

*Response to Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023*

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The most obvious problem with this Bill is the definition of Misinformation and Disinformation.

Who determines what is false or misleading? How do they determine it?

Will ACMA keep public records of each determination of false information they've made, and how they've arrived at their decision?

What happens if a decision they've made, later turns out to be an incorrect decision, in that the information they have suppressed, turns out to be accurate?

This bill, with its vague definition of mis/disinformation, has the potential to contribute towards undermining our democracy. Our democracy currently is robust, because it is flexible and can change when new information comes to light, by election of new leaders. If information is determined to be false by unknown and unelected people, that are unaccountable, this ossifies our democracy, and risks producing a portion of the population that hold different views, who are unheard. The potential to produce extremists and radicals is then much higher, because you leave those people out of the conversations that will or are held on the dominant form of population communication, being social media.

What is the need for this bill? Laws rightly already exist to criminalise hate speech, incitement, threats, etc, so the Bill is obviously not addressing extreme forms of communication.

The best way of dealing with misinformation and disinformation is to expose it and debate it. This approach has worked for western civilisation for thousands of years. To censor those with undesirable and poorly thought-out views, allows those ideas to propagate undebated and without challenge, underground.

It might be tempting to say that social media is unique in history, and therefore must be treated differently from all other forms of communication. However new forms of communication have regularly been invented throughout history. It is flawed to say that social media is somehow different. What makes it different? What's the justification to single out social media? Is there a limit of the number of people that it can reach, and a particular timeframe of delivery, over which it suddenly becomes unique? This is a vague and arbitrary decision to regulate social media differently from other forms of communication.

What justification is there to exclude governments, educational institutes and news services from misinformation laws? Is it ok for those bodies to produce misinformation? Or is it just that its recognised the extreme totalitarian power that one small part of the executive government (ACMA) would suddenly have over the entire country if they were included? If

this is the case, how can it be justified that the common person be subjected to that same extreme totalitarian power?

In the realm of science, most scientific discoveries, when first hypothesised and demonstrated, were rejected by the majority of the discoverer's peers. Galileo is the most famous example, with his theory of heliocentrism being rejected by the Catholic Church (who was the authority considered to be the arbiter of truth at that time), leading to his arrest. He was arrested for heresy, which is a belief or theory that is strongly at odds with established beliefs or customs. Arguably, his discovery eventually led to "harm" as defined in the Bill, being *disruption of... society* in which he lived, due to the implications and subsequent discoveries that were related – space travel, satellites, relativity... the list is endless. Under this Bill, Galileo's fate would have been exactly the same as it was in the 1600s.