

Submission for Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

27th July 2023

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I have read through the proposed Bill and while the outcomes are well intentioned, I am concerned about the Bill's potential inadvertent negative impacts that it could have on Australians.

There are three key aspects in the Bill that I believe are far too generalised:

- The use of words 'false, misleading or deceptive' within the definitions of misinformation and disinformation;
- The phrase within sections 7 (1)(d) and 7 (2)(d) 'reasonably likely to cause or contribute to serious harm';
- The definition of 'harm'.

I believe these could be weaponised by complainants, ACMA or other authorities to silence opposing or unpopular opinions or information/content, due to justification by interpretation.

My first point raises concerns on those three words within the definition of misinformation and disinformation. There are no clauses outlining the factors with which something is determined to be 'false', 'misleading', or 'deceptive'. Thus, open for interpretation depending on perspective. To be able to enforce anything based on those definitions, there must be a framework on how to determine when something is clearly false, misleading or deceptive.

Additionally, the phrase 'reasonably likely to cause or contribute to' is very open ended. What is the extent that something is considered to have contributed to serious harm? Would a digital platform service that says 'we recommend doing this' with a disclaimer that it's not for everyone be considered to have reasonably likely contributed to serious harm? The clauses need to be refined so there is far less room for interpretation.

The definition of 'Harm' is also far too open to interpretation. For example: Harm to the integrity of Australian democratic processes or of Commonwealth, State, Territory or local government institutions. Could consistent content, that might still be factual but causes distrust in Government over the short or long term, be considered Harm? The provision or sharing of reasons why people should distrust the Government might be justified at the time. A contextual example could be if the Government uses its power to go against the majority of

the Australian people's preferences for something that has huge negative impacts on everyone, such as war or using taxpayer money to facilitate war.

Harm to the health of Australians is also far too generic. Another example: There are several diets being promoted online. Since everyone is different, there will be diets that benefit one person's health but would be detrimental to others. Eg. High carb diet might benefit an athlete whereas be detrimental to someone with diabetes. Does this mean a diet that is not universally known would be considered as Harming the health of Australians?

There are many more examples of interpretations in these definitions that can be trivial but under this Bill could still be enforced with penalties issued which is why I'm concerned.

These sections noted in my dot points (if they remain defined and enforced as they currently are) will prevent debate and discussion on numerous topics that don't have unanimous consensus, as digital platform services will just self-censor to avoid the potential of being penalised.

I believe free speech, debate and discussion on all topics is necessary for everyone to be exposed to differing perspectives, and potentially learn from each other while promoting growth in our ways of thinking.

Thank you for the opportunity to provide this submission.

Kind Regards,

Scott Fixter