

26.06.2023

Combating Misinformation and Disinformation

Subject: Feedback on Exposure Draft of the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023.

I am writing to provide feedback on the exposure draft of the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. While I appreciate the government's efforts to address the issue of misinformation and disinformation, I have concerns regarding certain provisions of the proposed legislation.

Misinformation and disinformation pose a threat to the safety, wellbeing, and democratic processes of Australians. However, it is essential to strike a delicate balance between combating harmful content and preserving fundamental rights, such as freedom of speech and privacy. The proposed powers granted to the Australian Communications and Media Authority (ACMA) raise concerns about potential overreach and their impact on freedom of speech and the open exchange of ideas.

The provision enabling the ACMA to gather information from digital platform providers or require them to keep certain records raises concerns about privacy and potential intrusion into personal data. While it is crucial to combat harmful content, it is equally important to ensure the protection of individuals' privacy rights and prevent unnecessary encroachments.

The proposal to request the industry to develop a code of practice to combat misinformation and disinformation, enforceable by the ACMA, may unintentionally stifle legitimate speech and diverse perspectives. A code of practice enforced by the ACMA could have a chilling effect on freedom of expression, hindering public discourse rather than fostering a healthy information ecosystem.

Additionally, the provision granting the ACMA the authority to create and enforce an industry standard if a code of practice is deemed ineffective is worrisome. While addressing the challenges posed by misinformation and disinformation is important, imposing a stronger form of regulation may disproportionately burden smaller digital platforms and potentially limit innovation in the industry.

Furthermore, it is crucial to acknowledge that news media outlets also play a significant role in spreading misinformation and disinformation. To ensure a comprehensive and consistent approach, news media should also be subject to the same obligations and standards as digital platforms. This would require news media organizations to adopt responsible reporting practices, fact-check their content, and provide accurate and unbiased information to the public.

In conclusion, while acknowledging the importance of combating misinformation and disinformation, I urge you to carefully consider the potential impact of the proposed legislation on freedom of speech, privacy, and the digital industry's ability to innovate. A balanced approach that encourages collaboration and education, while subjecting news media to the same

obligations and standards, may prove more effective in addressing this complex issue while preserving our democratic values. Such an approach would ensure a comprehensive and consistent framework for combating misinformation and disinformation, regardless of the medium through which it is disseminated.

Thank you for considering my feedback. I hope that you will take these concerns into account during the drafting and revision process of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

Yours sincerely,

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