

## **Submission of Liya Katz - Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023**

I am extremely concerned about the ramifications of the proposed Communication Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (“the Bill”) being passed. Whilst I acknowledge that there is an abundance of false and misleading information on digital platforms, I believe that the proposed law will do more harm than good.

It is impossible to design a legislative framework that would correctly target misleading information, attain a balance with freedom of speech and avoid conflicts of interest. The Bill is certainly very far off the mark. ACMA already has voluntary codes in place and social media platforms also have their own processes, with a commercial interest in being seen as reliable by the majority of people. The solutions to the problem are constantly evolving, so this is not an area where the problem has stagnated or reached some point where urgent government intervention is necessary.

### **What constitutes misinformation**

The glaring issue with the proposed law is the nebulous criteria for determining what constitutes 'misinformation'. A number of topics that were censored a couple of years ago are now discussed on mainstream media.

The definition of “misinformation” in the Bill is open for overly wide interpretation. At the very least, differences should be drawn between outright falsehoods (for example if I refer to a study, but quote it incorrectly), misleading information (such as if I point to a part of a study to draw a conclusion and leave out conflicting information within the study) and questioning matters that we are still learning about, whether they be conflicting accounts of an event, or scientific enquiry.

Questioning popular views or providing contrary opinions should be clearly out of the scope of ‘misinformation’ and ‘disinformation’. The wide scope for what constitutes misinformation under the current Bill, coupled with the very severe penalties proposed in the Bill are very likely to result in overly zealous censorship by the digital platforms themselves.

### **The arbiter of truth**

The fact that a government body will ultimately make determinations about the efficacy of misinformation combatting processes also creates a major conflict of interest that will leave us all prone to political manipulation. Claims that ACMA is independent cannot be taken seriously when the government is responsible for funding and is likely to earmark funds for this function.

### **Unintended consequences**

The proposed legislative framework is very likely to breed further suspicion and undermine trust in government and mainstream media content, rather than boost confidence in digital platform content. The aforementioned issues, coupled with the exemption for government from the proposed law, is very likely to be seen as nothing more than mandated, self serving collusion between big tech and government to determine what constitutes truth.

The vast majority of people use the digital platforms that already voluntarily liaise with ACMA to develop their misinformation management processes. If the Bill is passed, however, it is likely to make people who already search for alternative viewpoints more suspicious of all digital platforms. It will reinforce the idea that there is something to hide. Private chats with like-minded people will be

created. Without general public participation, these will become unchecked echo chambers, exacerbating any misinformation problem. There is no way to combat this, as it should be self evident that monitoring private chat groups (no matter how large) would constitute gross government overreach.

### **Freedom of speech**

It is absolutely necessary for the functioning of our democratic system to ensure that freedom of speech is not impacted in any way. If a legislative framework infringes on this fundamental facet of society, this will greatly undermine public trust in not only the government, but our democratic process itself.

The best way to combat misinformation is to provide full transparent information. For example, if there is a particular issue that is of concern, then government should provide full disclosure regarding its decision making, relevant studies and reports, budgets etc. Rigorous, transparent debate not only brings us closer to the truth, but it also instils confidence and empowers the people.