

16th July 2023

Department of Infrastructure, Transport, Regional Development, Communications and Arts
GPO Box 594, CANBERRA ACT 2601

Comments on Combatting Misinformation and Disinformation Bill 2023

It is a worthwhile objective for government to keep the internet free of material encouraging child pornography, terrorist recruitment, sadism, brutality, violence, insurrection and forceful overthrow of the government and democratic institutions.

I believe the proposed Bill goes too far and will constrain freedom of expressions. In particular I am concerned about:

1. The definition of 'harm' is extremely broad, interpretative and subjective. 'Harm' should be limited to vicious, extreme, shocking, and deeply egregious harm.

As an example, I can foresee that encouragement via a social media post to undertake bushfire risk control burns could be deemed as 'harm to the environment'. There are many other examples I could give however, it's easy to see that activists will use this law to limit the scope of free expression.

2. If this Bill is to proceed, governments ought not be exempt. A standard should apply to all, if the standard is to be respected.
3. Big tech companies already filter content to suit their own political views. There are many examples of this in Australia and overseas. This Bill, and the Codes of Practice that may arise from it, will give digital platform service providers 'cover' to undertake more backroom censorship and content filtering.
4. A civil penalty based on company global turnover is not appropriate. The seriousness of a particular breach ought to be the determinate of a penalty, not the economic size of the company.

I do not support the Bill in its current form as it will stifle free speech. The Bill needs to be recast and be only limited to prevention of vicious, extreme, shocking and deeply appalling harm and misinformation.

Yours faithfully

Peter Bayley