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18.8.23

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

PO Box 6022

House of Representatives

Parliament House

Canberra ACT 2600

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 Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 currently under consideration. As an Australian citizen, I strongly believe that this bill is a direct attack on our freedom of speech and an infringement on the democratic values that our nation holds dear.

First and foremost, this bill creates a stark division among citizens, categorizing them into two groups with differing levels of freedom of expression. The first group consists of politicians, journalists, and members of educational institutions who will have the power to share information - whether true or false - without repercussions. The second group comprises ordinary citizens whose voices are often more knowledgeable on specific topics than those in the first group, such as industry insiders. This unfair division undermines the power of the internet, which has been a vital democratic tool, giving a voice to regular people.

Furthermore, the excessive fines imposed by this bill will result in digital services becoming overly restrictive in terms of speech, far beyond what is currently deemed acceptable. The absence of any "pressure escape valves" creates a system that is inherently harsh and leaves no room for dialogue and debate. It is impossible to accurately determine what is true or false, as new information constantly emerges, challenging previously accepted facts. The bill's broad definitions of

misinformation and disinformation jeopardize the freedom of speech and hinder open and honest discussions necessary for finding common ground.

Even Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, has expressed serious concerns about the scope and application of this bill. His statement on social media highlights the challenges of implementing such legislation and the potential for fines to be levied on information that may later be proven to be true.

The proposed bill also raises significant concerns about industry bodies and their ability to influence regulations and create codes that favor larger digital services at the expense of smaller competitors. This anti-competitive behavior undermines the principles of fair market competition and stifles innovation.

Moreover, the extraterritorial application of this bill and its impact on foreign entities is highly problematic. It places an undue burden on digital platforms and services worldwide without regard for their compliance with Australian law or membership in relevant industry bodies. This overreach threatens to isolate Australia from the global internet community.

Additionally, the bill's infringement on the implied constitutional freedom of political communication raises constitutional concerns. Limiting legitimate discussions on matters of public policy, scientific investigation, and debate would unduly curtail this freedom. The government's assumption that it can determine what is true without considering the experiences and viewpoints of ordinary Australians diminishes the diversity of perspectives essential for informed decision-making.

Furthermore, the threats posed to digital platform providers and ordinary citizens under this bill are deeply concerning. These threats range from reputational damage and financial penalties for platform providers to the imposition of reporting requirements and potential legal action against everyday users. This style of governance is reminiscent of oppressive regimes and undermines the principles of mateship and diversity that Australia holds dear.

It is also worth noting that the enactment of the News Media Bargaining Code in its current form limits digital services' capacity to address misinformation and disinformation effectively. This bill reinforces the need for diverse perspectives, including independent media organizations, journalists, and bloggers, to counter false information. Disempowering these entities and consolidating power in the hands of government-approved sources further endangers public access to vital information.

As an Australian citizen, I urge you to reconsider the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. This bill directly undermines the fundamental freedoms and democratic principles that our nation upholds. I implore the Department

of Infrastructure, Transport, Regional Development, Communications, and the Arts to listen to the voices of ordinary Australians and reject this dangerous legislation.

Thank you for your attention to this matter. I trust that you will act in the best interests of our democracy and the freedom of speech we hold dear.

Yours sincerely,

Craig Mitchell