

Feedback on the proposed legislation: Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Dear Sir/Madam,

I am writing to you with some degree of unease regarding the proposed legislation. I'm troubled that misinformation and disinformation are both firstly defined (clause 7 (1) & (2)) as

“content contains information that is false, misleading or deceptive”

I note what is “false”, “misleading” or “deceptive” is not defined, so leaving it open to a varied interpretation. This is very dangerous, as what would be considered “false”, “misleading” or “deceptive” now, given a prevalent society and informational environment, may be in the future considered the exact opposite given new information or societal changes. In effect the action of trying to prevent harm, might be enabling it by not allowing alternative points of view to develop, be considered or analysed, which then lead to a better informed and measured position. Case in point the recent response to COVID-19 and the subsequent information coming to light regarding its source, impact and means of control which upend previous “harmful” positions and points of view around COVID.

Therefore, I would ask that wording be added to the effect that information which forms part of an ongoing structured & civil discussion pertaining to a social, professional or political subject area be considered protected against this legislation. For instance, a discussion forum that is publicly visible but requires registration & approval to contribute to it and is evidently civil in its operation is not the target of this legislation.

In essence, online publicly visible discussions between people who might be discussing a sensitive topic from different viewpoints, some of which might be considered ‘harmful’ in another context – is not the target of this legislation, rather in such a context there would be a degree of self-control enforced to keep such discussions civil and productive. For instance, playing the role of devil’s advocate (or presenting a straw man) in an online discussion might well fall foul of this legislation as written, yet it’s a valid discussion device that expands useful discourse. I’d rather the legislation focus on decidedly harmful or dangerous online ‘echo chambers’ and leave good-minded people and associated businesses or organisations well alone.

I’ll leave you with a quote:

"As it is an ancient truth that freedom cannot be legislated into existence, so it is no less obvious that freedom cannot be censored into existence." Dwight David EISENHOWER 1953 American general and 34th President of the United States (1890–1969)

Regards

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