

Amanda Gorst

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

Dear Sir/Madam,

I am writing to express my extreme anger and outrage regarding the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I firmly believe that this bill reflects a lack of respect for the freedom of speech that is fundamental to our democracy.

This bill creates a discriminatory system that divides citizens into two classes. The first class consists of politicians, journalists, and members of educational institutions who will have the power to spread information, whether true or false, online. The second class comprises regular citizens who often possess more knowledge on certain topics than those in the first category. It is deeply concerning that this legislation risks disproportionately harming the voices of ordinary Australians who have found a platform for expression on the internet, which I consider to be the most powerful democratic invention in human history.

The excessive fines outlined in this bill will undeniably lead digital platforms to impose stricter restrictions on freedom of speech than the most restrictive platforms currently. Additionally, the lack of "pressure escape valves" within this code compounds the harm it will inflict across the industry. Such limitations on speech undermine the democratic ideals that have enabled open and honest discussions, even when views are inevitably proven wrong. The ability for truth to be debated and for common ground to be reached is essential, and the proposed bill undermines this critical aspect of free speech.

Furthermore, it is an impossible task to accurately determine what is true or untrue, as new information constantly emerges contradicting previously accepted facts. For instance, numerous statements made by authorities and experts that were once considered facts have turned out to be false. Under this legislation, such statements could be categorized as harmful misinformation. The possibility of content similar to this being removed under the industry or mandatory codes created by ACMA is highly likely.

Moreover, the scope of this bill is not limited to provably false information. It also includes information that is "misleading" or "deceptive," which further erodes freedom of speech. The value of freedom of speech lies in the ability to have open and honest discussions without limits, allowing individuals to be wrong and the truth to be debated and reached through collective efforts.

Notably, even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has raised serious concerns about the scope and impact of this bill. He publicly voiced his skepticism, stating that implementing such legislation would inevitably lead to fines being imposed on statements that are not, or

turn out not to be, misinformation.

Moreover, the legislation delegates legislative power to private entities that are not directly accountable to Parliament, violating the principle that ministers to whom power is delegated should be responsible to Parliament. This arrangement represents an unconstitutional abdication of the legislative power of Parliament and undermines democratic processes.

The power granted to the ACMA under this bill also raises concerns regarding the implied constitutional freedom of political communication. The definitions of "misinformation" and "harm" in the bill encompass matters highly contested among political parties and interest groups, as well as matters of scientific investigation and debate. Legitimate discussions and debates on these crucial issues are essential for a democratic society, and any limitations on this discourse unreasonably curtail the implied constitutional freedom of political communication.

It is also deeply concerning that the proposed bill assumes that the Government and its accredited media and educational institutions should have the final say on what is true, without considering the experiences and viewpoints of ordinary Australians. The suppression or removal of certain viewpoints before they can be shared does not allow for diversity in viewpoints, which is necessary for an informed sense-making process where all possibilities can be considered.

The bill disempowers ordinary people by asserting that their viewpoints are more likely to cause harm than those of the Government or its accredited journalists and educators. This assumption undermines the principles of fairness and equality that underpin our democracy. Additionally, the threats made to digital platform providers and citizens are highly concerning, as they include reputational damage, financial penalties, and unnecessary stress or distress, hindering open discourse and potentially infringing upon personal values or faith.

In conclusion, the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 undermines the fundamental principles of freedom of speech in Australia. Its implications for democratic discourse, public sense-making, and the diversity of viewpoints are deeply troubling. I urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider and revise this bill to ensure the protection of our democratic values.

Thank you for considering my submission.

Yours sincerely,

Amanda Gorst