

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

The draft legislation presented raises significant concerns regarding conflicts of interest, misappropriation of power, and strategic influence. By excluding certain parties, such as professional news media, educational institutions, and the government itself, the legislation undermines the principles of a democratic society and the protection of freedom of expression.

Firstly, excluding professional news content from the scope of the legislation creates a worrisome situation. Professional news media plays a crucial role in informing the public and holding power to account. However, there have been numerous instances where news media outlets have been found to promote disinformation or misinformation for their own political or corporate agendas. By exempting professional news content, the legislation fails to address the potential harm caused by false or misleading information disseminated by these outlets, which can erode the public's ability to make informed decisions and contribute to a healthy democratic society.

Furthermore, the inclusion of educational institutions accredited by governments, both domestic and foreign, as well as education providers aligned with the government, raises concerns about strategic influence and the potential for bias in shaping students' opinions. Education should foster critical thinking and encourage a diversity of perspectives, allowing individuals to form their own opinions. However, when educational institutions are aligned with government interests or influenced by political agendas, the education system can become a tool for indoctrination rather than a platform for independent thought.

Similarly, the exclusion of the government from the legislation raises questions about accountability and transparency. Governments should be subject to the same standards of information dissemination as other entities. When governments are exempted, it opens the door for the possibility of them using disinformation or misinformation to manipulate public opinion or maintain their political power.

To substantiate these concerns, let's delve into a few real-world instances:

1. Medicare Campaign (Australian Labor Party): During the 2016 Australian federal election, the Australian Labor Party ran a campaign known as "mediscare," which alleged that the government planned to privatize Medicare, the national healthcare system. The campaign utilized misinformation to create fear and sway public opinion, causing significant public outcry and political turmoil.

2. Government Control of Media in Turkey: The Turkish government under President Recep Tayyip Erdogan has exerted significant influence over the media, leading to self-censorship and limited freedom of expression. Numerous journalists and media outlets critical of the government have faced intimidation, arrest, or closure, severely limiting the dissemination of diverse perspectives.

3. Education Reforms in Hungary: The Hungarian government led by Prime Minister Viktor Orban has implemented education reforms that have been widely criticized for promoting nationalist ideologies and limiting academic freedom. These reforms aim to shape students' opinions by instilling a particular political and cultural worldview, restricting critical thinking and independent analysis.

4. Misleading Reporting on Iraq War (USA): Leading up to the 2003 invasion of Iraq, several major news outlets in the United States disseminated misleading information regarding weapons of mass destruction (WMDs) allegedly possessed by Iraq. These reports contributed to the public's support for the war, despite the subsequent revelation that the intelligence was flawed.

5. Misinformation during Brexit Campaign (UK): The Brexit campaign in the United Kingdom was marred by widespread misinformation and disinformation. Claims about the financial benefits of leaving the European Union and exaggerated statements regarding immigration fuelled divisions and shaped public opinion, influencing the outcome of the referendum.

These vivid illustrations serve as a powerful reminder of the grave repercussions that stem from an overreaching government's control over media outlets, education providers, and professional news organizations. Such control places the future of Australians in jeopardy, as it restricts access to reliable information, stifles the growth of independent perspectives, and obstructs active participation in democratic processes. The imminent danger lies in the alarming potential to indoctrinate our next generation, undermining the core values upon which our society thrives. It is crucial that we recognize and confront this threat, for the preservation of our nation's future depends on our unwavering commitment to a free and vibrant society.

Furthermore, the exclusions outlined in the draft legislation (p. 11, Section 6) give rise to several concerns regarding conflicts of interest, potential misconduct, and strategic influence. By exempting certain entities such as professional news media, educational institutions, and even the government itself from the legislation's scope, it undermines the principles of a democratic society and encroaches upon the freedom of expression. This approach runs counter to the provisions outlined in the Human Rights Act 2004 (ACT) statement, specifically guaranteeing the right to hold opinions without interference and the freedom to seek, receive, and disseminate information and ideas.