

EXPOSURE DRAFT OF THE COMMUNICATIONS LEGISLATION AMENDMENT (COMBATTING MISINFORMATION AND DISINFORMATION) BILL 2023

Very few Australian residents have legal qualifications, and consequently do not understand the possibility that they may contravene some new law that they are unaware of – it is proposed that Australian citizens will be required to comply, but this will not apply to other people living in Australia and will not apply to Govt (State and Federal). I don't have legal qualifications and personally I am struggling to understand the numerous provisions in this proposed Bill. I assume that businesses etc would have to employ the services of a solicitor to determine if they will contravene any provisions.

It seems to me that the proposed bill is wide and far reaching, but it does not explain in plain English exactly what is meant. A submission by the Victorian Bar has raised issues that are not obvious when examining the proposed Bill. It seems that the proposed Bill and the Bar's submission appear to be dealing with two totally different matters. The average member of the public (and probable many politicians) would have no chance of understanding what the proposed Bill truly involves and its far reaching implications.

Consequently, it seems that the proposal for a Bill to combat misinformation and disinformation is an attempt to limit free speech and regulate what can be said by Australian citizens/businesses on digital platforms. If this Bill is necessary legislation, then it should apply to every person living in Australia, all businesses, and to all Government bodies (local, state, and federal).

If Governments and some others (including overseas digital platforms and Non Australian citizens/residents) are excluded from the provisions of the proposed bill, in my opinion it is not only blatantly unfair and unreasonable but akin to a "dictatorship". Is 1984 alive and well in the minds of those who created and proposed this bill? The time and money that has been wasted on this project could be better used in looking after Australian citizens – we have plenty of longstanding problems (e.g. health, education, and housing, that need to be quickly resolved).

If the proposers of this bill are so concerned about misinformation and disinformation, they should be questioned as to why they have excluded Govt and certain others. In a democracy, everyone should be treated equally and given the right to express their opinions. Just ask the aged, the young, families, disadvantaged, and those with disabilities, who are struggling with financial and health issues and those who are surviving by couch surfing, living in tents, their cars, or on the streets, and the forgotten victims of the bush fires in NSW and Victoria, who still don't have proper housing. Surely Australian citizens such as these, (who are struggling to survive on a daily basis and those who should already have been housed months ago) should be able to make constructive comment when they are competing for housing with hundreds of thousands of new immigrants (not Australian citizens) in the next few years.

The expression of views, without incitement or violence, is part of a healthy democracy. Is this proposed Bill an underhanded way of stopping complaints against Govt, by citizens who feel they have been neglected, forgotten or mistreated? We already have numerous laws and regulations that many of us don't even know about. Australians want free speech and the ability to express their opinions on subjects when they believe that unfair decisions have been made by business, government and others. The ability to redress these problems is an important cornerstone of our democracy, otherwise we will become a 'nanny state'.

Governments can make laws that are unjust and unreasonable and the public is not made aware of the full implications until years later (e.g. Robodebt). Another example is the “Australian Consumer Law (ACL) which overrides manufacturers’ warranty. If a product fails after a year, customers may be told that the warranty has expired, but the law does not require retailers/manufacturers to alert customers about the Australian Consumer Law which requires that products have to last for a reasonable period of time (generally 2 years). If the seller does not have mention this provision, it must be raised by the customer before they can get the longer warranty. This is a blatant example of misinformation and yet quite legal. Surely Australians deserve to be treated fairly.

The Bill refers to Australian citizens, but in this day and age how can anyone be assured that comments, made online or elsewhere, have actually been made by an Australian citizen. Will this proposed Bill apply only to Australian citizens and how will they be identified? Today there are a huge number of people living and working in Australia, such as overseas students, visitors, tourists, consular staff, migrants (legal, illegal, or ghost), various holiday workers and other visa holders. As all these people are not Australian citizens, presumably there will be no penalties or any repercussion if they cause mischief etc - misinformation and disinformation. Consequently the proposed bill will discriminate against Australian citizens, but allow free rein to everyone else and government.

The emerging use of AI – Artificial Intelligence – is another potential problem to consider. Is an article produced by AI within the legislation? Complaints are already being registered that AI articles have included misinformation - who will the Govt penalise in this case?

Whether or not we like it, the world wide web has created opportunities for people with a variety of positive and negative intentions to post online anonymously. How do you filter out whether the post has been made by an Australian Citizen or not? You only have to look at newspaper web sites, newspapers and magazines in Australia and overseas to see the misinformation that sprouts from their pages. How can the average person determine whether a website is actually Australian or overseas? The use of VPNs is now commonplace, so it is possible to post online without knowing the true source. If someone has their identity stolen, how do they prove their innocence?