

Feedback on Communications Legislation Amendment

From: Monica Whittaker [REDACTED]
To: Information Integrity <information.integrity@infrastructure.gov.au>
Date: Sun, 20 Aug 2023 18:07:08 +1000

Monica Whittaker
[REDACTED]
[REDACTED]
[REDACTED]

20 August, 2023

Department of Infrastructure, Transport, Regional Development, Communications

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

Dear Sir/Madam,

I hope this letter finds you well. I am writing to express my deep concerns and objections to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen and a firm believer in the principles of freedom of speech and expression, I am outraged that such a bill exists and believe it reflects a lack of respect for the fundamental rights of Australian citizens.

One of the most significant issues with this bill is the creation of two distinct classes of citizens. The first class comprises politicians, journalists, and members of educational institutions who are granted the power to disseminate information, even if it may be judged as false or misleading. On the other hand, the second class consists of regular citizens, who often possess significant knowledge and insights into various topics, including industry insiders. This division risks disproportionately harming the voices of ordinary people and undermining the democratizing power of the Internet.

The excessive fines proposed in this bill will make digital services more restrictive than ever before, even surpassing those currently regarded as the most restrictive. The code's application across the entire industry without any "pressure escape valves" exacerbates the harm. Furthermore, the task of accurately judging what is true or untrue is nearly impossible, as new information is constantly emerging to challenge established facts. The bill's broad definitions of misinformation and disinformation potentially encompass a vast range of content, including information that was once widely accepted but later proven false.

Moreover, it is deeply concerning that true information, deemed "misleading" or "deceptive" under this legislation, also falls within the scope for removal. Freedom of speech is invaluable as it allows honest and open discussions to take place without limitations. It acknowledges that people can be wrong and that truth is often found through respectful debates and the search for common ground.

Even respected experts, such as Dr. Nick Coatsworth, formerly a Deputy Chief Medical Officer of Australia, have raised serious concerns about the scope and application of this bill. Dr. Coatsworth aptly pointed out the challenges in implementing such legislation effectively and warned of the potential fines being levied on things that are not or turn out not to be misinformation.

Furthermore, the proposed industry codes created by industry bodies are highly prone to being misused as anti-competitive tools. These codes, largely influenced by the biggest players in the industry, can create onerous compliance requirements that smaller digital services and new entrants simply cannot meet, effectively gatekeeping the industry from competition. This not only stifles innovation but also harms the principles of free-market competition, which has shown to effectively address misinformation and disinformation concerns.

It is crucial to recognize that the proposed bill fails to consider the experiences and viewpoints of ordinary Australians. It disregards diversity in perspectives and assumes that Government and its accredited institutions alone can determine the truth, disregarding the vital sense-making process that involves the contribution of all Australians. This bill negates the democratic ideals of engaging citizens in public conversation, prevents the exchange of viewpoints, and puts forth the presiding belief that the opinions of Government and its accredited entities are inherently more valuable and trustworthy.

This bill also raises significant concerns regarding interference and threats, not only to digital platform providers but also to ordinary users. The potential reputational damage, financial penalties, and business inefficiencies faced by platform providers can have severe consequences, including insolvency. Additionally, the prospect of requiring citizens to appear before ACMA and potentially involve their friends, families, or political co-agitators in the reporting process is deeply troubling and reminiscent of oppressive regimes, far removed from the values of mateship that define Australia.

Furthermore, the bill's implications on political communication and access to information for voting decisions are deeply worrisome. By categorizing certain political party viewpoints as misinformation and potentially removing them from digital platforms, this bill restricts the transparency and diversity of perspectives necessary for informed decision-making. It also unfairly targets independent media organizations, journalists, and bloggers, placing them under complex reporting standards and subjecting them to attempts to ruin their reputation.

Additionally, this bill undermines Australia's commitment to the Universal Declaration of Human Rights, particularly Article 19, which guarantees the freedom of opinion and expression through any media regardless of frontiers. The bill's potential categorization of fundamental faith worldviews as misinformation displays a lack of tolerance and respect for diverse beliefs, potentially silencing entire religious communities.

In closing, I strongly urge you to reconsider and withdraw the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. This bill not only curtails the fundamental rights of Australian citizens but also undermines the principles of freedom of speech, democratic participation, and open dialogue. As an Australian, I implore you to uphold these cherished values and promote a more inclusive and democratic approach to combatting misinformation and disinformation.

Thank you for your attention to this matter. I remain hopeful that you will carefully consider the concerns raised in this submission and take appropriate action.

Yours sincerely,

Monica Whittaker