

New ACMA powers to combat misinformation and disinformation SUBMISSION

For the attention of the Minister for Communications as part of the request for the public to participate in this process.

Misinformation and disinformation at a time when the sharing of beliefs and so forth has reached something of a zenith is such that it could (and has) sneak under the radar – and unchallenged this is dangerous.

I have believed for some time now that this should have been done a long time ago. The far right is demanding to be heard – claiming a number of falsehoods, and in the process conning many people across the world and not just in Australia. This can't be seen in a better light than through the supporters of Donald Trump in the United States.

Misinformation and disinformation clouds people's ability to judge what they see online, or even in print media. Television is not immune either. Solid lines of information that is true and correct need to be rising above this, and they are not.

My submission focuses on three subjects, which in some ways are related.

Autism

I could go into the history of Autism in this submission but that would take too long. Suffice to say that over the decades since the first formal diagnosis by Leo Kanner of the recently passed Donald Triplett the identity and diagnostics has changed. Speaking as an Autistic person myself, this should be recognised. But there are those who do not. There is a long standing fear of Autism and it has a firm base in the lack of understanding. Some of this comes from misinformation – the earliest example of which is the Refridgerator Mother theory. This has long since been debunked and rightly so.

The more recent misinformation has to be stopped. It comes in two parts. The first is the idea that Autism is environmentally caused. A number of different options in this area have been presented, and people mostly point to the jump in diagnosed children as a direct result of the DSM-IV in 1994. This is misinformation. There was a jump, but that didn't mean that the children diagnosed – or indeed the adults (myself included – I was diagnosed in 1997) – weren't Autistic before that. Speaking for myself my mother was suspicious I was Autistic when I was two years old. And that's just one example of many.

The second is more specific – and this is where the subjects are related. Vaccines. I have been fighting this particular case of misinformation for some time now as I personally take extreme offence to it. It suggests that Autism is a disease – and it is not. This has to stop as it holds back understanding and acceptance. I am certain that Autism is not the only human difference that is subject to this contribution to the Autistic community being held back.

Vaccines

I am giving this another subject section because it's not just Autism that is subject to this misinformation. It's the claims about vaccines in a more general sense – in particular other forms of claimed vaccine injuries.

What really gives this legs is the flat out refusal of people to go and check out what actually happened when this injury occurred. Was it the vaccine? Can you prove it? This is where the misinformation gets out of hand – people expect to be believed and when they are challenged to prove their claim, they avoid the challenge totally. There is a misapprehension that injuries are being hidden. This is entirely false as the example of Fluvax in Western Australia a few years ago is a testament to.

Health Departments Australia wide and other relevant people have insisted – correctly – that vaccines are safe. The thing is – what defines safe? 100 percent? In the real world there is no such thing. One can drive a car and not be safe. One can cross a street and not be safe. Life is not safe. There will always be an issue somewhere. The onus isn't on the item. The onus is on other factors. This is why when I call out anti vaccine proponents I don't just say "Vaccines are safe and effective" even though it's true. I add the rider - "Vaccines are safe and effective when used correctly". It is possible to make a mistake that can be fatal. You can drive a car, make a mistake and have an accident. That's on you, not the car. Or it could be the driver of another car making a mistake. It's like to old sayings - "It takes 20,000 nuts to put a car together, but only one to scatter them all over road" and "A bad workman blames their tools". Vaccines are a tool, and if there has been a vaccine injury it is most likely that the vaccine has not been administered correctly. That's what happened with Fluvax and we learned from it.

But when those who claim vaccine injury withhold information and won't be transparent about what happened to the right people – we can't learn anything. They insist they are right and as a consequence spread their unproven claims around and undermine the integrity of all vaccines. I call that a serious health threat. It has to be stopped and this legislation will achieve this purpose.

COVID-19

I don't think there's any doubt that the most recent source of misinformation has been everything related to Sars-CoV-2 – the disease itself, treatments and that related bugbear. The vaccines.

It has been frustrating to watch society crash in on itself – especially in Victoria where we had the most lockdowns pre vaccines. People simply weren't listening – and worse not listening to the medical people. Not listening to our country's leaders

(whether it be the Prime Minister of the time or the respective Premiers) is one thing. But not listening to the medical experts in a time of a health emergency and trying to contradict them with the very misinformation this legislation is aimed at stopping is galling. I hold the view that a lot of it contributed to the spreading of the disease through those who refused to follow the rules.

Con artists were coming in left right and centre online, providing easy solutions that were not solutions at all. This gave people the confidence to defy the standing health orders. I can not think of a better example of a major threat – and it all boils down to misinformation. I could name names here but out of respect for the restriction on defamation (even though I believe what I could say to be true and defensible) I won't. Submissions like this shouldn't be a platform to have a go at individuals or organisations by name.

Other remarks

I should also touch on the controversial subject of political misinformation. This is much harder to control – both in the respective Parliamentary facilities and in the media. There is such a thing as Parliamentary privilege and this can lead to media outlets reporting this commentary even though it is misinformation. There are a number of MP's who are guilty of this – at both federal and state level. The right of MP's to make personal explanations can at times lack the defensive capabilities – either rightly or wrongly.

The bigger issue is outside of this. Attacks by right leaning media people (again – I'm not going to name names) on leaders who are “restricting freedom” when they are not has to stop – not matter what political persuasion the government may be. It undermines our rights to fair elections to the extent that it influences the way people vote in an unfair way. People have the right to correct information in this space. Media outlets that change from neutral reporting to supporting one side at the expense of accuracy should bring the Australian Press Council under the umbrella of the ACMA with regard to the standards being proposed.

I am aware that this legislation is not intended to give the ACMA direct authority to order the removal of content. This is the right move. The onus must be on the providers to uphold a proper set of rules that are within the said standards. It is not without precedent that this can be applied to overseas providers like Facebook, Twitter, the Google platforms. Instagram and even Telegram, Bitchute, Substack and Rumble. Anything accessible in Australia. Some providers already recognise overseas law and regulations – and will respond to complaints as long as there is a general restriction on misinformation already. Facebook are approachable in this regard as an example as would Instagram (Meta own both).

But the most important ones are Australian website providers. There is also the option of noting that even though providers are overseas, if the site is owned by an Australian the standard should still apply. The best scenario would be that providers set rules consistent with the standards, and would as a result remove content themselves if said content was not compliant. The ACMA should also be able to block access in Australia to providers who won't uphold the standards. I anticipate Telegram, Bitchute, Substack and Rumble would refuse as an example.

This legislation is a massive step in the right direction. It will place the onus on individuals to present facts instead of stories designed to undermine the facts for nefarious purposes. Facts are supported by proof. Stories are not proof. There is a reason why supposition and hearsay is prohibited in court proceedings. The message must be sent to the people;

Back it up, or shut up.

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Autistic and Proud