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20/08/2023

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

Subject: Submission 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 proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I strongly believe that this bill not only undermines the fundamental principles of democracy but also poses a significant threat to our freedom of speech and expression.

Under the current provisions of the bill, legislative power is being delegated to private entities, which is a clear violation of the principle that ministers to whom power is delegated must be directly responsible to Parliament. This delegation of power allows companies to create Misinformation Codes that become enforceable by law, with the ability for these codes to be superseded by Misinformation Standards made by the Australian Communications and Media Authority (ACMA) without requiring parliamentary approval. Such an arrangement amounts to an unconstitutional abdication of the legislative power of Parliament and must be strongly opposed.

Furthermore, the power granted to the ACMA to enforce these codes and standards violates the implied constitutional freedom of political communication. Although the bill includes a clause stating that the codes, standards, rules, and schedules must not infringe upon this freedom, it is redundant as this constitutional prohibition already exists. The test of misinformation outlined in the bill is highly subjective and raises matters of public policy that are often debated amongst political parties and interest groups. By limiting legitimate discussion on these matters, the bill unreasonably curtails our implied constitutional freedom of political communication.

Beyond the constitutional issues, the proposed bill also undermines the trust and engagement of ordinary people in the public conversation. By categorizing their viewpoints as misinformation or disinformation, the bill essentially implies that

ordinary people are incapable of participating in public sense-making processes without causing harm. This assumption not only disregards the diversity of perspectives within our society but also undermines the principles of democratic discourse and public debate.

Additionally, the bill introduces threats and impositions on both Digital Platform Providers and ordinary users of digital platforms. These threats, such as reputational damage, financial penalties, and business inefficiencies, pose significant risks to the existence and well-being of Digital Platform Providers. Moreover, the threat of being summoned before the ACMA can cause distress and waste the time of ordinary citizens. This style of governance, reminiscent of the Soviet Union, goes against the essence of Australian values such as mateship and personal freedoms.

The bill further perpetuates a divide among citizens, classifying them into two classes based on their perceived trustworthiness by the government. This division not only undermines the principles of equality and fairness but also questions the credibility of our democratic system. Denying certain individuals the opportunity to have their viewpoints considered, while exempting government bodies and approved media and educational institutions, is deeply concerning and goes against our democratic ideals.

Therefore, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider and withdraw the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. This bill undermines our democratic principles, infringements upon our constitutional freedoms, and creates a culture of fear and mistrust within society.

As an Australian citizen, I implore the government to uphold the core values of democracy, respect for free speech, and the diversity of opinions that make our nation strong.

Thank you for considering my submission.

Yours sincerely,

Jennifer Ryan