

# Misinformation and Disinformation Bill 2023

Reasons and evidence showing the potential risks associated with the proposed new powers provided to Australian Communications and Media Authority (ACMA) via the passage of the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023.

Last Day for Submissions Sunday 20th August

<https://www.infrastructure.gov.au/have-your-say/new-acma-powers-combat-misinformation-and-disinformation>

## 1. Defining Misinformation and Disinformation

According to the ACMA bill, misinformation is characterised as information that is untrue, misleading, or deceitful and is likely to result in harm or contribute to it. Disinformation, on the other hand, is identified as information that is false, misleading, or deceitful and is shared with the intention to mislead, along with content that has the potential to cause or contribute to harm.

**Establishing precise definitions for misinformation and disinformation is a formidable challenge given the ever-evolving landscape of scientific knowledge and increasing financial conflicts of interest.**

## 2. Defining Harm

There are serious concerns regarding the potential repercussions of granting a government-appointed entity the authority to regulate the open dissemination of information under the vague guise of harm mitigation.

**The outline of what constitutes harm is vague and very much open to interpretation by industry and government making it very open to capricious judgements that pose a risk to overall well being.**

## 3. Constitutional Considerations

There are important constitutional concerns, particularly in relation to potential censorship of health professionals. The bill's provisions that seek to combat misinformation might inadvertently infringe upon the constitutional freedom of political communication, which is considered implied in the Australian Constitution.

**This bill will create constitutional risks to free expression, intellectual freedom, and the right of political communication. Undermining these foundational principles of our democracy will inhibit the free flow of ideas and evidence in the continuing search for evidence based best practice.**

## 4. Conflicts of Interest

Granting a government-appointed entity the authority to label information contradicting official messaging as misinformation or disinformation establishes an alarming and precarious precedent<sup>19</sup>. This becomes especially concerning considering the growing awareness of the effect of corporate

conflicts of interest, leading to biased reporting within academia, biased media content, skewed therapeutic guidelines, and profit-driven public policies

**In light of the growing corporate conflicts of interest lead to biased reporting in academia, media content, skewed therapeutic guidelines, and profit-driven public policies which pose a clear and present danger to public health and safety.**

## **5. International obligations and national code of conduct requirements**

These new powers will likely result in a conflict between patient advocacy and adherence to government policy. The code states, In clinical practice, the care of your patient is your primary concern. The Declaration of Geneva and the International code of ethics as well as the UNESCO Universal Declaration on Human Rights and Bioethics repeatedly highlight the critical importance of the individual patient, to act honestly with integrity, valuing human life and promoting and safeguarding the health of patients and the public

**Any well intentioned perceived benefits from censoring information are outweighed by the risks posed by information corruption which undermines practitioner obligations.**

**Transparent open access to evidence and raw data is vital to provide patients with valid informed consent and to ensure public protection through accurate policy formulation unhindered by financial, corporate and political interests.**

## **6. Truth and transparency in public health are important for public trust and safety**

In a period where the contentious nature of the COVID policy response has become evident, and the enforced communication has been marred by inaccuracies while stifling opposing voices to the detriment of public trust, it becomes apparent that the notion of "public health and safety" has been manipulated by regulators to encompass any statement conflicting with government health directives or messaging, regardless of the scientific backing presented.

**Transparency of data and evidence is required to maintain trust in the validity of policy recommendations. Censorship has been used liberally during the pandemic to create support for government messaging and this has been disastrous for public confidence in public health.**

## **7. A Pandemic of Censorship**

The government's response to the COVID-19 pandemic has been marred by an unprecedented level of censorship and the stigmatisation of dissenting viewpoints grounded in scientific evidence. While the intention behind tightly controlling public information was likely to prioritise people's safety, the unintended consequence has been an erosion of the principles of informed consent and the infliction of harm.

**This Bill poses substantial inherent risks to ethical evidence-based medicine and the broader public health. This viewpoint is substantiated by the Actuaries Institute's remarkable excess mortality data, which appears to have a tight temporal link between these rising mortalities and the measures adopted during the pandemic.**

<https://www.actuaries.digital/2023/04/06/covid-19-mortality-working-group-confirmation-of-20000-excess-deaths-for-2022-in-australia/>