

In response to the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023,

My principal concern with this legislation amendment is with regards to the definitions of harm, which is a key factor in defining both misinformation and disinformation.

The definition of harm in clause 2 is stated as the following:

- a)** hatred against a group in Australian society on the basis of ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability;
- b)** disruption of public order or society in Australia;
- c)** harm to the integrity of Australian democratic processes or of Commonwealth, State, Territory or local government institutions;
- d)** harm to the health of Australians;
- e)** harm to the Australian environment;
- f)** economic or financial harm to Australians, the Australian economy or a sector of the Australian economy.

I would argue that none of these considerations can define “harm” in and of themselves. In my opinion harm can only be properly understood in the broader context of the content that is being described as misinformation or disinformation and only on a carefully considered case-by-case basis.

Under the above definitions of “harm” for instance, a protest rally could be defined as a disruption of public order, but is it fair to say that any protest could be considered “harmful” without also considering the objectives of the protest and what might happen to the well-being of our society in its absence? To fairly assess the harmful nature of any protest one must consider the harms of any potential “disruption of the public order” against the harms that might be present were that protest to not take place. One cannot define harm in isolation of context as this legislation amendment seemingly aims to do.

None of the above definitions of harm can accurately be considered as harmful if the broader context of the information relating to that “harm” is not also carefully considered, and I do not see any inclusion of such consideration in this proposed amendment. As such this proposed amendment leaves the door wide open to regulatory abuse and in my opinion should not be passed in it’s current form.

Sincerely,

Paul K