

Feedback on the draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

The definition of misinformation (Exposure Draft page 12 line 4 - 14) poses a dilemma from the outset. There is no guarantee that what is deemed misinformation today won't be proven correct in the future. A government body cannot determine this and should not be given any kind of power to limit the expression or discussion of alternate viewpoints. This risks the advancement and development of new ideas and learning.

Alternate viewpoints (which some would call misinformation) should be allowed to come from all areas of society and not be limited to entertainment, news providers, education institutions, and government which are the only entities defined as being excluded from misinformation content (page 5 from line 11).

Harm (page 6 lines 7 - 18) is defined as a number of things that are particularly concerning in a democratic society. Peaceful protests including union actions have the potential to be considered a disruption to public order or society. Under the proposed bill, using a digital platform to communicate about activities such as these would be considered harm if the premise of them was seen to be based on misinformation. Australian society prides itself on the right to protest and should continue to be able to do so in a digital society where communication about such actions is done using a digital service.

Another point in the definition of harm relates to the word 'hatred'. This is a word that is commonly misunderstood, and to say something that a person of a particular group may find offensive could easily be considered as hatred towards that group. All the groups listed in the definition of harm (p6 lines 8 - 10) have the potential to see themselves as experiencing hatred when certain viewpoints are shared, whether or not hatred is intended.

My concern with this proposed bill is primarily based on the definitions of misinformation and harm. I believe that it has the power to stifle free speech and the expression of alternate world views. In the times in which we live, digital communication platforms are the number one way of expressing ideas. To impose such laws on what can be shared via these platforms would have the potential to limit our diverse and democratic country to a narrow, 'government approved' ideology.