fines outlined in the bill are disproportionate and could have severe implications for website owners, particularly small businesses and individuals. Imposing penalties of up to AU\$500,000 for individuals and AU\$2,500,000 for companies would not only stifle innovation and creativity but also create a chilling effect on free expression.

Furthermore, the non-compliance clause based on industry-created codes is problematic. Many website owners may not even be aware of these codes or their obligation to adhere to them. It is unjust to subject foreign website owners, who may not have been aware of this legislation, to fines and potential legal action simply because they were unaware of its existence.

The bill's lack of consideration for platforms like Mastodon, which have seen an increase in users seeking alternatives to mainstream platforms, highlights a significant oversight. The proposed legislation does not offer clarity on whether individual server owners must comply, even if they operate from overseas jurisdictions. This ambiguity raises concerns about the practicality and enforceability of the bill.

Another matter that merits attention is the conflict between this bill and the existing News Media Bargaining Code (NMBC). The NMBC, enacted in 2021, imposes restrictions on digital services that decide not to participate in the Australian news industry. This conflict underscores the government's own responsibility for hindering digital services' ability to address misinformation and disinformation.

Furthermore, while the NMBC forces digital services to pay money to eligible news organisations, the proposed bill hints at involving fact-checkers and other methods to counter misinformation. This contradiction within the government's approach undermines the effectiveness and comprehensiveness of the legislation.

In addition to these concerns, it is vital to emphasise the harmful impact this bill may have on freedom of speech in Australia. By creating two distinct classes of citizens, it further erodes the principles upon which our democracy is built. The classification of

individuals into the "Truthful/Free Class" and the "Fake News/Oppressed Class" inherently discriminates against regular citizens, overwhelming their voices and limiting their ability to express their knowledge and expertise.

The strict fines outlined in the bill will compel digital services to adopt stringent speech restrictions, exacerbating the already restrictive environment online. There is a genuine risk of persecuted minorities being further oppressed, as they rely on challenging established narratives and conventional wisdom to advocate for progress and change.

It is essential to recognise the inherent complexity of determining what is true or untrue. The ever-evolving nature of information and the continual discovery of new knowledge often challenge previously accepted facts. Attempting to regulate truth through legislation is an untenable proposition. The inclusion of accurate yet "misleading" or "deceptive" information within the bill's ambit not only undermines free speech but also stifles open and honest discussions necessary for progress.

It is worth noting that even prominent experts, such as Dr. Nick Coatsworth, have raised concerns about the bill's scope and application. His public criticism underscores the inherent difficulties in implementing legislation that seeks to address misinformation and disinformation.

In conclusion, I urge the Australian Government to critically reevaluate the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. The flaws and potential negative consequences highlighted above demand a more nuanced and comprehensive approach to combating misinformation and disinformation online—one that respects and upholds the fundamental principles of freedom of speech and enterprise.

Thank you for considering my feedback on this important matter. I trust that you will take into account the concerns raised in this submission and work towards creating a more balanced and effective legislative framework.

Yours sincerely,

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Our quality of life is improved by the continued application of reason and by scientific discovery. The Fusion Party aims to increase the opportunity for individuals and push society towards the pursuit of knowledge for the benefit of all of humanity.