

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

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Dear Sir/Madam,

I write to express my strong opposition to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, I am deeply concerned about the implications of this bill on our freedom of speech and the potential harm it may cause to ordinary citizens.

Firstly, the existence of this bill indicates a blatant disregard for the freedom of speech that should be upheld and respected by our government. By creating two classes of citizens, one with the power to spread information deemed false or misleading, and the other stripped of that privilege, the bill undermines the democratic values that our country should uphold.

It is my firm belief that the internet is a powerful tool for democracy, providing a voice to regular people. This bill, however, poses a significant risk to those regular people, disproportionately harming their ability to freely express their knowledge and opinions, which are often valuable and insightful.

The excessive fines outlined in the bill would force digital services to become excessively restrictive in their approach to speech, far more than the current standards allow. Moreover, the broad application of the code across the entire industry without any "pressure escape valves" creates an environment of fear and self-censorship, ultimately stifling open and honest discussions.

It is impossible to accurately judge what is true or untrue, as new information continues to emerge that challenges widely accepted facts. For instance, authorities and expert consensus have made incorrect statements in the past about the effectiveness of masks in preventing COVID-19 transmission or the characteristics of the vaccine. Under this legislation, content related to such evolving information could be subject to removal, even if it is not provably false.

Furthermore, the bill does not only target provably false information but also considers information that is deemed "misleading" or "deceptive." Freedom of speech is invaluable precisely because it allows for open and honest discussions, including the ability to be wrong and have debates to ultimately find common ground.

Notably, even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has expressed concerns about the scope and application of this bill. His scathing rebuke on the bill's implementation and potential fines levied on information that may not always be misinformation raises serious doubts about its effectiveness and credibility.

The extraterritorial application of this bill on foreign digital services is a gross overreach that jeopardizes Australia's standing in the global Internet community. It is unreasonable to expect foreign entities to comply with Australian law, particularly when they have no knowledge of it or representation within Australian industry bodies. This overreach may lead to Australia becoming an outcast in the global Internet landscape, further exacerbating the negative impact on our citizens' access to information.

Additionally, the comparison made with China and how they may regulate information about the

Tiananmen massacre highlights the absurdity of such expectations. Just as China is entitled to set its own rules for its internet, Australia should not require foreign digital services to comply with every aspect of our legislation. Instead, both countries should respect digital sovereignty and the ability of digital services to choose which laws to abide by.

Moreover, the proposed bill's impact on potential legal issues faced by Australians abroad, such as fines or imprisonment when visiting foreign countries, further exemplifies the dangerous precedent it sets. We cannot ignore the hypocrisy of admonishing other nations for similar extraterritorial actions while suggesting the same approach ourselves.

The bill, in its current state, unreasonably extends Australian law onto foreign entities, displays a self-entitled and ignorant attitude, and violates our legislators' constitutional power. It is essential to recognize the constitutional freedom of political communication and ensure that any limitations on legitimate discussions align with our democratic principles.

This bill diminishes the power of ordinary citizens to participate in public discourse and silences certain viewpoints under the pretence of protecting minorities. It is crucial to acknowledge that progress often occurs when previously accepted facts are challenged, and diverse viewpoints are considered. The bill's single-code requirement leaves minorities vulnerable to the system's pushback without any means of shelter or protection.

Furthermore, the threats imposed on digital platform providers and ordinary users pose significant challenges and potential harm, including reputational damage, financial penalties, and business inefficiencies. The prospect of being hauled before ACMA can cause distress and intrude on the lives of ordinary citizens. This authoritarian approach contradicts the principles of mateship ingrained in our Australian values.

Lastly, the bill fails to take into account the importance of diverse viewpoints and the experiences and perspectives of ordinary Australians. By deplatforming certain views as misinformation, the bill restricts the sense-making process essential for comprehensive decision-making in a democratic society.

In conclusion, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to re-evaluate the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. It is imperative to protect freedom of speech, encourage diverse viewpoints, and uphold the democratic values that define Australia.

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

Yours sincerely,

Kim Andrew