

This Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 has got to go the way of the Aboriginal Cultural Heritage Legislation that was abolished here in WA only weeks after it was passed. Abolished for the same reasons too as they are, one: unpopular with the people, two: they infringe on the rights of the people and three: they are vague in their writing which can lead to amendments in future that would further restrict the freedom of living that every Aussie is accustomed, and has the right to.

In the past couple of years, with only the voluntary code launched by DIGI being in place, the censorship on social media platforms has been draconian to say the least. Deplatforming, shadow banning and restricting messages on private chat pages were the norm for many. This stifled the ability for people share information so all could have an array of input and ideas to consume and then make an informed decision on the best course of action to take for themselves.

In an article by Patrick Hannaford for Sky News, Justin Quill, an experienced media lawyer, said the proposal was “the biggest imposition on free speech that I’ve ever seen in a piece of legislation”.

I think this is a main point in this discussion – the ability for public to debate information and ideas so they can properly think for themselves. The access to information must be free and not restricted to censored information that is, supposedly, not misinformation or disinformation. With time it could prove to be the opposite and show that the truth had actually been censored.

Shining the light of inquiry into the darkness of an issue is the only way forward in a liberal democracy like Australia. When there is no debate, the likelihood of the wrong actions taking place without being challenged increases and this itself *likely causes or contributes to serious harm*.

As spelled out in the Exposure Draft under Schedule 9, Part 1, (2) Definitions, those who will be excluded for misinformation purposes include the professional news media – which will only lead to more of the same misleading information being shared with no ramifications for those spouting it as we have seen over these past couple of years.

And educational institutions also exempt?

I ask, is it ok for people to possibly be taught things that are considered misinformation but are just not able to come by it on social media or to share it themselves on those digital platforms, and then have the institution they paid for the education from facing any ramifications of their misconduct?

No way.

In conclusion, my views on the Exposure Draft Bill:

The definition of misinformation and disinformation – *the definitions stated are fine – so long as they apply to all, including the professional media, the government at all levels and educational institutions.*

The definition of digital platform services and the types of services we propose be subject to the new framework – *if any one is to be subject, it must be all, including professional media, the government at all levels and educational institutions.*

How instant messaging services will be brought within the scope of the framework while safeguarding privacy – no, do not bring them within the scope.

The scope of the information-gathering and record keeping powers, which includes the prevalence of false, misleading or deceptive information on digital platform services – not necessary, at a stretch, it could be a reporting system for users only to use and only the content reported only be gathered for review purposes.

The preconditions that must be met before the ACMA can require a new code, register a code or make an industry standard – if new codes, registration of codes or industry standards are to be implemented, it must include all professional media, the government at all levels and educational institutions no matter the preconditions that would be in place.

How the digital platforms industry may be able to operationalise the Bill and various content exemptions (eg professional news, satire, authorised electoral content) – it must apply to all or none and operate through a user reporting system only.

Appropriate civil penalties and enforcement mechanisms for non-compliance – civil penalties must apply to all including professional media, the government at all levels and educational institutions. And be more severe for those in higher in the authority hierarchy of (going from highest to lowest): government (with personal liability rather than taxpayer funded), professional media, educational institutions, social media platforms, the general public (including independent media outlets.)