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By [Lisa Visentin](#)

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Independent ACT senator David Pocock holds serious concerns Labor's proposed misinformation laws will jeopardise free speech and says he will not support the bill unless significant changes are made to address criticisms by legal and human rights experts.

Pocock, who holds a potentially crucial vote in the Senate, joins a growing chorus of organisations sounding the alarm over the Albanese government's proposal to give the Australian Communications and Media Authority new powers to penalise tech platforms if they fail to remove misinformation and disinformation.



Senate dealmaker David Pocock says he cannot vote for the government's proposed misinformation laws in their current form. *Credit: Alex Ellinghausen*

The ACT senator said he shared the concerns of the Australian Human Rights Commission and other top legal experts that the draft laws would tip the balance in favour of censorship and have a chilling effect on free speech, while providing a blanket exemption for government-authorised content.

"I don't think it gets the balance right between misinformation, disinformation and freedom of expression," Pocock said.

"I really welcome the government going down this road of actually releasing a draft allowing people to raise concerns, but as it currently stands, I'm very, very concerned about it."

Pocock, who confirmed he would not support the bill in its current form, said the move to exempt government content from the bill was "galling" and created a double standard that could have a stifling impact on political speech and dissent.

"I'm pretty sick of government carving themselves out of bills. I don't see why the government politicians should be held to a different standard to the general population," he said.

"I don't think there should be two standards. Politicians already have privilege in the chamber, and I don't think there needs to be further exemptions beyond this."

Pocock's objections pile pressure on Labor to make significant revisions to the exposure draft before a final bill is introduced to parliament. Labor has frequently sought Pocock's vote in the Senate when the Coalition is opposed to its agenda. It needs the votes of the Greens and two crossbenchers to pass legislation.

The Coalition was heavily critical of the draft laws, calling them a "dangerous attack on the freedom of expression", while Tasmanian senator Jacqui Lambie has flagged she will seek amendments to address free speech concerns.

Faced with mounting objections to the bill, Communications Minister Michelle Rowland last week stressed that she would consider the feedback provided through the consultation process to "ensure that we get this balance right". She has committed to introducing a bill into the parliament by the end of the year.

The draft laws would give the Australian Communications and Media Authority a range of new powers including the ability to impose an industry-wide "standard" to force digital platforms such as Facebook, TikTok and Google to remove misinformation and disinformation. This would be enforceable with fines up to \$6.88 million, or 5 per cent of a company's global turnover – whichever is higher.

The Human Rights Commission and the Law Council have both argued that the definitions of misinformation and disinformation are too vague, and would ultimately make the authority the arbiter of what constitutes truthful versus false information.

Eminent law professor Anne Twomey warned the laws could encourage over-censorship by tech companies, which could result in legitimate news content removed by sites like YouTube and Facebook seeking to proactively take down misinformation.

In its submission to the bill, the Human Rights Commission singled out the exemption for government-authorized content, saying it "fails to acknowledge the reality that misinformation and disinformation can come from government".

"This specific exclusion privileges government content but fails to accord the same status to content authorised by the opposition, minor parties or independents. The result is that government content can never be misinformation but content critical of the government produced by political opponents might be," the submission said.

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