



18 August 2023

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 outrage in response to the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. As an Australian citizen, it is my strongly held belief that this bill undermines the fundamental principles of freedom of speech and poses a significant risk to the democratic nature of our society.

This proposed legislation creates a clear divide between two classes of citizens: those deemed as trusted sources, such as politicians, journalists, and members of educational institutions, who are allowed to spread information regardless of its accuracy, and regular citizens who are subjected to stricter regulations and potential limitations on their freedom of expression. This division disregards the knowledge and expertise of many individuals, including industry insiders, who often possess a deeper understanding of certain topics than those within the designated class.

The internet, often referred to as the most powerful democratic invention, has provided a platform for regular people to voice their opinions and engage in open, honest discussions. This bill, however, poses a significant threat to the voices of ordinary Australians, disproportionately impacting them and limiting their ability to participate fully in our democracy.

One of the most concerning aspects of this proposed legislation is the imposition of excessive fines and the potential for digital services to become excessively restrictive in their speech. By applying the code across the entire industry without providing any "pressure escape valves," the bill compounds the harm and restrictiveness. Such restrictions would surpass even the most stringent forms of censorship currently in place on digital services.

Accurately determining what is true or untrue is an impossible task, as new information continually emerges that contradicts previously accepted facts. The examples provided in my submission demonstrate how widely accepted information can later be proven false. Under

this legislation, such information could be considered harmful misinformation and potentially removed. Additionally, the bill's scope extends to include true information that is deemed "misleading" or "deceptive," effectively limiting open and honest discussions necessary for finding common ground.

Even experts appointed to be stewards of truth, such as Dr. Nick Coatsworth, a former Deputy Chief Medical Officer of Australia, have expressed serious concerns about the scope and application of this bill. His statement via Twitter highlights the challenge in implementing such legislation while avoiding unintended consequences and unnecessary fines. If experts themselves question the bill's efficacy, it raises significant doubts about its effectiveness.

The influence of industry bodies, often funded by and aligned with major players in a particular industry, raises concerns about the proposed industry codes. It is highly likely that these codes will become anti-competitive wedges that larger digital services use to gatekeep their industry, impeding competition from new entrants. Granting digital services the ability to craft their own regulations also allows them to potentially damage smaller competitors through onerous regulatory requirements.

Moreover, the proposed legislation runs contrary to efforts by competition regulators worldwide to lower barriers to entry and foster competition within the digital platform industry. This misalignment with global competition regulators is concerning and calls into question the government's commitment to promoting a fair and competitive environment for consumers.

The bill's delegation of lawmaking power to private entities, specifically companies entrusted with creating misinformation codes, raises constitutional concerns. By allowing these codes to become law without requiring approval from Parliament, there exists an unconstitutional abdication of legislative power. Furthermore, the proposed legislation infringes upon the implied constitutional freedom of political communication by limiting legitimate discussions on contested matters of public policy and scientific investigation.

The fundamental premise of a democratic society relies on citizens having access to information that enables them to make informed decisions. This bill's categorization of certain political party viewpoints as misinformation, with potential removal from digital platforms, undermines the very essence of a democratic society. Independent media organizations, journalists, and bloggers will face complex reporting standards and misinformation reports designed to damage their reputation. This will effectively suppress dissenting voices and tip the scales heavily in favor of government-approved media, incentivizing biased news coverage.

This legislation creates a stark division between citizens, designating certain viewpoints as untrustworthy and subjecting them to monitoring and reporting. This undermines diversity in viewpoints and inhibits the sense-making process necessary for a well-informed society. By

presupposing that ordinary people are incapable of engaging in public discourse without causing harm, the bill unfairly questions the legitimacy and trustworthiness of the viewpoints of average Australians.

Furthermore, threats made to digital platform providers, including highly negative records, impositions on businesses, and civil penalties, are disproportionate and risk financial loss or insolvency. The threats issued to ordinary citizens, including potential appearances before ACMA and the implicit incentive to "dob in" their friends, family, or political allies, erode the values of mateship and unity that are central to Australian society.

It is essential to uphold the principles of freedom of thought, conscience, religion, opinion, and expression enshrined in the Universal Declaration of Human Rights. The proposed bill directly contradicts these principles and undermines the democratic values upon which our nation was built.

In light of the concerns outlined above, I strongly urge the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts to reconsider the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. It is imperative to uphold the principles of freedom of speech, foster competition in the digital platform industry, and ensure the full and equal participation of all Australian citizens in the democratic process.

Thank you for considering my submission. I trust that you will carefully review the points raised and take them into account when determining the future of this bill.

Yours sincerely,

[Your Name]