

Jakob Shanks  
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Hon Michelle Rowland MP  
Minister for Communications  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

**Submission to New ACMA powers to combat misinformation and disinformation**

Dear Minister Rowland,

I reject the first premise in the fact sheet that the safety and wellbeing of Australians, their democracy, society, and economy are threatened by misinformation and disinformation. And even if this premise was true, then the solution would not be to reduce the total amount of information, but to increase the amount of correct information available. The proposed Communications Legislation Amendment would impose a responsibility on service providers to monitor and hinder information arbitrarily determined by the Australian Government to be wrong-think. It is particularly egregious that the Bill specifies exemptions that include themselves and selected media organisations. However, reducing the amount of information or inorganically promoting particular information sources will result in the threats that the premise from the fact sheet claims.

The internet is an amazing creation that provides exponential access to information. Each political cycle innovates new sophistry techniques that requires humans to develop new cognitive techniques for discerning truth through an obscuring curtain of half-truths and fabrications. For instance, during the 2016 US presidential campaign, it was alleged that Candidate Trump was guilty of all sorts of crimes including being a Russian intelligence asset. The Mueller report in 2019 “confirmed” his opponents’ worst fears and provided basis for impeachment. However, The Durham report from this year, demonstrates illegal and unethical practices by the Obama administration to spy on Candidate Trump’s campaign including using fabricated evidence as fact

for the basis of their witchhunt. Both of these reports come from sources that lay people should be able to “trust”; however, anyone suggesting that Mueller’s report was likely fabricated was maligned as a “conspiracy theorist”.

With two conflicting reports, with one report claiming that the other was based on a lie that was never substantiated as fact, Americans would be justified in criticising the integrity of their Justice department. However, when they do Attorney General Garland claims that disparaging the Justice Department is an attack on democracy. And this is the crux of the matter because, the first key point of the Bill’s fact sheet states “Misinformation and disinformation pose a **threat** to the safety and wellbeing of Australians, as well as our **democracy**, society and economy.” This rhetoric is identical to the inflammatory comments made by AG Garland about commenting on the malfeasance within his department. This is especially concerning when the Bill’s definitions state that content excluded for misinformation purposes includes the Commonwealth. Essentially meaning that the Commonwealth can lie to Australians without recourse, while any online post pointing out the Commonwealth’s error that does not conform to the Bill’s definition of professional news content can be labelled misinformation or disinformation.

I used the American situation as an example because everyone should be familiar with parts of it, but it would be naive to think that Australia is immune to such machinations. We only have to remember the instability of the prime minister’s office between John Howard and Scott Morrison to realise that our political game is just as dirty and corrupt. Numerous scandals within the public service (i.e. ATO deputy commissioner resigning in disgrace for alleged involvement in tax fraud with his son) also demonstrate that the government, because of its servants, cannot be trusted with something as sacred as the truth. Especially when the Victorian Government prohibits credentialed journalists from attending press conferences.

Sadly, neither can the “professional news content” that the Bill venerates be exempt from being labelled misinformation or disinformation. For instance, at the start of 2020, all mainstream

media outlets reported that someone coming in contact with a bat across the road from a virology lab caused a global pandemic. And it took years for that story to change to the point where it is now nearly certain that patient zero worked inside the virology lab. However, at the time everyone that supported the lab-leak theory was either called a conspiracy theorist or racist. This has led to the meme where “the difference between a conspiracy theory and the truth is about six months”.

More recently (the weekend that just passed) a major troop movement by the Russians with some associated theatrics convinced “professional” pundits and traditional media sources to claim that Russia was unstable, on the brink of collapse, and we would finally see the end of Putin. However, one man on Twitter collated facts from locals as fast as they were coming in and cast doubt on the mainstream narrative. Elon Musk even promoted his commentary as being the most accurate he had seen. Well, 24 hours later when the troop manoeuvre was completed, this one man on Twitter who might be labelled as misinformation under the Bill was proven correct while all the “Professional News Sources” were proven incorrect.

This leads to the alternate solution to the Bill. Humans have natural tendencies to discern patterns and seek truth. This does not always mean that they are accurate. However, the more information they can gather from diverse sources gives them a chance to see patterns. Bayes theorem explains the intuitive process humans go through assigning trust to information sources. Where the more often particular sources report correctly, the higher their trust rating. Individuals should be trusted with the responsibility for figuring out the truth themselves. This is because each person will be exposed to a different set of facts and have a different set of circumstances, and different set of values to judge the value of information they receive.

It is not possible for governments to make a decision that works for every citizen. By definition the compromise the government makes will be acceptable to a majority of its citizens and the number of citizens it alienates depends on how comfortable the government is with opposition rhetoric. Government decisions often work against minorities, a realisation that should be pertinent

considering the current debates about indigenous policy. Ultimately, even if the current government believes these powers are necessary, they should consider how they will be used against them when they are no longer in power. If the government would not trust the opposition with these powers, they should not create them in the first place.

In conclusion, this bill is not necessary. The argument that misinformation and disinformation needs to be controlled to protect Australians is wrong. Australians need unfettered access to maximum information, so that they can increase their truth discernment ability. The government will never be able to make the correct decision for every Australian and should provide their citizens the liberty to make their own choices without filtering the information. Often governments and professional media organisations get information wrong, while independent commentators get the interpretation correct. Finally, the current government will transfer power to their opposition at some point, whether it is the next election or 4 elections from now, if they would not trust their opposition with the powers they are creating, they absolutely should not create the power themselves. I hope the government drops the proposed bill and then looks at existing legislation to increase civil liberties.

Kind Regards,

Jakob Shanks