

# Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023— Submission

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Submission relating to the proposed amendments to Communications Legislation which is proposed to combat both Misinformation and Disinformation in Digital Communications.

## Point 1 – Misinformation

Misinformation is a word which has been more commonly used recently in particular related to discussions on the responses to the COVID 19 pandemic. This word Misinformation, is used to replace previous English language words such as Lies, Falsehoods, and Deceptions to name a few. These words are still available to use and when determined that any of these occurred then whoever used them needs to be challenged to provide evidence for their use.

Therefore there is not any reason to use the word Misinformation as there are a vast number of alternatives as per the examples above. There are also numerous avenues to challenge anyone who Lies, Proclaims Falsehoods or is Deceptive. These could be through Fair Trading or Defamation Legislation as two examples.

The major concern is who determines what is Misinformation and what is not? This should not be determined by any of the Excluded parties or by Digital Platform owners but by Legal means only.

## Point 2 - Disinformation

Disinformation is a word which has been more commonly used recently in particular related to discussions on the responses to the COVID 19 pandemic. This word Disinformation, is used to replace previous English language words such as Lies, Falsehoods, and Deceptions to name a few. These words are still available to use and when determined that any of these occurred then whoever used them needs to be challenged to provide evidence for their use.

Therefore there is not any reason to use the word Disinformation as there are a vast number of alternatives as per the examples above. There are also numerous avenues to challenge anyone who Lies, Proclaims Falsehoods or is Deceptive. These could be through Fair Trading or Defamation Legislation as two examples.

The major concern is who determines what is Disinformation and what is not? This should not be determined by any of the Excluded parties or by Digital Platform owners but by Legal means only.

**Clarification** – Points 1 and Points 2 raise the same concerns for both Mis and Dis – Information as they could easily be confused when considering the definitions provided.

### **Point 3 – Exclusions to Content**

The nominated Exclusions to Content provide grave concern of who will be permitted to Lie and Deceive without recourse from this proposed Legislation. 3 of the 4 nominated groups for Exclusion have a history of lying and deceiving for their personal or professional gain.

There should not be any Exclusions.

### **Point 4 – Serious Harm**

Serious Harm to individuals and groups of Australians must be the determining factor from any Falsehood or Deception and there are current penalties available in many State and Federal legislations to deal with these.

As per points 1 and 2 it is who decides what is harmful and more importantly what is Serious Harm? Different individuals and groups may be harmed by what is broadcast while others would deem the same information as important and factual. Therefore who makes the decision as to what causes harm and what is permissible?

Referring to Point 3, many of the groups nominated to be excluded from this legislation have caused immeasurable and unfortunately mortal damage from what they have espoused in the past few years. Why were these nominated exclusions permitted to Lie and Deceive causing this serious harm while credible facts and proven interventions were discredited or completely banned?

### **Point 5 – Complicated Legislation**

These proposed amendments to the already onerous 47 page legislation which requires both a 9 page Fact Sheet and a 29 page Guidance document will further complicate persons either attempting to decipher what is permissible to digitally load or what can be withdrawn from digital mediums. Simplification of this and the majority of legislations would enable the broader population to understand what is permissible to avoid causing harm.

Complicated legislations with vast opinionated content does not permit fair and open debate in our society. There is sufficient legislation already available without creating new and confusing amendments to what is current.

### **Conclusion**

The proposed amendments to the Communications Legislation divides the Australian people by providing exclusions for some while permitting those excluded to espouse the same Lies and Falsehoods which the amendments are proposed to eliminate. The creation of new terminology to replace commonly used and defined wording is a deception within itself. All legislation should be for the benefit of the whole population and not the few lobby groups or organizations who attempt to change our society for their own benefit much of which is for financial gain.

Free and open debate, as long as it is conducted with respect and transparency, enables our once democratic society to prosper.

Any legislation which discourages or prohibits free speech while also excluding some Australians from that same legislation is discriminatory. For the reasons outlined in this submission, support for these amendments, which could be managed through current various legislations, cannot be provided.

With respect Dean Hall