

CROAKEY HEALTH MEDIA

Croakey Health Media Limited

ACN: 628 369 335

PO Box 476

Cygnets TAS 7112

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Submission to

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

Consultation on

Communications Legislation Amendment (Combatting
Misinformation and Disinformation) Bill 2023

Submission from Croakey Health Media

*We pay our respects to the Traditional Custodians of the Country where we live,
work and travel upon, and to the Elders, past, present and future.*

Contact details

Professor Megan Williams, Chair, Croakey Health Media

megan.williams@yulang.com.au

Dr Melissa Sweet, Editor-in-Chief, Croakey Health Media

melissa@croakey.org

We give permission for this submission to be made public.

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1. Executive Summary

Croakey Health Media strongly supports efforts to more effectively regulate digital platforms in order to stop the dissemination of misinformation and disinformation. It should be acknowledged that in Australia, digital platforms are operating upon the Country of Aboriginal and Torres Strait Islander people, and therefore have a particular responsibility to ensure their cultural safety and wellbeing.

In this submission, we make several recommendations aimed at ensuring such efforts integrate the expertise of First Nations peoples and organisations, public health people and organisations and wider civil society, and provide greater transparency and accountability to communities. Cultural safety should be integrated into the design and implementation of these structures and processes.

Croakey asserts the importance of acknowledging the community's right to a safe online environment in the legislation. The right to freedom of speech must be balanced against this right, as well as respects for the wider rights of community members who use the internet. The rights of children and others who are most likely to suffer harm from an unsafe online environment must be prioritised.

We also stress the importance of transparency, accountability and deliberative community engagement as part of this legislation. These matters are too important for the health and wellbeing of communities and democracy to be left to governments and agencies working directly with powerful corporations and their representatives in ways that are not always transparent or accessible to the wider community.

In the interests of transparency, we urge that the Government and all MPs disclose the lobbying efforts that have been undertaken by the digital platforms and other relevant parties, such as corporate media, in relation to this legislation. This should include details of all donations to political parties and individual MPs, related meetings, gifts and any other lobbying activities.

Croakey also notes that "freedom of expression" is often used as a justification to enable the dissemination of misinformation and disinformation, including racism and hate speech directed at particular communities. It is critical that the voices and concerns of these communities be privileged in designing, implementing and evaluating this legislation and associated activities. We also note that there are many other policy areas meriting attention in order to support greater freedom of speech within Australia, including reform to support a more diverse media and news and information ecosystem, with targeted support for public interest journalism. Concerted efforts are needed to end the market dominance of powerful corporations such as Google, Meta and News Corp, and to ensure that all communities – geographic and interest-based – have access to safe, reliable and relevant news and information.

We believe that legislative approaches like this are only one part of the overall response that is needed. We urge the development of a whole-of-government and whole-of-community strategy for envisioning a safe, reliable and relevant news and information system, acknowledging that online platforms are enmeshed with other elements of the news and information system. This is particularly important in an era of escalating climate-related disasters, where emergency and reliable communications will become ever more important.

2. Introduction: about Croakey Health Media

Croakey Health Media (Croakey) is widely recognised as an innovator and leader in the emerging not-for-profit public interest journalism sector in Australia ([Public Interest Journalism Initiative, 2021](#)). We are innovative in our organisational structure, blended funding model and development of the practice of social journalism ([Sweet et al, 2017](#)), as well as our approach to health journalism. We focus on health equity, and the [social, cultural, commercial](#) and [environmental](#) determinants of health, and bring a health-in-all-policies approach to our work. We privilege the voices and expertise of Aboriginal and Torres Strait Islander people through our work, including through [our governance](#). Our board is chaired by a leading Aboriginal health academic at UTS, Professor Megan Williams, who is Wiradjuri through paternal family. Croakey Health Media is a member of the Local and Independent News Association (LINA). Our members belong to various professional organisations, including the Media, Entertainment and Arts Alliance.

Croakey undertakes many activities relevant to this consultation, through our journalism, community engagement and policy submissions.

We have published an extensive archive of articles on the market power of digital platforms as powerful commercial determinants of health, examining the many way that this undermines public health. See these articles [here](#).

Croakey has also published extensively on the proliferation of misinformation and disinformation as threats to the health of individuals, communities, Country, democracies and planetary health. See these articles [here](#).

We also publish on the importance of a diverse, sustainable and robust public interest journalism sector as a fundamental determinant of health, including for addressing concerns such as misinformation and disinformation and the commercial determinants of health, such as the digital platforms. See these articles [here](#).

We have contributed to several previous inquiries on matters related to this consultation, including:

- Response to ACCC Digital Platforms Inquiry ([19 February, 2019](#))
- Submission to Digital Industry Group Inc (DIGI) consultation on Disinformation Industry Code ([24 November, 2020](#)).

This submission urged the Federal Government to appoint an independent committee of appropriately qualified public health experts to report on the public health impacts of disinformation and misinformation and to make evidence-based recommendations for policy reform, drawing upon the public health literature. This committee should include Aboriginal and Torres Strait Islander researchers and organisations. It should include specific consideration of policies and strategies for addressing the spread of racism, hate speech and white supremacy as part of the tide of disinformation. The submission also urged that the capacity of the public interest journalism sector to investigate disinformation and misinformation should be strengthened through policy reform.

- Submission to the Select Committee on Social Media and Online Safety ([17 January, 2022](#)).

This submission identified eight key themes from our relevant coverage:

1. That the undermining of democracy and democratic institutions due to an unsafe online environment is a global problem and is not limited solely to Australia.
 2. The online environment is unsafe, especially during a global pandemic, because it is disseminating and amplifying misinformation and disinformation, undermining public health measures and pandemic control
 3. The monopoly power of these corporations makes them unresponsive to the concerns of businesses, governments and communities because of power imbalances. Australia witnessed these companies' preparedness to exercise their market power – reducing communities' access to information and services even in the midst of a global public health crisis [as has now happened in Canada with Meta blocking access to news on Facebook during a bushfire crisis].
 4. Mental health is being harmed by the impact of the digital platforms in disseminating and amplifying hate. speech, racism, White Supremacy, extremist far right views, and bullying.
 5. The online environment is particularly dangerous for children. As well as the dissemination of misinformation and disinformation, there is the impact of marketing by predatory companies – notably alcohol, gaming and junk food.
 6. Many health and public interest organisations have raised concerns that Australian Government regulatory responses to date have been inadequate and piecemeal, in relation to a range of related public health concerns, including harmful marketing practices, and misinformation and disinformation.
 7. Regulation of digital platforms should be encompassing of all the public health and public interest concerns involved (including media policy, monopoly-busting, public health) – rather than focusing on single issues and self-regulatory approaches.
 8. Global issues demand multilateral solutions _he power and reach of the Big Tech companies requires multilateral regulatory reform.
- Submission to Review by the industry group DIGI of The Australian Code of Practice on Disinformation and Misinformation ([18 July, 2022](#)). In this submission, we argued that misinformation and disinformation are such profound, pervasive and growing public health concerns that governments must take far more wide-ranging action than simply leaving the matter to a voluntary, industry, self-regulatory code. Health departments and other areas of governments, public health experts, First Nations health and community representatives, the community sector, and community leaders must also be involved in whole-of-government and whole-of-community responses

These and other Croakey submissions that may be of use for this consultation can be seen [here](#).

We also publish in the academic literature and engage with wider public spheres on these topics. Croakey's Chair Professor Megan Williams and Editor-In-Chief Dr Melissa Sweet have contributed a chapter to a recent book on related matters, [The Public Square Project: Reimagining Our Digital Future](#), (Eds): Peter Lewis, Jordan Guiao.

We have hosted a number of relevant online webinars. For example, in June 2021, Croakey hosted an online #CroakeyLIVE webinar to engage the public health and wider community in identifying solutions and ways forward to a safer, healthier digital environment.

Read a report about the webinar discussions: [Big Tech captives or citizens in healthy digital ecosystems? Making the transformation...](#) (16 June, 2021)

3. Croakey's engagement with this consultation

3.1. Department consultation

On 7 July 2023, Editor-in-Chief Dr Melissa Sweet attended a consultation hosted by the Department, held online and in person. Participants appeared to be mainly media industry representatives and some journalism academics and organisations.

Following the consultation, Dr Melissa Sweet emailed the following comments to Sam Kursar:

"My comments are made from a public health perspective rather than from the specific interests of Croakey Health Media. They are also general, and extend beyond the specific questions and issues informing the consultation.

Firstly, it seems there are two over-arching, related public health issues at stake:

- 1. The toxic, unstable and inequitable news and information ecosystem. This issue is only going to become more important as climate disruption escalates. The COVID pandemic has given a taster of how the news and information ecosystem – globally, nationally and locally – undermines evidence-based, equitable policy and informed community responses.*
- 2. The harmful market power and impact of digital platforms. This issue of course includes but extends way beyond misinformation and disinformation to include, for example, marketing of harmful products, breaches of privacy, undermining of healthy public policy, and stifling of innovation.*

The impact of misinformation and disinformation is evident in both these areas, noting that while digital platforms have amplified these problems, misinformation and disinformation are spread in multiple other contexts.

Comments during the consultation suggested that the Government is taking steps to tackle some of these issues through legislation and other measures in multiple portfolios.

However, it seems there are no coherent national strategies that present a whole-of-government vision for:

- A reliable and thriving news and information ecosystem that centres the public interest.*
- Regulation of digital platforms in the public interest, encompassing all areas of concern about their impact, including on the economy, public health and democracy, the news and information ecosystem, health and wellbeing.*

Developing such strategies would provide important opportunities to increase engagement of communities, especially those who are most at risk of being harmed in the current environment, and also for engaging with public health expertise.

Specific feedback

I note that very little attention is paid to public health in this legislation or accompanying documents. It is not clear that the breadth of matters encompassed by 'public health' is understood; it extends beyond health and healthcare matters.

Yet the public health impacts of misinformation and disinformation are wide-ranging and significant; they undermine our capacity to respond to global health threats such as climate change and inequality, and to address public health concerns such as racism, poor health literacy and inequitable policies. Public health expertise in the commercial determinants of health is also highly relevant for to these matters.

The public health sector has considerable expertise in many of these issues, through work in research, policy development, service delivery, advocacy and with communities. If the Department is not planning to convene a public health panel as part of your consultation process, then I strongly encourage this, and would be happy to suggest some useful contributors.”

The Department accepted this offer from Croakey.

3.2. Online consultation hosted by Croakey

On 27 July, we hosted an online consultation with invited public health leaders with relevant expertise.

Department representatives were: Andrew Irwin and Sam Kursar.

Croakey representatives were: Professor Megan Williams, Dr Melissa Sweet, Jennifer Doggett, Kelly Dargan.

Health sector representatives were:

- **Emma Rawson-Te Patu**
Director, ManuKahu Associates Limited
President Elect, World Federation of Public Health Associations
Co-Vice Chair, Indigenous Working Group (WFPHA)
- **Professor Kathryn Backholer**
Co-Director, Global Centre for Preventive Health and Nutrition
Institute for Health Transformation, School of Health and Social Development, Faculty of Health
National Heart Foundation Future Leader Fellow
Fellow of the Public Health Association of Australia (FPHAA)
Vice president (Development), Public Health Association of Australia
- **Professor Ginny Barbour,**
Editor in Chief
The Medical Journal of Australia
- **Professor Sharon Friel**
ARC Laureate Fellow and Professor of Health Equity
Director, Planetary Health Equity Hothouse
Director, ARCHE | Australian Research Centre for Health Equity
School of Regulation and Global Governance
The Australian National University
- **Glen Ramos**
Director of the Australian Health Promotion Association
Councillor-Elect, Australasian Epidemiology Association
Committee Member, Public Health Association of Australia (NSW)
A/Fellow, Australasian College of Health Service Managers
Fellow, Royal Society for Public Health
Fellow, Royal Society of Medicine
Fellow, Governance Institute of Australia
- **Remy Shergill**
Climate and Health Alliance

- **Dr Becky White**

Digital health researcher, Adjunct Research Fellow, Curtin University

Participants emphasised the benefits that Indigenous and public health lenses, methodologies and expertise can bring to consideration of these matters, noting the importance of taking comprehensive, holistic and multi-disciplinary approaches. It was stressed that Indigenous people and organisations need to be involved in shared leadership and decision-making, both internally within governments and digital platforms, as well as in consultations and accountability mechanisms.

Suggestions and questions included:

- A mechanism is needed for Indigenous people to be involved in regulatory ecosystem
- Will there be specific mechanisms to include Aboriginal and Torres Strait Islander-led industry e.g., targeted and safe engagement?
- Measuring harm – will Aboriginal and Torres Strait Islander people be involved in determining this?
- Ensure the guidance documents for industry include requirement to engage First Peoples and Indigenous data sovereignty and governance and Indigenous Cultural and Intellectual Property.
- Input of Aboriginal and Torres Strait Islander people to self-determine reporting mechanisms and policies and procedures for receiving and handling reports
- Noted there are no mentions of racism as such although hatred against a group is named.
- There are no mentions of cultural safety – ensuring and evaluating cultural safety: particular language that other parts of the Commonwealth Government are using, including in legislation
- What is a key KPI of health of effective measures? E.g., number of takedowns? Or, rectification?
- KPI on cultural safety – what would that be; is that possible?
- Data availability – making it available so that e.g., academics can access and use it.
- Ensure alignment with 'public protection' including cultural safety in Health Practitioner Regulation National Law (National Law) and joint statement by Aboriginal and Torres Strait Islander Health Strategy Group and the National Health Leadership Forum <https://www.ahpra.gov.au/News/2022-10-13-landmark-public-protection-reform-bill-passes-parliament.aspx>
- How we will know what difference the legislation is making; what will be the measures of success?
- How does it compare to approaches in other countries? Which countries are leading in this space?
- Will this undermine the business model that supports algorithms that spread polarising content including misinformation and disinformation?
- How is 'serious harm' judged, and by who?
- Are there plans for a whole-of-government strategy to tackle misinformation and disinformation?

- Does the department have structures and processes in place to ensure public health expertise is engaged early in policy development and implementation, reflecting HiAP approaches as per the wellbeing framework and climate and health strategy?
- Other comments: it's disappointing the supporting materials don't give specific examples around climate disinformation and misinformation, or specifically address racism and hate speech.

3.3. Open online discussion on related topics

On 14 August 2023, Croakey hosted an online #CroakeyLIVE discussion about the potential for government intervention to interrupt the damaging corporate domination of vital digital communications infrastructure, using the hashtag #DigitalNationBuilding.

Read a report about this event:

[Amid the Twitter bin fire, time for Australia to do some digital nation building?](#) (17 August, 2023).

More than 20 people attended this event, which produced the following set of draft principles.

A digital way forward

Below are principles advocating for safer digital infrastructure and news and information systems arising from a #CroakeyLIVE webinar on #DigitalNationBuilding.

Initially, the principles were endorsed by some webinar participants, and on 20 August they were also [published at Croakey.org](#) inviting others to sign and also post comments.

1. Digital platforms/communications infrastructure is vital for the health and wellbeing of people, communities, Country and the planet. In an era of escalating crises and emergencies, including climate disruption, it should be regarded as essential infrastructure that must be accessible and available for all, noting its importance in emergency communications in particular.
2. Digital platforms/communications infrastructure should be a safe space for diverse communities, and for respectful interactions and communications, as well as the sharing of reliable, relevant news and information. It should not incentivise or support the sharing of misinformation and disinformation.
3. Digital platforms/communications infrastructure should centre the public interest, rather than being driven by corporate imperatives that actively undermine health and wellbeing.
4. Governments have a role in supporting innovation, growth and greater diversity in this sector, including through seeding of not-for-profit or other non-corporate models, and more effective regulation of Big Tech.
5. The expertise and values of First Nations peoples should inform development of this sector.
6. Equity considerations should underpin developments and discussions in this space.

7. Young people are also central to these discussions. People and communities who have particularly benefited from the platform formerly provided by Twitter, including people with disabilities, lived experience of health challenges, poverty, housing insecurity, and incarceration, also have much to contribute to this discussion.
8. The health sector, researchers, professional organisations and other forms of institutional power have an important role in these discussions, and should be engaging with civil society, as well as tech researchers, developers and advocates, and policymakers.
9. The health workforce, including researchers, clinicians, policymakers, public health and health promotions professionals, educators, community members, carers and NGOs, should be supported to develop greater skills and knowledge in this area.
10. Digital platforms/communications infrastructure should contribute to community cohesion and the sharing and development of knowledge, networks and connections, at local, national and global levels

Signatories

Professor Ginny Barbour

Alison Barrett, Croakey Health Media

Jennifer Doggett, Croakey Health Media

Christine Dove

Phoebe Ledford

Marie McInerney, Croakey Health Media

Claire Prideaux, Senior Policy Officer, The Lowitja Institute

Kristy Schirmer

Penelope Smith

Melissa Storey

Dr Melissa Sweet

Luke van der Beeke

Professor Megan Williams, Croakey Health Media

3.4. Article by Croakey director, Professor Bronwyn Fredericks

On 16 August 2023, Croakey published an article, [‘When tackling misinformation and disinformation, Indigenous peoples’ perspectives and representation are vital’](#), summarising key themes of a submission to this inquiry by a senior Aboriginal academic, Professor Bronwyn Fredericks, who is also a director of Croakey Health Media.

This submission was made in a personal capacity; however, Croakey notes its importance and relevance for this submission. Below are key themes from the article, which recommended that the online safety and wellbeing of Aboriginal and Torres Strait Islander people must be addressed much more explicitly as part of legislative efforts to combat misinformation and disinformation,

with active enforcement of penalties for digital platforms that spread misinformation and disinformation.

Acknowledgement of the harm caused to Aboriginal and Torres Strait Islander people and communities by misinformation and disinformation, that the spread of misinformation and disinformation for Indigenous peoples is an extension of the colonial project that seeks control over how Aboriginal and Torres Strait Islander peoples are represented in national/public discourses.

Representation matters: Greater consideration of Aboriginal and Torres Strait Islander perspectives is needed. Given that Indigenous people are avid users of social media and that false representations of Indigenous people continue to undermine social health and wellbeing outcomes, it is essential that Indigenous perspectives are sought, and Indigenous representation is included. It is warranted that the ACMA encourage codes and standards that specifically target racist misinformation and disinformation directed at Aboriginal and Torres Strait Islander peoples. ACMA must work in partnership with Aboriginal and Torres Strait Islander community groups who are best placed to speak to the impact of mis/disinformation and what strategies need to be built into providers' codes. ACMA should require media platforms to report on KPIs specifically relating to combating misinformation pertaining to Indigenous peoples. This should include reporting on the measures taken to assure cultural safety and inclusion of Indigenous representatives/voices in responses. It would also be beneficial to build the protection of Indigenous communities into ACMA's requirements for platforms to register an industry code.

Cultural safety should be integrated into processes and structures for the investigation of complaints to ensure that digital platforms comply with codes and standards. The cultural competency of both ACMA and digital platforms/service providers is of the utmost importance. Improving cultural competency and increasing the Indigenous workforce can assist in identifying and responding to claims of misinformation/disinformation. Aboriginal and Torres Strait Islander peoples are strongly considered when the ACMA obtains information, fact-checkers, or third-party contractors to assist them in monitoring compliance, and that the employment of Indigenous staff are encouraged in codes/standards as a measure to combat misinformation.

Greater accountability needed. Although the ACMA will not have powers to force the removal of content from third party platforms, any policy that would make publishers accountable for the information they publish/distribute is welcomed, as are mechanisms that would see referrals to the anti-discrimination commissions or other legislative bodies.

In cases where the removal of content is not plausible, publishers should be compelled in their codes/standards to engage in fact checking, as was done on some social media platforms during the pandemic, with mixed results. The wider social impact of any information publicly posted, as well as the representations it implies about Indigenous peoples and cultures should be considered in the codes – not just whether the written text is deemed “truthful”. Those creating and sharing memes and other satirical content should be equally accountable for the information they share. In many cases it is difficult/near impossible for members of the public to distinguish satirical content from factual reporting or to determine how they will be read and understood. Reconsideration that the code and standard-making powers exclude “electoral and referendum content and other types of content such as professional news and satire”. Whilst upholding parliamentary freedom, robust discussion and freedom of speech is important, political discussion should be not used as an excuse to sway opinions through sensationalised and misinformed representations. If the ACMA does not include misinformation in traditional news media in its powers, then it should continue to work with other bodies to ensure accountability.

Enforce penalties. At face value, penalties for infringements appear sufficient but such measures must be enforced rather than being treated as piecemeal “slaps on the wrist” that do not demand change.

Professor Fredericks also provided the following references as being relevant for the consultation:

- Fredericks, B. and Bradfield, A. 2021. Co-Designing Change: Discussing an Indigenous Voice to Parliament and Constitutional Reform in Australia. *M/C Journal*24(4): <https://doi.org/10.5204/mcj.2801> (Original work published August 12, 2021), <https://journal.media-culture.org.au/index.php/mcjjournal/article/view/2801>(This one includes James Blackwell’s meme and other social media references)
- Fredericks, B. and Bradfield, A. 2021. ‘I’m Not Afraid of the Dark’: White Colonial Fears, Anxieties, and Racism in Australia and beyond, *M/C Journal*, 24 (2), <https://doi.org/10.5204/mcj.2761>, <https://journal.media-culture.org.au/index.php/mcjjournal/article/view/2761> (This one includes reference to social media posts and comments about the colour of Aboriginal people).
- Fredericks, B. and Bradfield, A. 2021. ‘Seeking to be heard’: The role of social and online media in advocating for the Uluru Statement from the Heart and constitutional reform in Australia, *Journal of Alternative & Community Media*, 6(1): 29-54, DOI: 10.1386/joacm_00092_1
- Fredericks, B., Bradfield, A., Nguyen, J. and Ansell, S. 2021. Disrupting the colonial algorithm: Indigenous Australia and social media, *Media International Australia*, 1–21, doi: 10.1177/1329878X211038286, Article first published online: October 1, 2021.
- Fredericks, B. and Bradfield, A. 2021. Addressing the roadblocks of constitutional change through mobilising Indigenous Voices online. *Journal of Global Indigeneity, The Varieties of Online Colonial Violence: Indigenous-Settler Relations on Social Media Edition*, 5(2): <https://www.journalofglobalindigeneity.com/article/29806-addressing-the-roadblocks-of-constitutional-change-through-mobilising-indigenous-voices-online>

4. Croakey responses to this consultation

Our overarching feedback to this consultation is the importance of ensuring transparent, accountable structures and processes that integrate the expertise of First Nations people and organisations, public health experts and organisations, and wider civil society. Cultural safety should be integrated into the design and implementation of these structures and processes. These matters are too important for the health and wellbeing of communities and democracy to be left to governments and agencies working directly with powerful corporations in ways that are not always transparent or accessible to the wider community.

We note the irony of this consultation process being undermined by a concerted campaign of misinformation and disinformation that has been disseminated by some mainstream media outlets as well as online platforms.

We urge that a comprehensive public education campaign be undertaken in conjunction with the legislation, with a particular focus on educating communities about their rights to a safe online environment, and empowering communities to contribute to greater accountability of digital platforms. Outcomes arising from this legislation should be communicated clearly and transparently with communities.

In the interests of transparency, we urge that the Government and all MPs disclose the lobbying efforts that have been undertaken by the digital platforms and other relevant parties, such as corporate media, in relation to this legislation.

Below we respond to some of the issues identified for specific feedback during this consultation (image below is from a Department presentation).

We seek your views before the draft Bill is finalised later this year



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4.1. Freedom of expression: do the powers strike an appropriate balance?

According to the Department: “The ACMA codes are designed to protect freedom of speech while holding digital platforms to account”.

The Exposure Draft on p 53 states:

(3AC) The Parliament also intends that digital platform services be regulated, in order to prevent and respond to misinformation and disinformation on the services, in a manner that:

- (a) has regard to freedom of expression; and
- (b) respects user privacy; and
- (c) protects the community and safeguards end-users against harm caused, or contributed to, by misinformation and disinformation on digital platform services; and
- (d) enables public interest considerations in relation to misinformation and disinformation on digital platform services to be addressed in a way that does not impose unnecessary financial and administrative burdens on digital 2 platform providers; and
- (e) will readily accommodate technological change; and
- (f) encourages the provision of digital platform services to the Australian community; and
- (g) encourages the development of technologies relating to digital platform services

Croakey asserts the importance of acknowledging the community’s right to a safe online environment in the legislation. The right to freedom of speech must be balanced against this right, as well as respects for the wider rights of community members who use the internet. It should be acknowledged that in Australia, digital platforms are operating upon the Country of Aboriginal and Torres Strait Islander people, and therefore have a particular responsibility to ensure their cultural safety and wellbeing. The rights of children and others who are most likely to suffer harm from an unsafe online environment must be prioritised.

Croakey also notes that “freedom of expression” is often used as an excuse to enable the dissemination of misinformation and disinformation, including racism and hate speech directed at particular communities. It is critical that the voices and concerns of these communities be privileged in designing, implementing and evaluating this legislation and associated activities.

Croakey also notes that there are many other policy areas meriting attention in order to support greater freedom of speech within Australia, including policy reform to support a more diverse media and news and information ecosystem, with concerted efforts to end the market dominance of powerful corporations such as Google, Meta and News Corp. This market dominance is a greater threat to freedom of speech than efforts to regulate such companies.

4.2. Definitions

We flag our concern about the definition of serious harm as “harm that affects a significant portion of the Australian population, economy or environment, or undermines the integrity of an Australian democratic process”. As already mentioned in this submission, Aboriginal and Torres Strait Islander people experience a disproportionate impact from online misinformation and disinformation, including racism. The terminology of “a significant proportion” is problematic from the perspectives of other population groups too.

4.3. Scope of the powers

We support non-signatories to the voluntary codes being subject to this legislation.

4.4. Comments from other parties

Professor Kathryn Backholer:

“The Bill is an important safeguard for our digital information ecosystems. Misinformation and disinformation can be dangerous – we saw this during COVID where foreign disinformation campaigns pushed anti-vaccination messages through social media platforms, leading to drop in mean vaccination coverage. And with the rise of generative AI, there is potential that the spread of mis and disinformation through the internet will only get worse. The Bill strikes the right balance between freedom of expression and preventing the spread of harmful content online. Online platforms already have measures in place to manage mis and disinformation through industry Codes – the Bill will just make sure that this process is systematic, regular and transparent. The Coalition supported this type of regulation when it was in government and had committed to hold social media giants to account before the last election.”

Dr Becky White:

“Transparency is important, both on the part of the platforms and on how the Bill is being implemented and monitored - maybe this is still to come. I’d be interested in hearing how the public can participate, will there systems for them to highlight concerns, what actually triggers the platforms being requested to produce evidence on action, is this routine or triggered by an action, and what information will be made public? I also agree about the input into serious harm as it’s not clear how broad a view it would take or how the assessment is made. More broadly from a public health perspective, misinformation and disinformation is important but it’s one part of how people navigate the information environment. There are lots of other components to consider when considering how misinformation impacts communities and how it can be mitigated.”

Mr Glen Ramos

“The Exposure Draft Bill is an important step in addressing the current onslaught of misinformation and disinformation which has serious negative impacts on the health of the Australian community through undermining trust in public health communications, activities, and engagement. However, given that it is only really addressing matters that are already in the public domain, there are serious concerns that its effectiveness may not be as impactful as hoped. Significant and immediate efforts have to be made in addressing the broader determinants in which misinformation and information are created and exist with a particular focusing on preventive actions such as building health literacy and supporting those most at risk. The exclusion of government entities from the content scope of the Exposure Draft Bill may also raise eyebrows and concerns. In particular this may serve to inadvertently undermine trust and solidarity in government public health activities in times of emergency, disaster, or as we have recently seen with COVID-19, pandemics.”

Croakey thanks and acknowledges all who have contributed to this submission and related discussions and events.