

To Whom It May Concern,

I have read the Exposure Draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023, as well as both the guidance note and fact sheet that are the accompanying documents. Please find questions and concerns as follows:

***"The proposed powers seek to strike a balance between the public interest in combatting the serious harms that can arise from the propagation of misinformation and disinformation, with freedom of speech."***

I am concerned that the Draft amendment bill has not achieved the balance you are seeking for the following reasons:

- Q1: Who determines what constitutes misinformation and what constitutes disinformation?

For example: During the Covid-19 pandemic the public were told that the Covid-19 vaccine was safe and effective, that we were prevented from catching the virus and transmitting the virus. Many were saying after time that the vaccine did not do these things, but the government continued with their original information.

- Q2: Would someone sending information that was not in line with the government message on a digital platform be found guilty of misinformation by providing:
  - a) content that contains fake, misleading or deceptive information, and
  - b) content not excluded content for misinformation or disinformation purposes, and
  - c) content provided on the digital service to one or more end-users in Australia, and
  - d) the content on the digital service is reasonably likely to cause or contribute to serious harm?

In the end the government information turned out to be incorrect. The Covid-19 vaccine did not prevent you from contracting the virus or transmission of the virus.

- Q3: Would the government information now be considered disinformation and misinformation based on the definition provided within the draft amendment bill?
- Q4: What recourse would there be available for the party that was found to be at fault in the first place, but later found to be correct?

If one's ability to speak out is controlled or censored, and recourse is not available, this could be viewed as constituting serious harms against freedom of speech and democracy.

I found both the definitions of misinformation and disinformation as contained in the exposure draft amendment bill confusing. Section 7.1 and 7.2 seem to be written to describe how the word is applied rather than the exact meaning of the word.

- Q5: Is there a specific meaning of misinformation as per a dictionary definition that you could include?
- Q6: Is there a specific meaning of disinformation as per a dictionary definition that you could include?

For example, I typed in 'What is the definition of disinformation' and the following came up in oxford languages (copied directly from the link):

<https://www.google.com/search?q=definition+of+disinformation&oq=definition+of+disinformation&aqs=chrome..69j57.6256j0j1&sourceid=chrome&ie=UTF-8>

*"Dictionary*

*Definitions from Oxford Languages · Learn more*  
*disinformation*

*noun*

*false information which is intended to mislead, especially propaganda issued by a government organization to a rival power or the media.*

*"the entire Western intelligence system had been systematically manipulated with clever disinformation"*

***"Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as our democracy, society and economy."***

- Q7: Would you please provide details on what the specific threat to the safety and wellbeing of Australians actually is?
- Q8: What specifically is the threat to our democracy, society and economy from false, misleading or deceptive information?

We are adults. We have the ability to research and determine if there is a threat or not. We have the right to speak out if we think that there is a threat. In my view this is a step too far and feels like over-reach by a government body. If this amendment bill is passed, I believe that this will hinder freedom of expression and speech.

***"Serious harm is harm that affects a significant portion of the Australian population, economy or environment, or undermines the integrity of an Australian democratic process."***

- Q9: Who determines that a significant portion of the Australian population, economy or environment has been harmed? What is a significant portion? Is it 60%, 70% or some other percentage?
- Q10: Who determines that the integrity of the Australian democratic process has been undermined?
- Q11: Is there criteria around this?

There are also concerns that misinformation and disinformation will not apply to government agencies or the professional news outlets. As mentioned above, government agencies and professional news outlets have already posted and reported information that turned out not to be correct.

For the reasons listed and the many questions that are raised, I do not support the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.