

20/08/2023

Feedback: Exposure Draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

The aim of this Bill to counter misinformation and disinformation sounds reasonable on face value, however there are a number of concerning facets of this Bill which warrant attention –

1. Part 2 Definitions *excluded content for misinformation purposes*

This is the first rather alarming section I wish to highlight. The Bill excludes

- b) professional news content;
- c) content produced by an educational institution accredited...;
- e) content authorised by Commonwealth or State levels of government.

Do the authors of this Bill believe that the above sectors are -

- a) infallible in always producing 100% true, accurate and not misleading or deceptive content?
- b) are above laws designed to protect the public from dis/misinformation?
- c) or are just giving these organisations a get-out-of-jail-free pass?

It seems rather incredulous to exempt such organisations from these laws and does not provide any protection or safeguards for the public from dis/misinformation from these sources. The more cynical observer would even say that the government is giving itself and its mouthpiece (mainstream media) a free pass.

This highlights a critical error in drafting this Bill, mainly that properly defining and understanding what dis/misinformation is and that it is NOT –
agreeing with official sources = truth vs disagreeing with official sources = dis/misinformation.

By what Orwellian fantasy do the authors think that all ‘official communications’ are always factual, true and free of misinformation?

And by exempting these particular organisations it further erodes public trust, and allows potential for abuse and non-accountability from said organisations and those producing digital content.

So my proposal is to scrap this section of excluded providers and make all accountable within this Bill.

If this is not possible, then there should be further safeguards to ensure reduced risk of abuse by such exempted organisations. Anything less is a cynical and dangerous erosion of freedom of speech, targeting a threat that is over-stated and not adequately proven to create real or perceived harm.

One such safeguard for authorised government content is a requirement for an individual and organisational name responsible for the source information. Given that government often use private contractors to produce content then they should be named and accountable for the information they produce for ‘authorisation’ by government.

7 Misinformation and Disinformation

The next area of concern is the whole concept of misinformation and disinformation and who is ultimately the ‘judge’ of what constitutes as such. While the main aim of this Bill must surely be to

countering of obvious false, untrue or misleading content, there is also a lot of grey area in what is actually false information and according to whose standards?

This Bill therefore appears to threaten the concept of 'freedom of speech' and who exactly is the arbiter of 'truth' and 'fact'? Some unaccountable bureaucrat with opaque dealings with social media platforms and such arbitrarily deciding what they believe is disinformation or misinformation.

We have already seen this abuse of power through the covid pandemic with the Department of Health and Department of Home Affairs requesting social media companies remove content (censorship) which was contrary to the 'official narrative', regardless of whether it was actually dis/misinformation (and in many cases it wasn't).

What training and guidelines were present within these departments to ensure their requests were actually targeting dis/misinformation, and the method of assessing risk vs harm in guiding decision-making? Was there any subjective or rational methodology and assessment to ensure fair and accurate targeting of what constituted misinformation?

The answer to this is probably the same as the answer to what methodology guides this Bill – none! Apart from the only aim, which is to censor and shut down people and content that threatens or opposes 'official narratives' regardless of whether such official content is in fact itself accurate, factual and free from misinformation.

In conclusion, if this Bill goes ahead in its current form, it will further erode trust from the public and push censored individuals to alternative means of expression which will surely exacerbate, rather than reduce dis/misinformation which apparently is the aim of this Bill.

What this Bill clearly highlights is that it's not 'the people' who require monitoring and protection from their fellow citizens...but rather the Government and its various agencies who require more scrutiny, checks and balances and consequences for abusing their power and trust placed in them by the people.

This Bill is a cynical attempt at biased censorship, without any impartial or evidence-based reasoning for its existence, or the exemptions it provides to select groups. It should therefore be scrapped in full.