

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

From: Rob [REDACTED]
To: Information Integrity <information.integrity@infrastructure.gov.au>
Date: Sat, 19 Aug 2023 22:42:05 +1000

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Department of Infrastructure, Transport, Regional Development, Communications and the Arts
3/175 Pitt Street,
Sydney NSW 2000

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

Dear Sir/Madam,

I am writing to express my deep concern and outrage regarding the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. As an Australian citizen, I strongly believe that this bill undermines the freedom of speech that is essential to our democracy.

The existence of this bill clearly demonstrates a lack of respect for the freedom of speech of Australian citizens. It creates two distinct classes of citizens, where politicians, journalists, and members of educational institutions are given the power to spread information, whether correct or incorrect, while regular citizens, who often have more knowledge on certain topics, are left at a disadvantage. This will create two classes of citizens.

The internet, in my strongly held belief, is the most powerful democratic invention of humanity. It has given a voice to ordinary people and has the potential to empower them. However, this bill jeopardizes the democratic nature of the internet and disproportionately harms regular citizens. This short sighted bill again creates two classes of citizens and ends freedom of speech.

The excessive fines imposed by this bill will lead to digital services being more restrictive in terms of speech than ever before. Furthermore, the code applies across the entire industry, leaving no room for flexibility or alternative solutions. This overly restrictive approach will stifle open and honest discussions and limit the ability of individuals to express their views freely.

Accurately judging what is true or untrue is an impossible task. New information is constantly being discovered, often contradicting previously accepted facts. History has shown that even authorities and expert consensus can be wrong at times. The examples of misinformation around COVID-19 that were once widely accepted as fact but later proven false highlight the challenges of accurate judgment.

Furthermore, it is not just provably false information that will be subject to removal under this bill, but also information that is deemed "misleading" or "deceptive." Freedom of speech allows for open and honest discussions, where diverse viewpoints can be debated and the truth can ultimately be found. By restricting this freedom, we risk stifling innovation, progress, and the exchange of ideas.

Prominent experts, such as Dr. Nick Coatsworth, have raised serious concerns about the scope and application of this bill. Dr. Coatsworth, a former Deputy Chief Medical Officer of Australia, has warned about the challenges in implementing and enforcing such legislation and the potential for fines to be levied on information that may not be provably false.

It is also concerning that industry bodies, often influenced by the biggest players in the industry, will be responsible for creating industry codes. This leaves room for anti-competitive practices and the potential for larger digital services to establish onerous codes that smaller competitors cannot comply with, effectively reducing competition.

Furthermore, the extraterritorial application of this bill is a significant overreach by Australia. It puts foreign entities, who may have no knowledge of Australian law or industry codes, at risk of non-compliance. This can lead to arbitrary fines and legal issues for individuals and businesses operating globally, potentially damaging international relations and Australia's position in the global Internet community.

The proposed bill also contradicts the News Media Bargaining Code (NMBC), which limits digital services' ability to address misinformation and disinformation. The NMBC already restricts digital services from showing certain content and treats non-approved news publications differently. The conflict between the two legislations further highlights the flaws and inconsistencies in the proposed bill.

By categorizing certain political party viewpoints as misinformation, this bill undermines the democratic process and limits citizens' access to information that is essential for making informed voting decisions. Independent media organizations, journalists, and bloggers are targeted with complex reporting standards that can ruin their reputation, making it harder for them to compete with government-approved media and educational institutions.

Australia is a founding member of the United Nations and a signatory of the Universal Declaration of Human Rights, which emphasizes the rights to freedom of thought, opinion, expression, and the manifestation of religion. This bill threatens these fundamental rights and disregards the diverse perspectives and beliefs of ordinary Australians.

In conclusion, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to reconsider the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. The bill's broad scope, excessive fines, lack of consideration for diverse viewpoints, and potential violations of constitutional freedoms make it deeply flawed and detrimental to our democracy.

Thank you for considering my submission. I trust that you will take the concerns raised into account and act in the best interest of all Australians.

Yours sincerely,

Rob