

Submission on the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

Firstly, I appreciate the opportunity to provide feedback on the amendment bill and do hope the intentions are sincere in allowing it.

All feedback from the public should be treated with respect, without prejudice against the authors and genuinely taken into account when deliberating on the next steps re. the bill.

Perplexingly, the 'facts sheet' relating to this bill (posted on the government website's infrastructure page) claims that the ACMA 'will have no role in determining truthfulness'.. Which sounds promising in the interests of free speech and discussion, however upon reading the entire 64 page bill, this statement appears more and more bizarre as written in no part of the entire proposed bill is there in fact any mention of a body or organisation of sorts that would actually attempt to fill the shoes of the all knowing universe, and act as some paramount arbiter or ministry of truth.. That is of course (in complete contradiction to the governments 'facts'), for the ACMA themselves.

They claim to want to simply work along side 'bodies or associations' that already moderate and censor content on different online platforms. The ever unreliable 'fact checkers' etc. we're so familiar with come to mind. However, they afford themselves the privilege of clamping down on these groups or even online platforms themselves whenever they may feel the need, with new or amended 'codes' or 'standards' of conduct to be enforced alongside the threat of hefty legal ramifications for failing to comply.

Included in the legislation is of course, a convenient exemption to these rules allowed for certain outlets of information..

'Professional news content' or 'Educational content' that has been pre accredited/approved and authorised by the state or commonwealth government. Basically, the mainstream media is exempt from the omnipotent judgement of the ACMA online.

According to the ACMA, the same information, 'news' from any/every TV or radio station is completely veracious and deserves no critique.

As an intelligent population, we know of course of this fallacy. The idea that government and government authorised corporate news would never mis or disinform the public is a myth still held as true by only the most disengaged, often indoctrinated and gullible amongst the population.

Reviewing past decades, and ongoing into the present/future, one could compile literally an infinite list of claims made by these sources as being true that in reality equate to either mis or disinformation.

If the last few years in particular have taught the broader community (and not just proactive independent researchers) anything, it's that this so called 'professional news content' etc. cannot be trusted.

Millions of people now suffer with severe physical adverse reactions, financial duress and many even with the loss of loved ones after the impacts of the emergency measures and health directives taken or made by government. Lockdowns and work/civil rights restrictions destroyed livelihoods, and people were willingly or coercively injected multiple times with what was promoted vigorously through 'professional news outlets' not only as a 'safe and effective vaccine', but an absolute necessity to protect themselves and others against a supposed deadly virus.

While many at the time were rightfully skeptical of these claims and measures taken, and shared legitimate concerns and information contradicting the government/corporate narrative online through text/video etc. on social media and other outlets, the information proving their concerns as valid and completely righteous was brandished as mis/disinformation and often censored.

A relatively short while later, we find these claims from government/corporate news outlets and the necessity of past actions taken from the government that were based on such claims, have been retracted, proven and admitted as being false or unnecessary. However no amount of admission can rectify the reality of the damage done to such victims of this period of mass media driven hysteria and

disinformation.

Subsection 7(1)(d) of the bill defines misinformation as content on the digital platform that is 'reasonably likely to cause or contribute to serious harm'.

Subsection 7(2)(e) defines disinformation as the above but 'the person disseminating, or causing the dissemination of, the content intends that the content deceive another person'.

Harm is defined in 6 categories 2 of which are rightfully included as 'harm to the health of Australians' and 'economic or financial harm to Australians, the Australian economy or a sector of the Australian economy'.

One can fairly conclude given these definitions, that the government and associated media (exempt from the proposed legislation) are in fact themselves guilty of disseminating misinformation and even disinformation to the public, causing harm.

The obvious question arises as to why a double standard should exist, and these outlets should be exempt from such laws.

Luckily, subsection 45(a) declares that before determining a standard in this division (division 5 - Misinformation standards), the ACMA must consider 'whether the standard would burden freedom of political communication'. This of course being an important, balanced and necessary inclusion in such a proposal.. However one line below this statement, 45(b) reads 'if so, whether the burden would be reasonable and not excessive, having regard to any circumstances the ACMA considers relevant'. The broad, vague and typical conjecture often seen in this style of proposed legislation is rife, and this line may easily be interpreted as such that the ACMA wishes to grant itself the right to decide what political communication, and to what extent, is acceptable.

The Combatting Misinformation and Disinformation Bill 2023 is an attempt by the Labor government along side the ACMA to further over reach into the already mass regulated realm of online communication and further determine the spread or silencing of information as deemed acceptable by the state.

A healthy functioning society and democracy needs to acknowledge the importance of, and protect the most important human/civil right of freedom of speech for all.

The bill asserts to combat what is described as harmful online content however the question of 'harmful to whom' looms largely. On the surface, the idea of combatting mis/disinformation may seem unambiguous and honourable and it is presented in such a way. However, basic analysis of the content proposed reveals it amounts to nothing more than an effort to increase the scourge of online censorship and protect those people or groups from criticism who are most deserving of it.

Misinformation and disinformation will be effectively exposed and disposed of naturally through open criticism, discussion and debate and most certainly not by the opinion of a government organisation.

The idea that any singular group or more precisely, a government organisation (the ACMA for example) can claim to know and declare what is or isn't mis/disinformation is ludicrous. The judgement of the ACMA is quite simply hindered by its alignment to following certain agenda driven guidelines and terms of reference. At best, all the ACMA can do is provide its opinion on what it believes to be true or not.

If in a world where this kind of law must exist, the bill should be amended to include all government approved and 'professional news' outlets, and the determination of what constitutes 'misinformation or disinformation' be decided upon by a truly independent, large, balanced, public body of citizens void of any one sided/majority political or financial conflict of interest.

Better yet, the bill should be scrapped entirely as the idea of any group people determining 'truth' without the allowance of the open mass spread of information, criticism, debate and communication is lunacy.

CJC