

## Feedback on proposed ACMA powers to combat misinformation and disinformation.

I am a 59-year-old senior English teacher. I have been a teacher for 15 years and before this I worked in publishing as a journalist, writer, and editor. The proposed Misinformation and Disinformation Bill concerns me immensely.

Over the last five years I have noticed a profound change in my classrooms. As an English teacher I see my main role as facilitating students to develop critical thinking skills through rhetorical debate, independent research, and good faith argument. An objective approach to argument is almost no longer possible, as so many students are now too scared to express their opinions on many cultural issues. The concept of free and fair speech has already been eroded to the point where robust discussion is no longer possible. Students have separated into three distinct groups: there is a small social justice cohort who are generally living with profound anxiety about issues such as climate change, LGBT discrimination, and a perceived explosion of racism. There is a large, disengaged group in the centre who are rarely invested in their culture, and there is a small, mainly male, group who are angry and depressed and feel that society has left them behind. They are attracted to more traditional ideas. Both the social justice group and the traditional group feel they have nothing in common and see each other as enemies.

In the past, these divisions could have been dissolved where open and honest debate could occur, where bad ideas are replaced by better ones. In my experience, telling somebody that they are wrong never changes minds, but allowing access to other ideas, even if these ideas are potentially upsetting, allows somebody to see the world in less polemical ways. However, because so many issues are verboten, many teachers censor their classes and focus on more benign topics.

I know these kids and they have more things in common with each other than they think they have, and it's a shame they feel they can't express themselves. Reading the Exposure Draft of the Bill, I fear that these divisions will grow.

My main concerns are:

- Whilst disinformation and misinformation are something that the Bill defines as *false*, *misleading* or *deceptive*, penalties for these do not apply to excluded groups such as '*professional news content*', '*content authorised by the Commonwealth or a State*,' and '*content produced for an educational institution*'. I believe it is dangerous to assume that news organisations, governments or even educational institutions are not capable of issuing misinformation (*which misleads*) or disinformation (*which causes actual harm*). I can think of many examples where this can be shown: weapons of mass destruction, broken election promises, past school curriculum. I fear this will create an 'information elite' who control what is and isn't acceptable to say in society. Citizens may self-censor out of fear of penalty, public debate will be limited to acceptable speech and public trust will be eroded. Perhaps the Bill might be fairer if it applied to every citizen, government organisation and media producer. Otherwise, it could further cynicism in our community.
- It seems the purpose of the Bill is to help avoid *harm* in the community, however *harm* is not defined in any concrete way: it is simply defined in a circular way where it is assumed that the reader knows what the term *harm* means. However, the idea of *harm* can range from a subjective feeling of being slighted to actual bodily harm. For instance, the Bill gives an example of misinformation that leads to '*Harm of the environment*.' Again, harm to the environment could range from cutting lawns to

irradiating oceans. Unless the definition of harm is something everyone can agree on, I fear the term will be abused. Besides, serious harm, such as incitement to violence and coercive abuse, are already illegal under the law.

- Similarly, the term *Hatred* also needs to be defined. The Bill cites an example of *hatred against a group in Australian society on the basis of ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability*. Many people may be uncomfortable around certain groups. I have often advised my daughters to be careful around large groups of men at night. Will this equate to hatred?

Ultimately, I am concerned that the vague nature of the amendments will lead to selective application of disinformation penalties, may lead to people self-censoring their opinions, may push already polarised groups towards more extreme ideation, may create an information elite who could decide what is and isn't acceptable speech, and may further erode public trust in our institutions. I accept that social media has created an environment where sensational, conspiratorial ideas flourish and where facts and reason can be subsumed by raw emotion. I can also understand that government finds itself in a dilemma where it must balance free speech rights against public order disruption, but nowhere in history has censorship ever led to better outcomes for citizens and I worry that knee jerk solutions to cultural issues may make things worse in the long run.