

Mrs Siobhan O'Neill

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04/08/2023

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Subject: An Examination of the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

Dear Sir/Madam,

I am writing to submit a thorough analysis of the draft bill titled Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. My assessment raises significant concerns regarding its potential implications for the freedom of speech of Australian citizens and the fundamental tenets of democracy.

A central issue arises from the establishment of distinct classes of citizens based on their professional affiliations, granting politicians, journalists, and members of educational institutions greater leeway in disseminating information, while subjecting ordinary citizens to more stringent regulations. This differentiation may undermine the democratic principle of providing equal opportunities for individuals to express their perspectives and raises the prospect of disproportionate impacts on certain groups.

Moreover, the proposed imposition of substantial fines may exacerbate the restrictiveness of digital services concerning speech, leading to heightened concerns about the limitations on the freedom of expression for everyday Australians. The absence of mechanisms to facilitate balanced discourse could further accentuate these concerns, warranting a careful examination of potential repercussions.

The epistemological challenges inherent in distinguishing truth from falsehood in information dissemination represent a critical aspect of this bill. The evolving nature of knowledge and the dynamic landscape of information engender complexities in classifying certain statements as true or false. As demonstrated by historical examples cited in the bill, the fluidity of information necessitates caution in regulating speech to preserve an environment conducive to open discussions and truth-seeking endeavours.

Many notable Australians and experts have expressed reservations about the bill's scope and application. Such expert opinions merit thoughtful consideration to ensure that the proposed legislation aligns with the principles of efficacy and fairness.

The potential influence of industry bodies dominated by major players in the digital services sector is another salient concern. The risk of industry codes becoming instruments of suppressing competition and hindering new entrants poses a threat to smaller digital services, potentially impacting users' freedom of choice. Evaluating the implications on freedom of expression in this context is imperative.

The extraterritorial applicability of the bill warrants a thorough assessment. The global nature of the internet introduces practical and jurisdictional complexities in compelling foreign entities to comply with Australian laws and codes. Careful consideration of the potential consequences on Australian websites and services operating abroad is essential to maintain a coherent approach.

The categorization of certain political party viewpoints as misinformation and disinformation could compromise access to crucial information for informed political decisions, posing challenges to the freedom of political communication. Preserving a diverse and inclusive public discourse is indispensable in upholding democratic principles.

Lastly, I express concern about the potential infringements on personal freedoms and the implications of cultivating a culture of surveillance and reporting. Striking a balance between ensuring safety and safeguarding civil liberties is imperative, and excessive threats directed towards digital platform providers and users warrant scrutiny.

Given these pressing concerns, I urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to engage in a comprehensive re-evaluation of the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. Preserving the principles of freedom of speech, democracy, and promoting diverse viewpoints should be at the forefront of legislative considerations, safeguarding the essential fabric of our society.

Thank you for your kind attention to this crucial matter.

Yours sincerely,

Siobhan O'Neill