

## Freedom of expression-

Firstly, I would like to introduce an historical context. Our Australian citizen's hard-won freedoms across the board have been well established and normalised as an expected legal right for the last 150 years or more and up until recently have been the envy of the world, as has been our system of Government over much of that time, (certainly since Federation in 1901). Historically, our people have relied on our Governments to make fair & good decisions and to lead us effectively & prosperously. Peace was truly understood and valued once war time aggressions ended. When individual progress was finally possible, it was vigorously pursued by all and sundry. A harsh "reality check" had occurred and Democracies had learned from that experience & grown from it, ensuring just and fair policies for their citizens, as their Nations grew and evolved.

The combined efforts of our defence forces and Allies successfully ensured (and continue to ensure) this outcome for future generations of Australians. The cost of freedom for the democratic countries in human life and financial terms across two major world wars during the last century was enormous and far reaching. Preserving these freedoms for as long as possible remains essential to our way of life in this country and thus for the standard of living and future happiness of our children and grandchildren. If you are even a little bit grateful for freedom of expression, freedom of association, freedom of assembly, freedom to worship and freedom of press today, thank old and young Armed Services Personnel on Anzac day.

Moving forward to today-The widely televised Police actions in the State of Victoria during Covid recently, deeply shocked all English-speaking nations, who have always regarded the Australian way of life to be free of socialistic persecutions (i.e. they were shocked to see that we had become a Police State) and had always seen us as being generally free from Government over-reach. It is my view that the Australian democratic freedoms mentioned above, should not be further eroded as time evolves, however all these rights and expectations have always come with reciprocal responsibilities better understood by previous generations, who well understood the sacrifices involved and the discipline required by the population in self-managing their behaviour in a respectful and polite manner and in meaningfully contributing to society. In days gone by, a much more conservative behaving and patriotic education system prevailed, (from infant school to PHD level), the prevailing law, law makers and Law Reform Commission's recommendations were less radical, more grounded and much more focused on what was best for Australia and Australian Citizens. Our people had a greater National pride and behaved accordingly. Our leaders were better statesmen and generally had more integrity.

Due to rapid advances in communication technology, the modern problem we are facing with information dissemination going forward is one that is seemingly outside our current National laws, which have always been designed to bring about best outcomes within Australia. This quick growth in technology is not just unique to the communications and media industry. Law makers contemplating appropriate laws for cyber-crime and electronic commerce etc, face the same challenge- The rapid advancements in technology are always moving more rapidly "ahead of the law" all the time.

Information disseminated (and or controlled) from anywhere in the world is beamed into our Country electronically and absorbed by millions of our citizens daily and its validity is questionable at best and very often harmful. Whilst this inflow of vast amounts of unvalidated information has now become an accepted norm, Australian Educational Organisations, Government Departments and News providers in particular (amongst many others) have been very quick to drop their long-held standards and

accepted responsibilities, to jump on the passing band-wagon and to distribute, promote or allow content that favours their narratives or agendas, using these very same channels, as well as existing news channels (un-ashamedly). This current environment where Australian citizens are potentially able to be shamed or indoctrinated into how to think, talk and vote now, has lost sight completely of the ever-distant view of our grandmothers and great-grandmothers, who thanked our returning troops for preserving their freedoms, including their freedom to think clearly, without ever present subtle instruction; freedom to talk and express opinions in public without fear of retribution or damage to their reputations and life style and without constant fear; to distribute information or associate freely, without controls and freedom to worship at will. (Sadly, we are in the mist of an assault on freedoms)

**Is direct intervention against this new paradigm a good idea then ?- I don't believe it is- not in the format proposed at least-** In the quite recent past, what was considered to be dangerous misinformation and fervently promoted by the ABC, NBC News and others, even many State Health Ministers in western countries, has now proven to be actual truth. The challenge is to know if something is true or not. Who decides ?? - setting up a separate panel of numerous lawyers, economists, engineers and scientists to come to a consensus wouldn't really work. Just by looking at the many questions surrounding climate change and the massive amounts of misinformation and disinformation that is promulgated by so called reputable sources and the arguments and time it would take to arrive at an agreed position, shows how hard it would be to determine if something was false or misleading etc. If ACMA is to have no role in determining Truthfulness, who is ???- The Social media Companies would be tasked with this and how would their decisions be able to be determined one way or another?? Accepting this challenge could be a “poison chalice” for ACMA or a fraud on the end-users, who would think something of value was being delivered that may not be delivered.

It could be possible then that the real answer to combating misinformation and disinformation is therefore **more information**, coupled with aggressively disseminated clarity around the truth behind algorithm manipulation (and explaining the opportunities for bad actors with agenda/narrative control and propaganda objectives to manufacture the truth) i.e. as latently and patently deployed by We Chat, Tick Tock, and all western owned social media companies. On that basis, one of the effective roles that ATMA could assume is one that sees them promulgate and disseminate these educational facts and potential impacts.

Exposing the truth about possible negative outcomes to fight back against propaganda is seemingly a great educational role for a Government funded Agency. It has been successfully deployed in the past for protecting Australians against early death from cigarette smoking (Yul Brenna ads) and in the “grim reaper” advertising that effectively brought about a halt to the spread of the deadly Aids virus. Making the end-users aware of what they are consuming and the dangers of their (poorly informed) behaviour would seem to be a good use of ACMA resources. It is obvious that basic education for most social media users did not and still does not include or envisage opening the minds of students, to be aware of the coercive controls deployed by bad actors and those wanting to disseminate mis and dis information. It would seem to me **to be imperative that as a first step, this awareness should be brought to the front-of-mind of social media consumers.** If this education is not provided, generations of Australians can potentially be coerced and subtly controlled, and progressively not always for the good of the Nation going forward.

## **The Complexity of Content Exemptions**

**Assuming the process goes ahead as proposed, the questions that arise here seem to be as follows;**

1. **Why is the Australian Government exempting itself from its own Laws ?-** (Are Unions also exempt then ??)- As we have seen during Covid, serious harm is always unintentional but often caused by Government decisions. One State Government made vital decisions that inadvertently caused the deaths of more than 800 people over a very short period and also locked down that State for the longest periods experienced by any other Country. In New York the then Governor's decision was similar but the outcomes 20 times worse. I believe that many Australians would consider it vital that our elected decision-makers are scrutinized when forming policy and disseminating it via social media and the like.  
All Government Agencies will no doubt progressively turn more and more to electronic formats to disseminate information as time goes on and holding everyone else to account except them will send a signal to the electorate that Government can't be trusted- It will remind consumers of what happens in Russia and China and free and fair elections will fast become a thing of the past.  
Double standards never work for long and can often lead to discontent, rising influences that offer various alternative solutions and riots and insurrection. One only has to look at the storming of Capital Hill in the USA recently- if something looks rigged, it will invoke very strong physical reactions, and could culminate in a Police State, which will be the natural predicted outcome of preserving an exclusion for the Government from its own media communication laws. From a National Security perspective, if a foreign actor hacked into the Social Media program deployed by the Federal Government or one of its Departments (say) they could potentially mobilize or influence a large number of people to their detriment, as control could easily be lost by using such an insecure method. Artificial Intelligence solutions are an ever present and growing threat to these mass communication mediums.  
**The solution seems to be** as outlined above, i.e. to allow the information to flow from all sides but to ramp up the education process that constantly alerts consumers of the possibility of misinformation and disinformation. It's either that, or ban Gov't Depts from using electronic media all together, given that it will be impossible to stop misinformation anyway.
2. **Why aren't Education Providers included in the code?** These organisations are highly complicit in disseminating misinformation and even on occasions disinformation. Many Australians would consider it vital that these education providers are reformed in this regard and it would certainly assist in supporting any ACMA education programs that alert consumers to the risks of taking social media posts at face value. If Education providers were included in the code, then I think this would be a good thing for the country. Again the problem of determining if information is false and misleading will give rise to much time consuming and expensive investigation- perhaps it is time for educators to stick strictly to a pre-determined curriculum and leave their political biases and beliefs about climate and gender outside the class room and for teachers and universities in Australia to be banned from using Social media formats.(Teachers should be fined heavily or expelled if they disseminate mis/dis/information.
3. **Why are news content providers exempted from the code ?-** They should be forced to ensure that their news is not made-up commentary or social commentary/ opinion, but solid reliable news content that is true and factual in all respects and that anything that has not been validated as true is always explained that way, when it is disseminated. Governments should be encouraged to have regular oversight on ACMA's decisions and operations to check that this oversight is ongoing- we need ACMA to reform our hopeless standards in news reporting.

4. **Why should Authorised Electoral or Referendum content to be exempt ?** - Why should the AEC be exempt from disseminating false and misleading content- ?? People will never support the role of ACMA if this occurs. The AEC should be seen to be completely honest and impartial. Otherwise constituents will simply vote informal at the ballot box, once their name is signed off the electoral role (donkey vote). ACMA's role would be welcome in providing this oversight and thus ensuring the integrity of its support for any Government objective. The question will always arise (during election lead ups particularly) around what would happen if the Opposition then post information on social media etc that ACMA consider to be false or misleading- These contentious issues will cause much anger amongst voters and further divide this great country. The integrity of the AEC should be maintained and ACMA should welcome the opportunity to ensure the AEC adheres to the code and that no false or misleading information is distributed.

**The scope of the private message exemptions-** I consider this to be adequate

**The size of the penalties-** these will create some reaction within the social media organisations and ramifications will flow until adequate middle ground ensues or the providers decide that our market is too small for the risks etc and withdraw their platforms (a good thing in my view, as students need to get back to their books).

**Any Other Issues?-** Yes- I would like to see the new policies etc set up after the Government's "Voice related changes to the Constitution Referendum" has been voted on. By waiting until the Voice has been decided, this would assist in providing ACMA with a "cloak of integrity" during the lead up to the Voice vote and should then assist in seeing these proposed communications reforms off to a good start, without any bad blood on either side.

Dividing half the country over a number of years (from the split second that the election is concluded) is bad enough, then doubling down with what might appear to be a new communications and media code that effectively appears to "takes sides" before the voice is voted on, is probably not a great recipe for ongoing success- I believe that forcing these changes through before the date of the Referendum will be a very bad move in this current inflamed referendum environment and that the virtues of the referendum should be allowed to be argued without the additional assistance of ACMA, which could potentially be interpreted negatively by at least 50% of citizens and thus potentially skew the outcome inadvertently. Referendums are supposed to be fairly conducted, with truthful information provided fairly to all constituents.