

To whom it may concern,

This is the concern of a layman without considerable expertise in this subject, however one with great concern for the outcomes of the proposed bill. In light of the many concerns over the bill, I have outlined 2 major points of contention I have with the bill.

The proposed bill being referenced in this letter is as follows - Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 – as outlined in the exposure draft.

1

The proposed bill defines harm in part as “hatred against a group in Australian society on the basis of ethnicity, nationality, race, gender, sexual orientation, age, religion, or physical or mental disability.” Of primary importance here is the fact that this bill does not attempt to define ‘hatred’ though the definition is crucial to an understanding of harm. Thus, harm has either a subjective standard or cannot be understood as a clear and consistent standard at all. Apart from the lack of clarity in the definition, the inclusion of sexual orientation in the language of the bill is also concerning. It opens the door for compelled silence on transgenderism, homosexuality and a host of other related issues. Due to the ambiguity of the above definition, there is little to no clarity to what extent the ‘gender identity’ extends. If questions are raised about the ethical nature of some of the surgeries being performed, will this be classified as hatred and duly suppressed?

2

The bill defines misinformation in subclause 7(1) as “information that is false, misleading or deceptive and... ..the provision of the content on the digital service is reasonably likely to cause or contribute to serious harm.” While Disinformation includes the stipulation of intent to deceive, misinformation does not include this stipulation. Aside from a lack of clarity as already discussed above, the use of this is very broad, posing serious concern for real life application. Is it unreasonable to assume that if this bill was in act during the covid era, it may have applied to the then conspiracy theories of the origin of COVID19 which have recently been concluded as probable or even likely?

There are numerous other concerns about the bill in question which I have not the time to visit. The handing over of immense power to a government agency, the almost certain suppression of free speech, the carve out for legacy media institutions (which have greater responsibility in what is promoted) as opposed to the application of this bill to media which can discuss the issues (i.e. allowing legacy media, but not alternative or community based media outlets) are only a few.

If there is to be true discourse, there must not be the inclination to suppress the opposing side’s views. I hope these concerns will be discussed, and ultimately, that this bill is rejected outright, due to the lack of clarity and high probability of free speech being suppressed.