

Dear Minister for Communications,

This is a submission regarding the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

While the proposed Misinformation Bill aims to address a serious and growing concern of misinformation and disinformation in digital platforms, there are several arguments against its implementation. These concerns revolve around potential governmental overreach, infringement of privacy, limitations on free speech, and the challenges of determining what constitutes misinformation.

Government Overreach: Granting the government reserve powers to intervene if industry efforts are deemed inadequate can lead to potential abuse of power. Governments might misuse these powers to stifle dissenting voices, curtail political opposition, or limit the flow of information that challenges their narrative. This could undermine the principles of democracy and open discourse.

Privacy Concerns: Allowing the government to gather information from digital platform providers or require them to keep specific records about misinformation and disinformation raises significant privacy concerns. This approach could lead to the mass collection of personal data, potentially infringing upon individuals' rights to privacy and data protection.

Limits on Free Speech: While the bill claims not to grant the government the power to request specific content removal, the line between combatting misinformation and censoring legitimate speech can be blurry. The potential for self-censorship could grow as digital platforms try to avoid government intervention, resulting in a chilling effect on free speech and open dialogue.

Subjectivity and Ambiguity: Defining misinformation and disinformation is complex and often subjective. What constitutes "false, misleading, or deceptive" content can vary depending on perspectives and contexts. Deciding what qualifies as "serious harm" and whether content "undermines the integrity of an Australian democratic process" can be challenging and open to interpretation, potentially leading to inconsistent enforcement.

Unintended Consequences: Enforcing strict industry codes of practice might encourage platforms to implement automated content filtering systems, which could inadvertently remove legitimate content, thereby hindering open discourse. Additionally, the creation and enforcement of industry standards might lead to a stifling of innovation, as platforms might prioritize compliance over user experience.

Shift of Responsibility: Placing the primary responsibility on the government to combat misinformation and disinformation could lead to complacency within the industry. Instead of relying on a collaborative effort between platforms, governments, and users, the bill might inadvertently create a culture where platforms expect the government to handle these issues without their active involvement.

Dynamic Nature of Information: Misinformation and disinformation tactics are constantly evolving. Government regulations might struggle to keep pace with the rapidly changing landscape of online content and communication methods. This could result in ineffective regulations that are easily circumvented by those spreading misinformation.

International Precedents: Similar attempts to regulate online content and combat misinformation in other countries have faced criticism for enabling censorship, restricting free speech, and

suppressing dissent. Lessons from these precedents should be taken into account when crafting new regulations.

In conclusion, while the intent of the proposed Misinformation Bill is to address a genuine concern, its implementation could lead to unintended consequences that undermine free speech, privacy, and democratic values. A more balanced approach that encourages collaboration between government, industry, and civil society may be a more effective way to address the complex challenges posed by misinformation and disinformation in the digital age.

For Your Consideration

Sincerely

A Concerned Australian