

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

**Submission to The Communications Legislation Amendment (Combating Misinformation and Disinformation)
Bill 2023: Exposure Draft Feedback**

Date: 20th August 2023

Dear Sir / Madam,

I hope this letter finds you well. I am writing to you to express my concern for the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 which would subject the public expression of Australian citizens to a system of prior restraint, suppression, surveillance, biased classification, and reporting.

As I give feedback to this Bill, I am saddened that it is necessary. That the basic liberties that have been the foundation of our western culture are being threatened by our own government. That our government would dare to propose this bill should cause every Australian to think twice about their ulterior motives for our country.

In summary, the bill contradicts our implicit rights as Australian Citizens with Marxist characteristics and should be withdrawn.

Introduction and Background

A brief introduction, I am a Christian, Husband, Father of two children and [REDACTED] Engineer at [REDACTED]. We serve a variety of clients in Australia and abroad. Our reputation is built with honesty and integrity, offering unbiased professional judgement and applying ethical standards that exceed community expectations.

I have travelled and consulted broadly for work (Many countries throughout Asia, Africa and North America). I have experienced the great firewall of China in person. These experiences have made me aware of the dangers of censorship, government propaganda and authoritarian control and its growing influence on Australian politics and policies.

In April 2023, following a course with the Australian Rural Leadership Foundation, and my growing concern regarding where our nation was heading, I was contemplating the best method to be actively involved in the conversation. I had a Twitter account which had sat effectively dormant since 2009. However, since Elon Musk took over and following his commitment to free speech and release of the "Twitter Files", I decided to be apart of the conversation on Twitter.

I first heard about this bill near the end of June 2023 on Twitter from Craig Kelly, Senator Rennick, John Goddard and Senator Hanson. Of note, no one outside of people I followed / met on Twitter were aware of the bill and its implications (this was true even up to this last week). This speaks to the breakdown of our public communication methods (mainstream media) in that important topics are not being shared and debated widely. Twitter appears to be one of the last bastions of freedom of thought and discussion (though sadly under attack on many fronts).

Around the middle of July, following a Twitter Space to discuss our thoughts on this bill and its implications, a small group of approximately 10 concerned Australians, formed an advocacy group, stopaussieensorship.org, to raise public awareness about this topic. We used this platform to provide information and share concerns about the implications of the bill to ensure the public was fully informed. We have also corrected misinformation provided in the Guidance Notes and by some Media Outlets. This has led to many submissions being made by the public.

I share this story to highlight the fact that most Australians are currently disconnected with the bills being proposed by our government (and until a few short months ago, I also fell into that category). The public comment periods are relatively short and not widely shared. The onus is currently on concerned individuals to give up their time and resources to ensure Australians are aware of the implications of these bills, how fragile their freedoms are and to have their voices heard before it is too late.

Sending in a submission to a proposed bill can be quite a daunting affair (assuming you even heard and felt strongly enough about the bill to spend your time on preparing one). Many Australians have never made submissions to government. Due to the significant barrier of entry and putting the onus on regular Australians to voice their concerns our team developed a submission drafting assistant tool. The tool has now assisted hundreds of Australians with preparing an initial draft submission based on concerns they have chosen and would like to convey to the government about this Bill.

We trust that these submissions that have employed AI will not be regarded as less genuine than those that have not. To assume that a submission that has been created using AI, is less sincere, without knowing the individual situation of the submitter, would of course be quite arrogant and unfair.

Free Speech

Free speech in this context is whether someone can say what they think in public without any Government coercion, intimidation, belittling, threats or censorship, whether carried out directly or indirectly via one or more intermediary bodies, organisations, codes or companies. A quote from George Orwell, "If liberty means anything at all, it means the right to tell people what they do not want to hear."

Free speech is extremely important. It has been the bedrock of western society for hundreds of years. [Mr Robert F. Kennedy warned](#) democracies were "very rare in human history and difficult to maintain." Examples of breakdown by the elected governments themselves include Venezuela, Georgia, Hungary, Nicaragua, Peru, Philippines, Poland, Russia, Sri Lanka, Turkey and Ukraine. From George Washington, "If freedom of speech is taken away, then dumb and silent we may be led, like sheep to the slaughter." It is easy to forget what an important role free speech plays in safeguarding society from authoritarians and tyrants.

Free speech is required to ensure the integrity of our democracy. Where unbiased judgement can be given by the everyday Australian. Without free speech, unpopular opinions can be suppressed, leading to the deterioration of our democracy.

As Vivek Ramaswamy recently said, "The best measure of the health of a democracy is the percentage of people who feel free to say what they actually think in public."

I have found Twitter/X to be one of the most powerful mechanisms for public debate and discussion. There is no greater method to understanding what you believe on an issue than placing it in the public sphere for comment. I have had many civil debates with people on Twitter/X who claimed “misinformation / disinformation” about a specific comment or post. In an online debate you can then provide references to back up each argument and the entire conversation can be viewed by people who can make up their own minds on who to believe. The truth will set you free.

Its Divisive & Inequitable

This bill indicates a lack of respect for the freedom of speech of Australian citizens. The establishment of two distinct categories of citizens, with politicians, journalists, and members of educational institutions being granted the power to spread information, regardless of its accuracy, while regular citizens are subjected to excessive fines, is deeply concerning (ref Section 7(1)(b)). This creates an imbalance of power and limits the ability of ordinary people to have their voices heard in our democratic society.

It also appears to go against our implied rights to freedom of opinion and expression. A summary of these are set out by the Attorney-General’s Department [here](#). Our government should be looking to strengthen and uphold our freedoms, not tear them down.

Your Truth vs My Truth

It is important to acknowledge that determining what is true or untrue is an incredibly difficult task. Niels Bohn once said, “The opposite of a fact is falsehood, but the opposite of one profound truth may very well be another profound truth.”

New information is constantly emerging that challenges previously accepted facts. The examples provided in the text aptly demonstrate how widely accepted claims can later be proven false. Under this legislation, industry or mandatory codes are likely to require the removal of content that may well be based on evolving and disputed information. Additionally, the inclusion of true information that is deemed "misleading" or "deceptive" further limits the potential for open and honest discussions, vital for the pursuit of truth and finding common ground.

Dr. Nick Coatsworth, an esteemed former Deputy Chief Medical Officer of Australia, has expressed serious concerns about the scope and application of this bill. His criticism highlights the possibility of fines being levied on information that may not be provably false. If expert consensus, as embodied by individuals like Dr. Coatsworth, is now questioning the effectiveness and fairness of this bill, it is crucial that the government takes such concerns into account.

Australian Twitter Files

The Australian Twitter Files was a shocking case of government overreach which was recently uncovered by Senator Antic in July 2023. [Chris Kenny reported](#), “Many of 4000 social media posts secretly censored by government during the height of the Covid-19 pandemic contained factual information and reasonable arguments rather than misinformation, reveal.”

Our government has been actively censoring differing opinions behind the scenes, with little transparency or oversight. In my opinion, this bill aims to make it legal. Our government should be ensuring the rights to free speech of its citizens. If a company tries to censor an Australian Citizen, it needs to be transparent about it and provide a mechanism to have this lifted ideally with compensation to the aggrieved person as a means to discourage people being unfairly censored.

Political Interference and Control

In its current form, this bill also contradicts the principles of freedom of political communication and exposes citizens to undue interference. The imposition of threats and penalties on digital platform providers and individual users undermines the democratic process, discourages diversity in viewpoints, and raises concerns about government-approved journalism and media organizations serving biased interests. The potential harassment of independent media organizations and the labelling of political viewpoints as misinformation or disinformation further jeopardize our democratic underpinnings and one's right to express and share ideas.

We have seen this behaviour through COVID and now through the Voice Referendum. Josh Butler reporting on the [10th July in the Guardian](#), "Meta, the parent company of the two apps, on Monday announced it would boost funding to factcheckers monitoring misinformation, activate global teams to locate and respond to potential "threats" to the referendum."

Butler also reported, "Liberal senators last month claimed there was "a clear risk" the voice referendum "could be used as another vehicle to subvert Australia's democracy"."

One example of this has been clearly seen regarding the [discussion](#) on whether the "full" Uluru Statement from the heart is 1 page of 26. The [RMIT Factlab](#) has concluded that this is false which is used to control censorship on Meta currently. However, recorded conversations with multiple key authors ([Dr Megan Davis and Pat Anderson](#)) provided an alternative narrative. Isn't it in our best interests to allow the Australian people to review all the facts and let them discern the truth instead of artificially tampering with the facts using the dials of censorship? I would suggest that he who controls the levers of censorship across social media controls the narrative, which in turn can control the outcome of any debate. When people are not treated fairly online with some voices given larger reach, while others are being restricted, sometimes even without their knowing, you can unfairly control a narrative.

Anticompetitive

The bill imposes onerous regulation on all social media companies, no matter their size. Industry bodies, often funded and influenced by major players in their respective sectors, have a large influence over the creation of industry codes. This influence can pave the way for onerous regulations that act as barriers to entry for smaller competitors and favour larger digital services. The proposed bill essentially grants the largest digital services the ability to draft their own regulations, thereby disadvantaging smaller competitors and stifling innovation and competition. Recent evidence has shown that free-market competition incentivizes platforms to form policies on misinformation and disinformation that align with community expectations, as users migrate to platforms that meet their needs.

Religious Freedom

This bill fails to consider the implications for religious freedom and the diverse perspectives that exist in our society in s6. With the potential to categorize fundamental viewpoints of faith as misinformation, it disregards the deeply held beliefs and values of religious individuals. For example, I am a Christian and I believe the Bible is the written Word of God, given by divine inspiration to the authors who spoke and wrote the words (Proverbs 30:5-6, 1 Thessalonians 2:13). The Bible sets out teachings and wisdom on a wide variety of topics that form a basis on how one should live their life in harmony with God's law (2 Timothy 3:16-17). For example, the Bible teaches that life begins in the womb (Psalm 139:13-16), that all life is precious (Genesis 1:26), that the wages of sin is death (Romans 6:23), examples of various sins (1 Corinthians 6:9-10) and how sinners can receive

redemption by believing that Jesus Christ died for their sins and was raised from the dead (John 3:16, Romans 10:9).

These beliefs are aspects of my faith. They are religious beliefs. However, there is little doubt some of these beliefs could be regarded as misinformation or disinformation depending on ACMA's position.

There are various teachings in the Bible that ACMA could regard as misinformation or disinformation including in relation to there being only 2 genders (Genesis 1:27, Matthew 19:4) and the roles of men and women in family and church life (1 Corinthians 11:3, Ephesians 5, 1 Timothy 5:8 and Galatians 3:28).

Aspects of other religions could likely fall into similar misinformation / disinformation depending on the whim of ACMA (such as Islam, Judaism (which share common roots to Christianity), Hinduism, Dreamtime and Buddhism etc. This exclusionary approach is intolerant and infringes on the rights and freedom of expression for people of faith (due to not being excluded under s6).

Pre-Censorship

The bill will lead to Pre-Censorship of Australian Citizens. To avoid violating the Misinformation Codes, Digital Platforms will want to ensure that they comply with the code or standards under Section 44 or Section 54. Therefore, they will likely develop systems that use AI to filter posts before they appear on the site.

This will result in a huge amount of resentment amongst the people who would like their voices to be heard regarding an important topic yet, will ultimately be silenced. As Vivek Ramaswamy recently said "If speech is abhorrent, a democracy like ours is supposed to answer it with more speech, not censorship. That's one of the things that separates us from the Chinese Communist Party."

A similar pre-censorship system has recently been introduced in Canada in response to the requirements of Bill C-11, with Facebook and Twitter leading the way in its implementation. Examples of this were shown by [Shaun Rickard on Twitter](#) and The Post Millennial [being blocked](#).

Whatever happened to innocent until proven guilty? Due process? We already have a version of the thought police out monitoring "likes". Howard Donald got cancelled for such a crime in June [here](#). As George Orwell said "Thoughtcrime was not a thing that could be concealed forever. You might dodge successfully for a while, even for years, but sooner or later they were bound to get you."

Echo Chambers

Blocking and Censorship leads to echo chambers. When free thought is restricted, people get positive reinforcement by the “yes men” around them which leads to narrowmindedness. I was recently [blocked on twitter](#) by Dr Victoria Fielding, a Lecturer and expert of Strategic Communications at the University of Adelaide. My communication with Dr Fielding had been civil as we debated ideas, however, she chose to block me along with many others instead of engaging in discussion and debate. Amusingly Dr Fielding’s research focuses on the way groups compete for positive attention in the news media and the influence journalism has on democracy. In a way, Dr Fielding is actively censoring and undermining democracy through her actions, creating an echo chamber or prisoner to her own thoughts.

In conclusion, I strongly believe that the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 poses a significant threat to freedom of speech, democracy, and the diversity of viewpoints. Its impact on regular citizens, the stifling of open and honest discussions, and the potential for unfair advantage to established players undermine the principles that Australia stands for.

I implore the Department to reconsider this bill and work towards legislative frameworks that upholds the democratic values and fundamental rights that are essential for our society. I trust that my concerns, along with those of countless Australians, will be taken into account when considering this proposed bill.

Thank you for your attention to this matter.

Sincerely,

Reuben Richardson