

Feedback on an exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

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New ACMA powers to combat misinformation and disinformation

To whom it may concern,
Australian Communications and Media Authority (ACMA),

I have serious concerns with the proposed Bill and submit the following comments:

- 1) I could not find a succinct definition within the body of the Bill which told me quite clearly and unambiguously what constitutes “misinformation: or “disinformation”.

As an example I will quote from Wikipedia:

Misinformation is incorrect or misleading information. It differs from disinformation, which is deliberately deceptive and propagated information. Rumours are information not attributed to any particular source, and so are unreliable and often unverified, but can turn out to be either true or false. However, definitions of the terms might vary between cultural contexts.

<https://en.wikipedia.org/wiki/Misinformation>

- a) The definition does not tell me WHO determines what is “misinformation”.
 - b) The definition does not determine whether what is determined as “misinformation” by one segment of society is determined to be “telling the truth” by another segment of that same society.
 - c) The definition does not tell me whether the “misinformation” if determined to be ‘the truth’ (by whoever) will waive the predetermined judgement of what constitutes “misinformation”.
- 2) Members of the public will not be consulted once the Bill has passed into Law, as the Bill does not designate an independent body of citizens who will either determine whether the “misinformation” is actually “misinformation” or not;
 - a. or will refute the “misinformation” and speak against the ACMA definition of that particular “misinformation”.
 - 3) The Bill is clearly an instrument for the curbing of the ‘Freedom of Speech’ which encourages
 - a. the exchange of ideas which differ from person to person and culture to culture,

- b. vigorous debate within our society with the goal of ensuring that all opinions are aired and given unhindered expression;
 - c. and ensures that anyone can be heard within any public forum.
- 4) I refer to the following sub-clauses within the proposed Bill and quote only the heading for the sake of brevity:

46 **ACMA may determine standards**—request for a code is not 12 complied with -

47 **ACMA may determine standards**—no industry body or 8 association formed

48 **ACMA may determine standards**—total failure of 1 misinformation code

49 **ACMA may determine standards**—partial failure of 8 misinformation code

50 **ACMA may determine standards**—emerging circumstances

51 Variation of misinformation standards

14 (1) **The ACMA may, by legislative instrument, vary a misinformation 15 standard** that applies to participants in a particular section of the 16 digital platform industry if it is satisfied that it is necessary or 17 convenient to do so to provide adequate protection for the 18 community from misinformation or disinformation on digital

My response to the above-mentioned sub-clauses:

The danger in all of the above sub-clauses is that **there is not any other 'Body'** outside of ACMA **that/who will determine**:

- a) whether the standards determined by ACMA are correctly applied,
- b) in line with community standards,
- c) in line with industry standards,
- d) are detrimental to the community they should be serving,
- e) are withholding important information relevant to the public,
- f) are themselves disseminating “misinformation” by their suppression of information,
- g) and/or are doing the public a disservice by suppressing only what they consider should be suppressed.

This concludes my submission:

If this Bill is passed into law in its current form and without the due checks and balances it will be doing the citizens of Australia a very grave disservice, the effects of the proposed mismanaged of power will be very difficult to reverse.

I caution that this Bill be vigorously debated by the public at large.

This submission can be made public.

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