

New ACMA powers to combat misinformation and disinformation | Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Myself: I am not a Left or Right political activist, and not a legal person. I have read the Exposure Draft and understand much of it, but don't have legal training so my submission to you is based on ethics rather than a legal critique. This means that my comments below are general, and may already be covered by provisions in the wording of the Draft. However, they are what comes to mind when I read this document:

When I first heard of this legislation, my immediate response was that this had to be a joke. But sadly, it isn't. And the claim that this legislation wants to altruistically be about eliminating mis/disinformation, and reduce harm – although sounding wonderful at first hearing, it transparently untrue, because looking at the legislation it is simply about nothing else than restricting freedom to criticise the Government of the day. That is simplification I know, a sweeping generalisation I know, however, it's how it appears to me and to many others. Government appears to be once more tightening its controls over freedom of speech, no matter how much they deny it.

1. Most telling is that Government has exempted itself from the provisions of this legislation, how funny. Who in the community proliferates more biased and massaged information than government? Any government at any of the three levels? **And we are now to be prevented from protesting and countering it?**

Our Australian governments will be able to propose anything, push any kind of direction, and anyone contradicting that will be under threat of a half million dollar fine. If that is not suppression of free speech then I don't know what is.

The timing of this proposed legislation is extremely interesting – just in time to suppress information supporting the No Vote in relation to the Voice to Parliament and feature only the Yes campaign's information, and big punishments awaiting anyone who proliferates misinformation supporting the No campaign.

Threatened penalties of \$500k – this will suppress even the most intelligent and well informed of people from offering contrary, true information to the public on what is being proliferated, especially by government, as it is obvious that protecting government is the main intent of this legislation.

Will bodies such as the publicly funded ABC be subject to accusations of bias and misinformation/disinformation, such as right now with the extremely biased reporting of the campaigns for the Voice to Parliament and many other things – see multiple media coverage of the ABC's bias?

2. Why such a strenuous effort being used, when there is already legislation in place:

- **What is wrong with the current Telecommunications Act(s)?**
- **What is wrong with the current defamation/slander laws?**

3. The Committee: A 'committee' of five people is going to be vested with the power and responsibility of deciding what is 'truth' in any given matter and on any subject which people discuss online. If this does not raise a red flag I'm astounded.

It is certainly true that there is a lot of frivolous information posted online – scams, scarifying nonsense, conspiracy theories, biased and bigoted information – while at the same time this is where people go to register a protest on many matters, and offer their informed take on what is being said and done – much of it coming from government.

Will this legislation infantilise people, and take the place of proper robust sharing of perspectives, from which we all learn?

Plus, people want to vent because they are outraged, afraid, confused, concerned. How can a group of 5 ordinary people decide what is 'false, misleading or deceptive' when it comes to what is posted? Many people in history have 'posted' contrary information to what has been proliferated by government and other official bodies, later found to be truth; what is misinformation and what is disinformation, unless of course it is obvious such as very scientifically incorrect. **How can a committee of 5 people possibly know what is truth in every arena that someone may submit a complaint within?**

4. Bias and discrimination: The 'committee' ACMA comprises four women and 1 man: this tells me immediately that this is part of the over reach of feminism's desire to control and manage people's understanding of what is going on in the world around them.

In our very 'equal' society in Australia – we have no Minister for Men. We have constant woman-good/man-bad messages, advertising, and claims proliferated. Domestic violence is reciprocal half of the time, however, anything whatsoever advertised in relation to DV shows a man as the perpetrator, and never the victim. This reinforces to me that any Government body and its information in place in this current day, will be biased against men.

Banks are working to close the accounts of people (mainly men so far) who are accused of being financially abusive – no proof required it appears like can be seen in law enforcement's mandate to arrest and charge men on no evidence, just simply an accusation. **Is this how it's going to be with ACMA too?**

Remember #believeallwomen? I doubt (being a woman) I've heard such an excessive claim to righteousness from any group, anywhere. Feminism is seeking controls on the perspectives of the public, and such bodies as law enforcement engaged in dealing with domestic violence. Feminism is guilty of proliferating its own version of 'misinformation' already, so how can we be confident that ACMA is not going to be similar to a 're-education' effort?

This factor tells me that there will be an unequal application of the decisions of this committee on efforts by men to post information about the actions and policies of government. Men tend to be the ones who articulate protest best. **Please comply with the basics of equality and have equal representation of males and females on the committee.**

5. **Harm:** In June 2021, when ACMA first recommended this bill, what it then regarded as harmful was any dissent from governments' pandemic policies, especially on lockdowns and vaccinations.

Opposition to information posted publicly actually sometimes forces those who post to keep on trying for real truth – because no human group of experts gets it right the first time. How will someone posting a question about, or questioning a post be protected from false accusations of misinformation?

The Covid19 Pandemic. A first-time experience for the world in this current era. We've experienced nothing like it. WHO and governments proposed processes and solutions that have since been shown to have been ill advised – vaccine mandates, lockdowns. If this legislation was in place, all those who saw the problem and stated it, would have been penalised and robbed of their life savings even when found to be correct several years later.

WHO and government issued mandates that caused enormous protest, because people were rightly concerned about what they were basically being blackmailed into doing, accepting instructions to do things that didn't sit right with them. And for good reasons which people articulated well. They are still doing that on this subject. The proposed legislation would put a stop to that. **Covid: Showed us power consolidated in the hands of a few.**

6. Will the term 'cause harm' be treated like the common problem of someone subjectively taking offence purely on the basis of cognitive dissonance ie, everything that is said in relation to the trans-gender community.

'Harm' I believe will essentially be whatever ACMA thinks might be damaging at the time, and that is unacceptable.

7. What is the position for religious people posting content which someone claims caused them 'harm'. Who will decide what is harm in a situation like this?

a. The other day on Facebook, I was viewing a post from a group called NASA Exploring the Universe. They posted a beautiful picture of a star formation, and someone commented it was indicative of God's character. Another commentator came on and screeched about how that was ridiculous, should be banned, should be deleted. Since it's extremely popular in our postmodern world to attack Christian faith, what would stop that commentator from claiming harm ie emotional distress and confusion leading to mental health issues from having to read someone's expression of their faith?

Can a comment even be true, but because it upsets someone, be regarded as disinformation?

b. This week, the ACT Government has misinformed the Canberra public that an advertisement on the side of a bus for a Christian school was politically motivated and they forced it to be removed. Under this proposed legislation, anyone rightly protesting this in the light of what this government is doing in other arenas would be accused of disinformation and fined. When in reality they are calling out the government's now dangerous controls.

8. Then what happens if firmly propagated information from the Government is accepted in the community, and then evidence to the contrary is found – and someone shares that evidence – will that be regarded for some time as disinformation with fines and penalties applying, only later to be confirmed as true? What occurred with the Covid Pandemic references this also.

9. How will it go when someone is accused falsely, or out of ignorance, as happens frequently in our community, and then has to spend \$\$\$\$ defending themselves such as in criminal court, or Family Court? What will the difference be? How will ACMA discern what is a false accusation? How will the community be protected from false accusations? How will accusations and reports of 'misinformation' be handled, because currently we can see a commitment from governments everywhere to accept false accusations with no penalty to the false accuser, see Family Court, and criminal courts such as the recent trial(s) for Bruce Lehrmann, while the innocent accused has to expended \$\$\$\$\$\$ to defend themselves.

10. And what happens to all those people who have been fined, lost their life savings through penalties from ACMA, when later the 'misinformation' they proposed is found to be truth? For instance: the current (but rapidly vanishing belief that transitioning by drugs and surgery is best practice for people with gender dysphoria, and this becomes established through government legislation, almost as it is now such as Victoria's [Change or Suppression \(Conversion\) Practices Prohibition Act 2021 \(legislation.vic.gov.au\)](https://legislation.vic.gov.au/Change%20or%20Suppression%20(Conversion)%20Practices%20Prohibition%20Act%202021), and people are experientially having other treatments successful. If they share that, it will be termed 'conversion therapy', and ridiculously a man in Malta is currently facing court for doing. The terms have to be defined, which for instance in this legislation in Victoria, the term 'conversion therapy' is not defined, so many things can be attributed to it.

11. What about if any group of people are doing harm by their absolute over reach in the community and someone protests about that, setting out a better way ie matters related to the conservative/liberal paradigm in politics? Are we to see members of the public being visited by law enforcement, as is occurring in the UK, to 'discuss' their thoughts and opinions?

12. How will frivolous accusations be dealt with when there are those who would deliberately weaponise this proposed legislation? Rudd: [ACMA being used as a vehicle for Kevin Rudd's 'vindictive crusade' against Sky News - YouTube](#)

13. Will a previous ACMA case set a precedent that will then prevent the same type of accusation being tested in a new hearing, but instead just treated as a sausage machine product?

The Exposure Draft: I hope this bill does not progress to become legislation for all the reasons above, however, if it does, since most of the community are not legal or science people, and most of the community freely uses social media, you owe it to the community to set out clearly and in easy-to-read wording, information such as in Fact Sheet form, to show what is exempted and what is not in terms of posting information. Otherwise, innocent people are going to find themselves '**reported to the committee**'.

The emphasis is intended – this pushes Australia further into totalitarian type actions from Government, in my opinion.

Sincerely,

Carol Drayson, [REDACTED]