

Exposure Draft Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

From: Patrick Conheady [REDACTED]
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Dear sir/madam,

I would like to make a submission on the Exposure Draft Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023.

The material released with the exposure draft does not describe, let alone substantiate, a need for the proposed changes. There are vague references to misinformation etc, and an explanation of the proposed changes, but no connection between the two.

This is sometimes called "hourglass reasoning". Big intro, big conclusion, nothing in the middle. Better-managed organisations regard this as a sign of incompetence.

The guidance note runs to 29 pages. The subject matter simply does not require that volume of text. This is a classic case of using a huge volume of text to create an effective barrier to public participation.

If the facts existed, it would be trivial to set out the measurable objectives of the existing self-regulatory scheme, how those objectives are or are not being met, and the method by which the Government produced this proposal as the solution which poses the least imposition on the community and the taxpayer. If the Government had a coherent, publicly-documented strategy then that would be a good starting point.

Instead, the exposure draft serves up a completely arbitrary scheme which looks suspiciously like it was planned several years ago, before the self-regulatory scheme even began operation. Yes you ran a series of formal inquiries which generated an enormous amount of text. But there was no logical process which ran from the facts, via beliefs and values held by the people Australia, to the proposed policy -- unless you are just doing a very good job of hiding it.

It is generally unwise to attempt to engage with the detail of a proposal that is fundamentally unsound, however one aspect requires specific attention. The exposure draft defines "education" by reference exclusively to government-sanctioned bodies. This aspect of the exposure draft would reintroduce one of the key characteristics of medieval thought prior to the Enlightenment: the idea that knowledge should be controlled through a monolithic power structure.

A more appropriate approach would be to give "education" its ordinary meaning, or a broad statutory definition that seeks only to exclude content that clearly lacks any educational purpose. Content's status as "education" should not hinge on the legal status of the entity sponsoring it.

There may be other issues. The poor design of the policy makes it needlessly difficult to scrutinise, and I don't have the benefit of a publicly-funded salary to spend time on this.

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Any criticism in this submission is directed at the Government and "the amorphous borg" that seems to arise spontaneously from large organisations, not at any individual public servants. My sympathy is extended to those public servants who understand the nature of their work. I was once in your shoes and I know that you do what you have to do. May we all find our way into the light one day.

My submission may be published.

Regards,
-Patrick Conheady.