

Feedback on the Exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

The rationale for introducing this Bill is based on the following assumption: *'misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as to our democracy, society and economy'*. The Bill is based on the findings of a report examining 60,000 social media conversations focusing on:

- Anti-vaccine
- Anti-lockdown
- Anti-5G
- Qanon

The evidence from the report has resulted in a weak argument for censorship with mixed results with respect to harm. Over 95 per cent of the Australian population over 12 years of age were vaccinated irrespective of vaccine narratives. Discussions on lockdown measures have in hindsight proven to be both necessary and healthy to ensure balance between unnecessarily harsh and harmful measures and public health safety and this is supported by Swedish data demonstrating both more relaxed lockdown measures and overall lower rates of excess deaths compared to other countries including Australia. Evidence relating to Qanon appears to be anecdotal however there is some evidence of property damage of 5G towers possibly arising from misinformation communication. However, the latter unfortunate incident or incidents do not in any way justify the implementation of draconian heavy handed censorship laws and can be dealt with under other existing laws and punishments.

With only weak evidence to support the implementation of the Bill it is extremely concerning in it's broad sweeping powers arising from the definition of 'serious harm':

- hatred against a group in Australian society on the basis of ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability;

- disruption of public order or society in Australia;

- harm to the integrity of Australian democratic processes or of Commonwealth, State, Territory or local government institutions;
- harm to the health of Australians;
- harm to the Australian environment;
- economic or financial harm to Australians, the Australian economy or a sector of the Australian economy.

The above terms are so open to interpretation by a regulator or the judiciary that social media platform providers will be effectively pressured into providing sweeping censorship to avoid the excessive penalties proposed under the Bill. Effectively the Government is pressuring social media platforms to censor Australian's rights to free speech. This is further exacerbated by Section 7 (d) *'the provision of the content on the digital service is reasonably likely to cause or contribute to serious harm'*. Again, the term 'reasonably likely' is completely open to interpretation and invokes a dangerous preemptive assumption into the probability of the harm actually occurring.

For these reasons I am opposed to the Bill and support the complete withdrawal of a potentially dangerous tool which will provide a level of authoritarian control never before seen in Australian democracy. *'Australia is founded on the rule of law and has a strong tradition of respect for the rights and freedoms of every individual'* (from the Australian Government Attorney General's Department Human rights protections webpage). Let's keep it that way.