

I write as private individual concerned about the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. There are several aspects to my concern.

Firstly, when governments are involved in the regulation of speech, it both consciously and unconsciously does so in a way that benefits itself and its allies. There has been a continual march by governments of all stripes to erode the freedoms of the people they serve. This legislation will likely have far-reaching unforeseen consequences for political speech.

My general view is that a good law is one that applies equally to all in society. This is where my second concern lies. This draft legislation is written in a way that will clearly benefit some at the cost of others. It is stated that 'the code and standard-making powers will not apply to authorised electoral and referendum content and other types of content such as professional news and satire'. Our history is replete with the established political parties making knowingly false statements but these proposed laws will not apply to them. As to 'professional news', it is not clear what exactly that is. Again, there are an uncountable number of examples where licensed broadcast and print media institutions have pushed an agenda that either serves its interests or those that they support. It seems unfair that such organisations may publish misinformation on digital platforms whilst others may not. It is not clear as to what gives them special privilege. Especially as our nation's media is one of the most concentrated in the western world, with a powerful duopoly of Nine Entertainment and Murdoch's News Corp controlling most of the Australian press.

Coupled with that, the overall regulation is structured in such a way that will be a clear benefit to the established platforms and will have the effect of deterring smaller players and new entrants. It appears that there will be a significant administrative burden to comply. In addition, as the draft legislation proposes imposing hefty fines on social media companies who fail to adequately block "misinformation" and "disinformation" from circulation in Australia, the likely result will be that it will be simpler and easier to simply not publish information to the Australian public rather than face punitive penalties.

Finally, the problem with laws against inaccurate information is of course that somebody needs to be making the determination what information is true and what is false, and those determinations will necessarily be informed by the biases and agendas of the person or body making them. There are many instances where something at one time is labeled 'misinformation', but later found to be true or vice versa. In fact there are many instances where a position on a number of subjects may be substantiated using an abundance of facts and evidence, but for which there's still a sizeable portion of the population which would consider such claims malignant disinformation with or without the supporting data.

It is one thing to enact legislation that is reportedly needed because there is a desire to protect such things as public health, the marginalized, fight foreign influence, or curb unsavory opinions, but this legislation appears to be a push to control speech because of a desire to control speech. Governments and the powerful understand that narrative control is real power. In a democratic society there needs to be an egalitarian application of the rights and responsibilities of the people.