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To: 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 concern
and outrage regarding the

Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen deeply committed to the principles of freedom of speech and democracy, I believe this bill directly undermines the fundamental rights and liberties of ordinary Australians.

The existence of this proposed bill is indicative of the Albanese government's lack of respect for the freedom of speech of Australian citizens. It is unjust and unethical to grant politicians, journalists, and members of educational institutions the power to disseminate information, whether accurate or not, while imposing restrictions on regular citizens who often possess more knowledge about certain topics.

I strongly believe that the internet is a powerful democratic invention that has given a voice to ordinary people. This bill, however, poses a significant risk to Australian citizens, disproportionately affecting their ability to express themselves freely on digital platforms.

The excessive fines imposed by the bill will lead to digital services becoming more restricted in their operations. This level of restriction exceeds even the most stringent practices of current digital platforms. Additionally, the bill's broad application across the entire industry without any "pressure escape valves" creates an environment that is conducive to further harm.

Accurately judging what is true or untrue is an impossible task. The constant evolution

of information and the discovery of new facts often contradict widely accepted beliefs.

I would like to provide some examples of previously stated facts that were later proven false. These include claims about mask effectiveness, human-to-human transmission of COVID-19, and the characteristics and effectiveness of the COVID-19 vaccine. Under this legislation, such information could be deemed harmful misinformation, despite being based on expert consensus at the time.

Furthermore, the bill not only targets provably false information but also applies to information that may be considered "misleading" or "deceptive." Freedom of speech is crucial in allowing open and honest discussions where people can be wrong and ideas can be debated for the

sake of finding common ground. This bill implies that the government believe that Australians are unable to discern or recognise truth for themselves.

Even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has expressed serious concerns about the scope and application of this bill. His public criticism highlights the potential flaws and unintended consequences of such legislation.

This bill's narrow focus on larger platforms like Facebook, Reddit, and Twitter, while unintentionally including thousands of community websites, is deeply unfair. It places an unreasonable burden of legal risk on individuals and companies, stifling their freedom of speech and enterprise. The risks involved in non-compliance with

industry-created codes, especially for foreign-based websites, are unjust and impractical.

The proposed extraterritoriality of this bill is also concerning. The notion that the Australian government can enforce its regulations on foreign entities, with no consideration for their knowledge or membership in Australian industry bodies, is an overreach that jeopardizes Australia's relationship with the global internet community. We must strive for a balanced approach that respects the sovereignty of other nations while protecting the rights of Australians at home and abroad.

In implementing this bill, Australia risks at best becoming a global outcast, with the potential for web servers to adopt a "block Australia" approach and at worst a

dystopian dictatorship. Such actions could impair Australia's ability to engage in international dialogue and cooperation.

Allowing private entities to create Misinformation Codes and granting legislative power to the Australian Communications and Media Authority (ACMA) without parliamentary approval raises constitutional concerns. The proposed legislation not only violates the implied constitutional freedom of political communication but also limits legitimate discussions and curtails citizens' ability to make informed voting decisions.

Australia's commitment to human rights, as expressed in the Universal Declaration of Human Rights, guarantees the rights to freedom of thought, opinion, and expression across all media platforms. By

categorizing certain viewpoints as misinformation and subjecting them to removal, this bill denies Australian voters access to vital information, denying them their democratic rights.

In conclusion, I strongly oppose the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. It poses a significant threat to the freedom of speech, liberty, and democratic principles that underpin Australia's society. I urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider this bill and ensure that the rights and freedoms of all citizens are protected.

Thank you for considering my feedback. I trust that you will carefully review the

concerns raised and take them into account during the decision-making process.

Yours sincerely,

Miss Nicola Buckle