

# Misinformation and Disinformation Bill

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**From:** JENNIFER BREWER [REDACTED]  
**To:** Information Integrity <information.integrity@infrastructure.gov.au>  
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Jennifer Brewer  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

August 20, 2023

Dear Sir/Madam,  
Department of Infrastructure, Transport, Regional Development, Communications and the Arts  
Canberra, ACT

Subject: Submission - Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Dear Sir/Madam,

I am writing to express my deep concern and strong opposition to the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen and a staunch supporter of freedom of speech, I believe that this bill not only undermines our democratic values but also unfairly targets ordinary citizens who rely on the internet for expressing their opinions and sharing information.

The existence of this bill demonstrates a lack of respect for the freedom of speech of Australian citizens. By creating two classes of citizens, with some individuals having the power to spread potentially false or misleading information while others are subjected to excessive fines and restrictions, the government is jeopardizing the principles that our democracy stands for. It is essential to recognize that the internet has given a voice to regular people, enabling open and honest discussions. This bill, however, threatens to disproportionately harm the democratic engagement of ordinary citizens.

Furthermore, the task of accurately judging what is true or untrue is virtually impossible. History has shown that even authorities and expert consensus can sometimes be incorrect. I would like to highlight some examples where information initially considered factual by experts was later proven false. This includes claims related to the effectiveness of masks in protecting against COVID-19, evidence of human-to-human transmission, and the nature of COVID-19 vaccines. Under this legislation, such information could be considered public health misinformation and subject to removal, stifling important debates and hindering the search for truth.

In addition to targeting provably false information, the proposed bill also encompasses true information that may be considered "misleading" or "deceptive." Freedom of speech allows for open and honest discussions, including the exploration of different perspectives and the possibility of being wrong. The reliance on industry bodies, which are often influenced by dominant players in the digital services industry, may lead to the establishment of onerous codes that favor large services and hinder competition from smaller platforms.

The bill fails to recognize the benefits of a free market competition between platforms in addressing misinformation and disinformation. Recent examples, such as the exodus from Twitter to alternative platforms like Mastodon, indicate that platforms with lax policies on this matter are naturally being abandoned in favor of platforms that meet community expectations. This organic process allows users to choose the platforms that align with their values and that effectively counter misinformation without the need for excessive regulation.

Moreover, the proposed code's extraterritorial application and the potential legal risks it imposes on foreign entities are deeply problematic. Requiring websites and services hosted outside Australia to comply with Australian industry codes without their knowledge of the law or representation on industry bodies is infeasible and contrary to global cooperation efforts. This approach risks alienating Australia from the global internet community and sets a dangerous precedent for other countries to impose their laws on Australian websites.

Additionally, the bill's interference with the implied constitutional freedom of political communication raises concerns about its impact on democracy. By categorizing political viewpoints as misinformation and allowing their removal from digital platforms, the bill limits citizens' access to information necessary for informed voting decisions. The legislation's focus on government-approved media and educational institutions, while subjecting other viewpoints to monitoring and reporting, restricts diversity in viewpoints and undermines the principles of open public debate.

Furthermore, the bill's threats and penalties imposed on digital platform providers and ordinary users are an affront to freedom of expression and personal liberties. The prospect of reputational damage, financial penalties, and interference from regulatory bodies can discourage individuals and businesses from participating in public discourse and sharing their opinions openly. Such actions resemble an authoritarian approach, reminiscent of the Soviet regime, and are contrary to Australian values of mateship and respect for diverse viewpoints.

In conclusion, the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 poses a significant threat to freedom of speech, democratic engagement, and global cooperation on the internet. The inherently challenging task of distinguishing between true and false information cannot be effectively addressed through restrictive legislation. I urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider this bill and prioritize the protection of individual liberties and democratic values.

Thank you for considering my submission. I trust that you will carefully consider the concerns raised and act in the best interests of the Australian people and their fundamental freedoms.

Yours sincerely,  
Jennifer Brewer