

Silvio Pires

05.08.2023

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

Subject: Feedback on the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Dear Sir/Madam,

I am writing to express my deep concerns and outrage regarding the draft bill titled the "Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023". It is with great disappointment that I address this submission to your esteemed department.

First and foremost, the existence of this bill is a clear indication that the Australian Government does not respect the freedom of speech of its citizens. The bill establishes two distinct classes of citizens, granting power to politicians, journalists, and educational institutions while ignoring the knowledge and expertise of regular citizens. This goes against the fundamental principles of our democracy and poses a serious threat to the voice of everyday people.

Moreover, the internet is a powerful tool that has empowered regular individuals and provided them with a platform to share their thoughts and opinions. This bill, as it stands, puts a disproportionate burden on regular people and restricts their freedom of speech. The potential harm inflicted by excessive fines and the lack of escape valves within the system will have a chilling effect on speech and impede open and honest discussions.

Accurately judging what is true or false is an impossible task, as new information constantly emerges that may contradict previously accepted facts. History is filled with examples of widely accepted beliefs that have been proven false over time. Using public health examples, such as the evolving understanding of COVID-19, it is evident that the proposed legislation could potentially deem factual information as misinformation, hampering freedom of speech and hindering scientific progress.

The inclusion of "misleading" or "deceptive" information in the scope of removal further undermines the freedom of speech. Open and honest debates are necessary for the discovery of truth and the finding of common ground. By including true information within the scope of potential removal, this bill effectively promotes censorship rather than the pursuit of truth.

Even prominent experts, such as Dr. Nick Coatsworth, the former Deputy Chief Medical Officer of Australia, have raised serious concerns about the scope and application of this bill. When an expert in the field questions the efficacy of such legislation, it is clear that the proposed measures must be carefully reassessed.

Furthermore, the influence of industry bodies representing large digital services poses a significant risk of creating onerous codes that stifle competition and hinder the entry of new players into the market. The proposed bill grants the biggest digital services the power to write their own regulations, potentially damaging their smaller competitors by burdening them with regulatory requirements that are impossible to comply with.

Additionally, the bill's reliance on the practices and policies of dominant digital services disregards the global nature of the internet and the diverse entities operating within it. Expecting foreign entities to comply with Australian industry codes, without knowledge of Australian law or representation on industry bodies, is both impractical and contrary to the principles of a global internet.

The proposed bill, which applies extraterritorially, also raises significant concerns. Imposing Australian law on foreign entities without regard for their own legal jurisdictions and requirements is an overreach that could lead to unintended consequences. Just as we would not appreciate foreign governments demanding compliance with their laws on Australian soil, it is unjust to impose our laws on foreign entities.

The bill's threats and impositions on digital platform providers and ordinary users further erode the principles of freedom and democracy. By creating divisions between trustworthy and untrustworthy viewpoints, the bill suppresses diversity of perspectives and disempowers ordinary individuals from engaging in public discourse. This approach is reminiscent of totalitarian regimes and goes against the values of our society.

Moreover, the bill presents a potential conflict with Australia's commitment to the Universal Declaration of Human Rights, particularly Articles 18 and 19. Freedom of thought, conscience, religion, and freedom of opinion and expression are fundamental rights that should be upheld and protected. Any legislation that curtails these rights raises significant constitutional and ethical concerns.

In conclusion, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. The bill's provisions, as currently drafted, pose a threat to freedom of speech, hinder competition, and disregard the principles of a global internet. It is vital to protect the rights of all citizens and uphold the values that underpin our democratic society.

Thank you for considering my feedback. I trust that you will carefully consider the concerns raised and take appropriate action.

Yours sincerely,

Silvio Pires