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Director

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

information.integrity@infrastructure.gov.au

Dear Director

Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Thank you for the opportunity to provide feedback on the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023'.

This proposed legislation should be vigorously rejected because it is undemocratic, inherently flawed and founded upon false premises.

I draw your attention to a number of pertinent issues about the bill.

1. It violates Australian's democratic and constitutional rights to freedom of speech.
2. It does not define 'misinformation'/'dysinformation', creating the possibility that the terms can be applied to any information that any government chooses at any time.
3. It is based on the illogical premise that the informer should be blamed for the behaviour of the recipient.
 - a. The Fact Sheet gives the example of 'information that caused people to ingest or inject bleach products to treat a viral infection'. It does not address the responsibility of the 'receiver' who is silly enough to ingest bleach without checking further.

The solution to this problem is not to censor all communications, but to a) provide clear, easy-to-find information on the risks of bleach and b) to improve education so that people are better able to make informed decisions about the veracity of the information they read/see.

- b. The Fact Sheet gives the example of ‘Misinformation that encouraged or caused people to vandalise critical communications infrastructure’. Again, people make their own decisions about how to behave and must take responsibility for their actions.

Education focused on developing critical thinking and research skills is a better way of addressing the problem.

- 4. It is also based on the illogical premise that any single agency (or government) can determine truth. Society’s perception of truth is continually evolving, based on growing knowledge and experience. Yesterday’s truth (asbestos/lead/tobacco are safe) is tomorrow’s lie (not they’re not!). No government can continually monitor the stream of new information to update perceptions of truth across all areas of life.
- 5. It is inappropriate to silence the voices of dissenting researchers who have, in the past, benefited society by pointing out the risks of glyphosate, smoking, asbestos and environmental pollutants such as PFAS chemicals.

The bill fails to address the following critical questions.

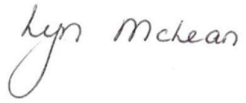
- 1. Who decides what constitutes ‘misinformation’/’disinformation’? What are their qualifications, their experience, their ties with industry?
- 2. How (by what process) will government agencies determine what constitutes ‘misinformation’/’disinformation’?
- 3. To what will it apply and will it apply to all industries equally? Who decides? Will industries be able to influence decisions?

For example, will it apply to misinformation that promotes unhealthy foods (sugar industry, advertisers, retailers etc) that contribute to obesity, diabetes and other health problems?

- 4. How will government agencies communicate to all Australians (of all ages, ethnicities, education levels and abilities) what they can say without being penalised in the future?
- 5. How can Australians protect themselves from prosecution for communications they have sent in the past?
- 6. What penalties will apply to the Australian Government for
 - a. giving out information that is later proven to be ‘misinformation’/’disinformation’?
 - b. penalising people/industries for ‘misinformation’/’disinformation’ that is later proven to be correct information?

Thank you for your attention to these issues and I look forward to your response.

Yours faithfully

A handwritten signature in dark ink, reading "Lyn McLean". The signature is written in a cursive style, with the first name "Lyn" and the surname "McLean" clearly legible.

Lyn McLean
Director