

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

Janette Lansdowne

I support the arguments listed in the Victorian Bar Incorporated Submission to the Law Council of Australia about the bill and their conclusion that the Bill is not justifiable, is likely to be unworkable and ineffective.

I would like also to highlight some of my concerns about this bill.

1. It would interfere with citizens' democratic and constitutional rights to freedom of speech.

I want to be able to find out what those who do not agree with the mainstream are thinking and saying because they might just be right or because I am interested in alternative points of view.

2. It involves a very subjective definition of what constitutes misinformation.

Basically, misinformation will mean whatever the government wants it to mean.

Any view authorised by the government, no matter how false or misleading it might be, will, under this bill, be protected as not 'misinformation.' This bill could be used to censor any information on any issue that any government does not approve of now and in the future.

Governments can and do make mistakes and thus promote incorrect information. If this bill is passed how will we ever find out that the government was wrong. No-one will dare to or maybe, be able, to criticise the government as their views will be classed as 'misinformation'.

I do not want to live in a totalitarian-like state.

3. It is also based on the illogical premise that any single agency (or government) can determine truth.

Society's perception of truth is continually evolving, based on growing knowledge and experience. Yesterday's truth (asbestos/lead/tobacco are safe) is tomorrow's lie (not they're not!). No government can continually monitor the stream of new information to update perceptions of truth across all areas of life

I am particularly concerned about the effects this bill could have on scientific research and debate. There are many, many examples of scientists etc being pilloried for their dissenting views only for the mainstream to eventually accept that their views were correct.

4. The ACMA is not necessarily qualified to judge what is 'misinformation' and what is not.

How can we be sure that the ACMA will have the expertise and intellectual resources to identify and distinguish 'misinformation' from other forms of online content.'

Does the bill specify the qualifications, experience and ties with industry and powerful lobby groups of those who will decide what constitutes misinformation or disinformation. Will the public know who these people are and have access to their deliberations?

5. The bill proposes unnecessarily strong powers for the ACMA

The bill empowers the Australian Communications and Media Authority (ACMA) with draconian powers to silence critics of the government. It allows for fines of up to \$6.8 million to be imposed on social media platforms if, in ACMA's opinion, they have not done enough to prevent the dissemination of what ACMA considers to be misinformation or disinformation. This creates a chilling effect on free expression and inhibits open dialogue.

6. This bill provides protection for government and mainstream media even if they are promoting 'misinformation'

The legislation carves out protections for government, mainstream media, and approved organizations, thereby creating an imbalance in the treatment of different voices and viewpoints. This not only undermines the principle of equality of speech but also reinforces a two-party system at the expense of independent media and non-government political parties.

As mentioned above governments are not infallible and indeed make many mistakes: witness the current inquiry into the "Robodebt" saga.

7. This bill is an overreaction to a problem of lack of information and education when citizens are making decisions about their lives.

I don't believe that the mechanisms in the bill are necessary to combat dissemination of false information. What is needed is:

- more transparency about who benefits from and who is promoting information of all types, 'misinformation' 'disinformation' truth, alternative views etc. Such transparency should apply to governments, businesses, industry and social media.
- improvements in the education of the public to help them make informed decisions about the truth of the information to which they are exposed;
- better provision and easier access to counter views.