

Objection to the Proposed Bill Granting the Australian Communications and Media Authority Powers Over Misinformation and Disinformation on Social Media

To the Honorable Committee Overseeing the Bill,

I pen this submission with a deep concern regarding the bill that proposes to arm the Australian Communications and Media Authority (ACMA) with unprecedented powers to classify what is misinformation or disinformation, and further penalize social media companies for the same. While the necessity to tackle the menace of misinformation is evident, we must be cautious about solutions that could inadvertently suppress free speech and democratic debate.

The concept of free speech is about having the legal right to air difficult and contested ideas within the public sphere. I jest when I say I admire the fine dressage movements of the ACMA bill that presents their prancing Trojan Horse Bill as a gift to the Australian people, purporting to protect them from the harms of free speech in the unfettered global and local town square, when it's actual effect will be to remove free speech entirely.

The reins of the ACMA Bill will be used to corral us into a stockyard which is a combination of the Hermit Kingdom of North Korea where information from the outside world is made illegal, merged with Surveillance State of the CCP, where you can only post digital content of vanilla topics and domestic bliss or suffer loss of job, income and social presence.

This Trojan bill, neigh, this horse ride, is one that every reasonable Australian should immediately, and voluntarily dismount from. Don't let this show pony into the circus. It's definitely been trained to throw all of us, even the expert riders, over the hedge and into the moat.

Free speech isn't about posting dinner photos. It involves debate about difficult and contentious subjects. For example, current law considers it a 'harm' if you hurt the feelings of a biological man who claims to be a woman. The law is actively suppressing the rights of biological women who are currently resisting the claim of entry into little girls change rooms by biological men.

The majority of men are protective towards their sisters, daughters and wives, and sensible in recognizing that there is always a sliver of men who will rape or voyeur given the opportunity. Those relaxing the boundaries on this crucial women's right are either naïve enablers or sadistic co-perpetrators. The naïve enablers protest 'don't be cruel to trans persons', but their narrow narrative view doesn't allow them to hear mothers saying: 'don't facilitate rape and voyeurism towards young girls and women; Our change-rooms and showers are not an extension of Pornhub'.

Genuine trans-women (who are very few in number) are being used as a miniscule Trojan horse, a portal to give access to a very large and vulnerable victim group (young girls and women undressed in private spaces), by an offender group (rapists and voyeurs) who exist in numbers that are not only significant but historically consist of men of action, not passivity.

To question the 'harms' posed to biological women from men claiming to be trans-women is a legitimate discussion for the public forum. Setting up circumstances that lead to genuine harm to young females is the example of absurdity that is already occurring and will be facilitated by this bill. ACMA is not going to see it that way unless women are allowed to protest and raise this issue as we were previously in a nation that valued free speech.

The inherent ambiguity in classifying what constitutes 'truth' makes the task of policing misinformation not just challenging but fraught with potential bias, subjectivity and unfairness.

Australia, known for our robust democratic institutions, has unfortunately witnessed instances of governmental overreach impacting public opinion and free speech in recent times.

The raids on the ABC headquarters and the home of a News Corp journalist, by the AFP in 2019, alarmed many Australians. Ostensibly to safeguard national interests, these actions were perceived by many as attempts to muzzle the media and stifle the free press.

Various states in Australia have introduced or tightened laws that limit the right to protest, sometimes under the guise of ensuring public safety. The potential for these laws to suppress legitimate dissent is troubling. These instances illuminate the potential pitfalls when powers are extended without adequate checks and balances.

We've had plenty of recent examples where government overreach demonstrate that granting ACMA the proposed powers could potentially be wielded to suppress unpopular or inconvenient opinions under the regular mantra of 'mis/disinformation' that politicians are using regularly to quash dissent from the following quarters and whom, unlike large media and government departments, have no protections in this Trojan bill :

- ✓ citizen journalists,
- ✓ whistle-blowers,
- ✓ scientists,
- ✓ ordinary citizens
- ✓ subject experts,
- ✓ independent savants
- ✓ small to medium businesses
- ✓ even everyday mothers trying to assert traditional sex-based rights for their daughters

The Trojan ACMA Bill should it pass, will soon impose thousand-dollar-citizen fines, and million-dollar-corporate fines, loss of jobs and careers, and even imprisonment simply for critiquing or exposing government or corporate shortcomings.

The financially punitive actions against social media platforms will incentivize them to over-self-censor content, resulting in a significant suppression of free expression, leading to a diminished public sphere of debate. Why would any platform risk a million dollar fine to broadcast a mother's post advocating for the reinstatement of women's sex-based rights in the context of forbidding men from entering little girls change rooms. Not if there's a risk that ACMA could interpreted that post as causing emotional and social harm to trans-gender women. Thus women highlighting legitimate concerns and conflicts between the rights of biological women and trans-women will be bucked by the ACMA Trojan over the fence and into obscurity.

There's already been an erosion of public trust in these institutions as they coordinate ideological narratives rather than updating citizens with evidence-based news. The formation of the Trusted News Initiative in collaboration (or is that collusion) with corporates and bureaucracy made it their mission statement to censor extensively during COVID. This gave many of us an eye-opening view of the Trojan horse rearing up, reading to crush with it's hooves any rider who found themselves accidentally unseated from the approved narrative during the period of Fortress Australia, forced injections, and economic collapse due to interminable lockdowns during the pandemic.

Encroachments on free speech and public opinion, as seen in the examples above, can significantly undermine public trust in governmental institutions. This proposed bill would further erode this trust.

In conclusion, while the challenge of misinformation demands our attention, solutions that might compromise the democratic fabric of our society are not the answer. Australia's past instances of overreach in the realm of public opinion and free speech serve as a clarion call for caution. It is imperative that we devise a mechanism to counter misinformation without sacrificing the very freedoms we cherish.

To return to this misinformation bill, we have laws already in place to protect citizens from criminal and civil crimes, inciting violence, defamation, libel and slander as they relate to freedom of speech and opinion. This bill goes further than the law, to display a spectacular, narcissistic hubris by proposing punitive consequences for anyone who holds a view that is divergent to the consensus of government or corporate policy makers.

The crime that ACMA seeks to eliminate is not a crime of inaccuracy, it is a crime of insubordination.

I humbly request the committee to reconsider the ramifications of this bill and seek a balanced solution that preserves freedom of speech and the expression public opinion.

In addition I have attached my favorite article on this issue from the cultural commentator and lawyer Dara Macdonald (first published in Quillette.com) who speaks so thoroughly to the multiplicity of impacts this obnoxious bill will have.

The Great Misinformation Panic



[Dara Macdonald](#)

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<https://quillette.com/2023/07/31/the-misinformation-panic/>

Misinformation has sparked a panic in Australia, leading to the introduction of a [new draft law](#) aimed at curbing its spread. Australia is [not alone in this crusade](#), other jurisdictions have similar regulations being passed and proposed.

Yet the push to regulate misinformation seems more like an attempt by the established elite to suppress dissenting voices rather than a genuine pursuit of truth. Similar to how the printing press disrupted the authority of Medieval clerics as the sole interpreters of the Bible, the internet has allowed new entrants into the media landscape and democratised the flow of information. The new draft law, by exempting traditional information institutions such as mainstream media and the government while regulating newer forms of information dissemination like Substack and independent publications such as this one, exposes the true

motive behind the panic over misinformation — an effort to reclaim information power for the sources that have lost influence.

Selective Definition of Misinformation

The definition of misinformation provided in Australia's new draft law reveals its inherent elitism. According to the [guidance note](#), misinformation refers to "online content that is false, misleading or deceptive, that is shared or created without an intent to deceive but can cause and contribute to serious harm." Significantly, the definition exempts content produced by [professional news outlets, governments, or educational providers, as well as artistic content](#).

This implies that information disseminated by mainstream media and the government can never be classified as misinformation or disinformation. But if the objective of this law is to prevent harmful lies, it is illogical to assume that an institution with more authority and power is less likely to cause harm with false information than a less authoritative source.

The exclusion of mainstream media and the government suggests that those drafting the law believe that they will never disseminate untrue information, or, that any false information they spread is for the greater good and therefore not harmful. Whilst the former belief is incredibly naïve, the latter belief is far more nefarious and explains why the law favours established information institutions by burdening new entrants with excessive regulation.

A Double Blow to Independent Platforms

Consider Substack, a platform that has revitalised journalism and enabled independent voices, as an example. Substack will be directly impacted by this law in two ways. Firstly, as a digital platform, Substack will be required to ensure that no misinformation is disseminated on its platform, which is a highly costly endeavor. Monitoring all the posts, videos, podcasts, and user comments on Substack would be an immense challenge. Moreover, any content shared from Substack to another digital platform, like Twitter, would also be subject to regulation. This increases the risk that either platform could deem information in a Substack post as misinformation, leading to censorship or even the removal of content and blocking of user accounts. In contrast, digital platforms are explicitly prohibited from blocking the sharing of content from traditional media sources. This law creates a reverse Robin Hood effect, taking from the democratised platforms by burdening them with excessive regulations while treating information from powerful institutions as sacrosanct.

This elitist concept of misinformation should concern everyone, regardless of their political leanings.

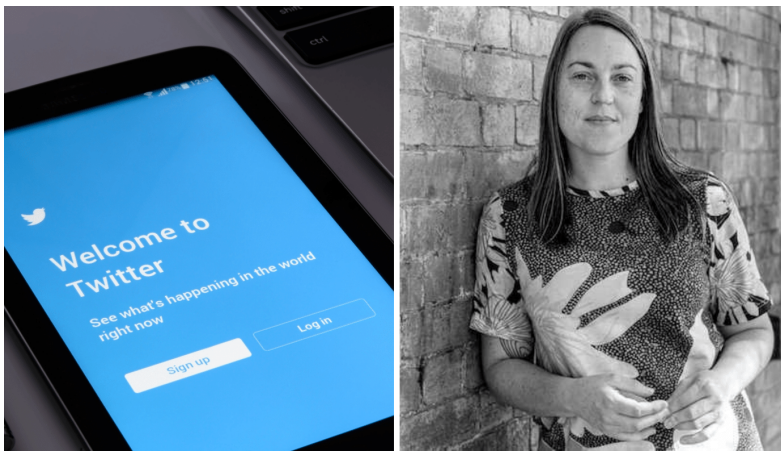
The Illusion of an Arbiter of Truth

Critics of the concept of misinformation have likened it to the creation of a Ministry of Truth, but in reality, the law does not assign ACMA (the regulator under these new laws) the role of determining truth. ACMA's role is to compel digital platforms (broadly defined to include various content aggregators, from social media sites to dating apps) to establish processes for identifying and removing misinformation. In essence, the concept of misinformation transforms digital platforms into censors, similar to [Oliver Cromwell's ordinance to printers](#). If

a misinformation regime is imposed, digital platforms would be forced to become the arbiters of truth, rather than the regulator.

Women advocating for sex-based rights have been among the first to campaign against this law.

Many of these women have experienced firsthand the consequences of Silicon Valley determining truth, which often includes accepting the idea that 'womanhood' can be self-identified. Prominent sex-based rights activists, including academics like Australia's Professor Holly Lawford-Smith, have had their accounts and content permanently removed from digital platforms for challenging this notion.



[Ending Discrimination by Twitter: Gender critical feminists are among those who have been excluded from Twitter for years. The time is right for a correction.](#)
In online: [Quillette.com](#) Author: [Holly Lawford-Smith](#)

Forcing digital media companies, mostly headquartered in other countries, to determine what constitutes misinformation in the Australian context will increase the influence of American ideas in Australian discourse, which has already resulted in the acceptance of unfounded notions, such as the denial of biological sex.

In all likelihood this law will not lead to the removal of unequivocally false information but the censorship of ideas that are contrary to the platform's ethos. If this law is passed ACMA will give these platforms free rein to determine the truth as they see it.

The Chilling Effect

The severe penalties associated with non-compliance, up to [AUD 6.88 million or 5 percent of global turnover for corporations, and AUD 1.38 million for individuals](#), will make digital platforms overly cautious about the content they allow.

People already level fair criticism at the major social media platforms for removing content and accounts without providing satisfactory reasons or avenues for appeal. This new regulation will only exacerbate these problems and justify a more censorious approach to content sharing. It will also render the potential improvement of these platforms through

crowd-sourced moderation policies, such as involving a jury of peers from the same country with diverse ages and beliefs, unworkable. After all, if asked, people might conclude that the sources considered immune to misinformation (corporate media and government) are indeed wrong, and vice versa.

The Question of Serious Harm

The entire panic over misinformation assumes that the internet amplifies the danger posed by charlatans. The draft laws are a response to a [report by ACMA](#), which claims that misinformation is a significant danger justifying regulation. However, there are concerns about the reliability of the ACMA's research, as it relies on a self-selecting sample of individuals and institutions who are already concerned about the impact of misinformation.

Even if we suspend our skepticism and accept the report as accurate, the only demonstrable harm directly linked to so-called misinformation is the damage to telecommunications infrastructure caused by 5G hysteria.

Not surprisingly the report doesn't mention another group that has been responsible for misinformation that brings about real-world harm — Extinction Rebellion. Under these laws the protest group that has [motivated a number to cause major property damage](#) by telling people that the [IPCC](#) and [governments around the world are playing down the impact of climate change](#) would also fall under the definition of misinformation.

But whether damage to persons or property is caused by a false belief in 5G harms, the coming environmental apocalypse — or any other misguided belief — such real-world harms can be addressed through existing criminal laws.

Actions, not ideas, should be subject to regulation, no matter how outlandish those ideas may seem. Free speech serves as the best mechanism for correcting the challenges that come with the information revolution. We never know if our times' orthodoxies are correct or will soon to be proven wrong. Censorship only serves to prolong the surfacing of information that could prove vital to an updated understanding of the world. To take a contemporary example, it is now being accepted by several countries worldwide that psychotherapy should be the first line of treatment for adolescents with gender dysphoria, and that puberty blockers be limited to clinical trials. However Gender Affirming Care remains the dominant treatment modality in Australia — and if dissenting clinicians, scientists, parents and patients are unable to speak out for fear of spreading misinformation — Australia's standards of care may not receive the appropriate scrutiny. For this reason, the harm of compelling digital platforms to censor information outweighs the risks associated with misinformation.

Likewise, new means of disseminating information may require new institutions. The process of creative destruction brought about by new technologies birthed the current media giants — for example printing press enabled newspapers and television enabled the daily news broadcast — and it is not beyond the realm of possibilities that these sources of information are not fit for the new media landscape. By giving them preferential treatment, the new laws cement the power of organisations should either be evolving or disappearing because they are not fit for purpose.

Any potential harm prevented by these laws pales in comparison to the unjustifiable constraints on free speech and the stifling of emerging institutions enabled by the democratisation of information, such as this one.

Doomed to Failure

Technology, like the printing press, enables the decentralisation of information. Attempts by governments to regain control over information dissemination will likely prove futile, as it is impossible to 'un-invent' these technological advancements.

Technology is already ahead of this law and any restrictions imposed legally can be circumvented through other means, such as VPNs or the dark web.

It is also misguided to assume that all platforms will readily comply with these reforms. Platforms that prioritise free speech and privacy, like Substack and DuckDuckGo, may refuse to operate in Australia rather than implement policies that contradict their fundamental principles. This refusal would generate the [Streisand Effect](#), drawing attention to these platforms and making them appear as sources of forbidden knowledge — a temptation humans have always found difficult to resist. Consequently, the allure of such platforms may increase. (As a Substack user myself, I suppose I should express my gratitude to the government in advance for boosting my subscriber count.)

More to the point, crackdowns on misinformation will not eradicate it; instead, they will make it more alluring and fuel demand for alternative means of accessing the internet. Information has become decentralised, and no amount of government intervention can keep pace with developments in this realm. By going to war against "misinformation" governments are merely diverting finite resources from addressing real harm to people and property, which purportedly justifies the panic in the first place.

I hope that governments realise that regulating misinformation will be a big mistake before they have to learn this lesson the hard way, but I fear they may be too blinded by panic to see the errors of such laws before they are passed.



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