

Stephen Toby



16/08/2023

The Hon Michelle Rowland MP

PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

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

Dear Madam,

I am writing to express my deep concern and outrage regarding the proposed "Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023". As an Australian citizen and a strong supporter of freedom of speech, I believe this bill seriously undermines the democratic principles and values that our country holds dear.

Firstly, the existence of this bill reflects a lack of respect for the freedom of speech of Australian citizens. By creating two classes of citizens, with certain privileged groups having the power to spread potentially false or misleading information online, while the rest of the population is subject to strict regulations, the government is essentially stifling the voices of regular citizens in our democracy.

The internet, in my opinion, is the most powerful democratic tool ever created, as it provides a platform for regular people to voice their opinions and share their knowledge. This bill risks disproportionately harming these regular citizens, who often possess valuable insights and expertise on various topics, including industry insiders. By imposing excessive fines and imposing strict limitations on speech, this bill will restrict freedom of expression on digital platforms to a greater extent than

any existing restrictions.

Moreover, it is practically impossible to accurately determine what is true or untrue, as new information is constantly emerging that challenges previously established facts. The examples provided in the text clearly demonstrate this, where information initially considered factual were later proven false. If an industry code or a mandatory code created by the Australian Communications and Media Authority (ACMA) were to be implemented, content similar to the mentioned examples would likely be removed. This would hinder open and honest discussions, which are essential for finding common ground and advancing knowledge.

The bill's scope is not limited to provably false information. It also targets information that is "misleading" or "deceptive". Freedom of speech is invaluable as it allows for honest and open debates without limitations. It allows for people to be wrong and for truth to emerge through these discussions. Even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has expressed serious concerns about the scope and application of this bill, indicating that implementing such legislation would inevitably lead to fines being levied on things that may not be proven false or turn out to be false.

Furthermore, the bill's delegation of legislative power to private entities, such as companies responsible for creating misinformation codes, is an unconstitutional abdication of the legislative power of Parliament. The proposed power granted to the ACMA to enact misinformation standards and digital platform rules violates the implied constitutional freedom of political communication. By restricting legitimate discussions on matters of public policy, which are contested among political parties and interest groups, this legislation unreasonably curtails the implied constitutional freedom of political communication.

The bill also threatens to interfere with the digital platform providers and ordinary users of these platforms, referred to as "Deplorables." The threats against digital platform providers include reputational damage, financial penalties, and significant business inefficiencies. Additionally, the threat of hauling ordinary citizens before the ACMA, potentially causing stress and wasting their time, further undermines their ability to engage in public discourse. This style of government interference is reminiscent of non-democratic systems and goes against the values of mateship, which are deeply ingrained in Australian culture.

Moreover, this bill will have a detrimental impact on the democratic process by categorizing certain political party viewpoints as misinformation and having them

removed from digital platforms. Independent media organizations, journalists, and bloggers will be subjected to complex reporting standards and misinformation reports, potentially damaging their reputations. This unfairly favours government-authorized publications and journalists, who are effectively incentivized for favourable coverage and support for this bill.

Australia, as a founding member of the United Nations and an original signatory of the Universal Declaration of Human Rights (UDHR), has committed to upholding the right to freedom of thought, conscience, religion, opinion, and expression. These rights include the freedom to seek, receive, and impart information and ideas through any media. By categorizing fundamental faith worldviews or tenets of faith as misinformation, this bill demonstrates intolerance and is likely to infringe upon these fundamental rights.

In conclusion, I urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the "Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023" in its current form. This bill threatens the core principles of freedom of speech and expression, undermines democratic values, and restricts the ability of regular citizens to participate in public discourse. I implore the government to uphold the democratic ideals that Australia cherishes and protect the rights and freedoms of its citizens.

Thank you for considering my submission. I trust that you will consider the concerns raised and act in the best interests of all Australians.

Yours sincerely,



Stephen Toby