

10 July 2023

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

Via: Online Submission Portal

## Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023—Fact sheet

### Commentary – July 2023

Original document in *italics*.

Response in **bold**.

### Key points

- *Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as our democracy, society and economy.*

**Yes – and the biggest propagators of mis and disinformation over the last 3 years (possibly longer) have been our Government and its bureaucrats. SO WHY ARE THEY EXCLUDED FROM THIS LEGISLATION? The Government, its bureaucrats and their dangerous lies have caused and are causing untold damage to the Australian people, our economy and society so this legislation is missing its biggest target.**

- *The Australian Government has released the draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (the Bill) to address this growing challenge.*

**In light of the mis and disinformation spread by our government, where contrary opinion has only been reported on independent media sources and via social media, this legislation appears to be designed to remove any sources of dissent against the Government in power, removing free speech and the right to debate, including referencing basic scientific fact and peer reviewed evidence from experts in their fields from all platforms.**

**Where did either the Government or ACMA gain the right to uphold one narrative, The only Narrative, despite the obvious, dangerous and multiple errors of this approach by the Government and in mainstream media during the Covid pandemic?**

**The use of the words misinformation and disinformation are key to the sleight of hand in this legislation. If the correct terms were used – i.e. “the truth and scientific fact pose a threat to the safety and wellbeing of Australians” it would be immediately apparent that it is aiming for Orwellian censorship, the elimination of thought crimes and the removal of the ability for citizens to access truth and protest Government mistakes, bad policy and restriction of freedom.**

- *The ACMA will not have the power to request specific content or posts be removed from digital platform services.*

**Why not? The Government has been doing this for the last three years? So does this stay in their remit? ([https://www.alexantic.com.au/home\\_affairs\\_freedom\\_of\\_information\\_request](https://www.alexantic.com.au/home_affairs_freedom_of_information_request))**

- *The Bill defines misinformation and disinformation as follows:*

- *Misinformation is 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.*

**This is not accurate. Information often labelled misinformation, as has been removed from social media and online platforms over the last 3 years or more has been proven to be true – with “false, misleading or deceptive” branding being dropped as a timeline of reality was impossible to deny.**

**This includes:**

- **Stating that the SARS-CoV-2 mRNA treatments would be mandated. Penalised as misinformation, then admitted as reality.**
- **Stating that the SARS-CoV-2 mRNA treatments would not prevent contraction and transmission of Covid and that they were never tested for prevention of transmission. Penalised as misinformation, then admitted as reality.**
- **Stating that the SARS-CoV-2 mRNA treatments did not stay at the sight of injection and would stay in the body for an extended period of time, travelling throughout the body, including to vital organs and the reproductive system. Penalised as misinformation, then admitted as reality.**
- **Stating that SARS-CoV-2 originated at the Wuhan Institute of Virology and, that the US Government did not fund related gain of function research. Penalised as misinformation, then admitted as scientific reality.**
- **Stating that repurposed drugs are safe and effective in treating SARS-CoV-2. Treated, to the detriment of millions worldwide, as misinformation. Then admitted as reality by anyone reading the peer reviewed papers and watching the progress of large-scale real-life trials in multiple, often developing countries.**

**It appears that reality and accepted truth vary with time. However, if no debate is allowed on any of our current modern “town squares” will the truth ever be discovered or will the one narrative, as allowed by the Government and ACMA, be left to stand, no matter how wrong or dangerous it is?**

- *Disinformation is misinformation that is intentionally disseminated with the intent to deceive or cause serious harm.*

**Surely the definition of misinformation is the “safe and effective” mantra, pushed by our Government and bureaucrats, despite the █████ documents (available in March 2022 on court order after █████ sought to hide them for 75 years) containing hundreds of adverse effects, and the deaths of 1223 people within 3 months of the trials eliminated this narrative and showed “intent to deceive and cause serious harm.” <https://phmpt.org/wp-content/uploads/2021/11/5.3.6-postmarketing-experience.pdf> (Note: the Astra-Zeneca version of the mRNA treatment has now been removed in Australia, and the Moderna version is responsible for more side effects than Pfizer).**

**If misinformation is to be removed the propaganda of “safe and effective” should have been replaced with “where there is harm, there must be choice”. Censoring the correct voices of caution is what ACMA is suggesting is the way forward. The truth be damned.**

- *Serious harm is harm that affects a significant portion of the Australian population, economy or environment, or undermines the integrity of an Australian democratic process.*

**This legislation looks to permanently remove any democratic right to free speech for Australians. Serious harm is what is created when freedom of thought and the right to bodily autonomy are removed by a supposedly democratically elected Government.**

- *The powers apply to digital platform services that are accessible in Australia. Some examples include social media, search engines, instant messaging services (although the content of private messages will be out of scope), news aggregators and podcasting services.*

**Therefore you are not seeking to restrict just what is published in Australia, but to censor all internet content, removing Australians from information and sources of news worldwide. This could be seen as likely to cause serious harm. There has never been a time in history where those seeking to limit information or destroy history have been on the side of what is right.**

- *The Bill includes strong protections for privacy and freedom of speech:*
  - *the Bill is directed at encouraging digital platform providers to have robust systems and measures in place to address misinformation and disinformation on their services, rather than the ACMA directly regulating individual pieces of content*

**This is just passing the responsibility to the platforms, seemingly an attempt to remove blame for restricting freedom of speech from the authority to the platforms. Unless the Government tells the platforms what the approved narrative is on a regular basis, how are they to know what they are to allow? This goes for all things related to The Narrative – including health mandates/advice and climate related information.**

- *the ACMA will not have the power to request specific content or posts be removed from digital platform services*

**So that is to be left to the Government?**

**[https://www.alexantic.com.au/home\\_affairs\\_freedom\\_of\\_information\\_request](https://www.alexantic.com.au/home_affairs_freedom_of_information_request)**

- *rules made under the Bill may require digital platform services to have systems and processes in place to address misinformation or disinformation that meets a threshold of being likely to cause or contribute to serious harm*

**Again, if public debate “contributes to serious harm” it may be time to establish to whom the harm is caused. The bill appears to be removing harm to The Narrative, not the people that have already been harmed by Government mis and disinformation.**

- *the code and standard-making powers will not apply to authorised electoral and referendum content and other types of content such as professional news and satire*

**Assuming “authorised content” is the Government narrative, and “professional news” is the members of the Trusted News Initiative, this bill is designed to eliminate any public discussion, questioning or debate that is not funded by the Government in power. The only freedom of speech that is being protected is that of the Government. The truth that “total power corrupts, totally”, comes to mind.**

Type of harm	Example of serious harm
<i>Hatred against a group in Australian society on the basis of ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability.</i>	<i>Misinformation about a group of Australians inciting other persons to commit hate crimes against that group</i>
<b>e.g. Government commentary/sponsored professional news content vilifying any person, regardless of health status or religious/cultural beliefs that chose not to be part of the mRNA SARS-CoV-2 treatment experiment.</b>	<b>Government and bureaucrats / trusted news initiative spreading incorrect information about vaccine-free persons, inciting hatred, vilification and exclusion from society of this group of citizens.</b>
<i>Disruption of public order or society in Australia</i>	<i>Misinformation that encouraged or caused people to vandalise critical communications infrastructure</i>
<b>e.g. disruption of way of life, freedom of movement, the right to work and maintain dignity.</b>	<b>Enforcing lockdowns with no scientific justification for the first time not on the infected but on entire populations with severe effects on mental and physical health; causing financial chaos and the elimination of small and medium business on a scale never previously seen; mandating the removal of the right to work – enforcing financial ruin and degradation of society. Sweden and US Amish Community non-compliance have proven these measures to be as ineffective as they were destructive.</b>
<i>Harm to the integrity of Australian democratic processes or of Commonwealth, State, Territory or local government institutions</i>	<i>Misinformation undermining the impartiality of an Australian electoral management body ahead of an election or a referendum</i>
<b>e.g. AEC interference in the democratic process</b>	<b>Telling voters that they could not vote for Independent candidates for the senate; not giving these candidates equivalent status on ballot papers.</b>
<i>Harm to the health of Australians</i>	<i>Misinformation that caused people to ingest or inject bleach products to treat a viral infection</i>
<b>e.g. Preventing the prescribing and use of a safe for 40 years, Nobel Prize winning treatment, or endorsing any traditional forms of virus treatment from fresh air to Vitamin C &amp; D, Zinc to garlic.</b>	<b>Government / trusted news disinformation debunking truly safe early treatment protocols and maligning the efficacy of even Vitamin C &amp; D have caused unnecessary deaths in Australia.</b>
<i>Harm to the Australian environment</i>	<i>Misinformation about water saving measures during a prolonged drought period in a major town or city</i>
<b>e.g. Destruction of generational farmland to place short-lived (less than half a generation), not sustainable or reliable power generation.</b>	<b>Disinformation on the full “carbon footprint” in the production and transport of “sustainable” energy sources and their expected lifespan while ignoring their effect on our food security.</b>
<i>Economic or financial harm to Australians, the Australian economy or a sector of the Australian economy</i>	<i>Disinformation by a foreign actor targeting local producers in favour of imported goods</i>
<b>e.g. Placing responsibility and payment for customs upgrades on Australian farmers, not those importing goods that may cause harm.</b>	<b>Government attempts to destroy farming in our country seemingly know no bounds. Will one be able to say “No Farmers, No Food” if this bill goes ahead?</b>

## Enforcement

*In the event of non-compliance with the information-gathering and record keeping rules, codes or standards, the ACMA would be able to choose from a range of formal enforcement actions.*

*The civil penalties for breaches of standards are greater than breaches of codes (or information-gathering powers) as a standard is the highest level of regulatory action in the regulatory framework.*

Maximum penalties – non-compliance with registered code	Maximum penalties – non-compliance with industry standard
<i>Maximum of 10,000 penalty units (\$2.75 million in 2023) or 2 per cent of global turnover (whichever is greater) for corporations or 2,000 penalty units (\$0.55 million in 2023) for individuals.</i>	<i>Maximum of 25,000 penalty units (\$6.88 million in 2023) or 5 per cent of global turnover (whichever is greater) for corporations or 5,000 penalty units (\$1.38 million in 2023) for individuals.</i>

**These penalties are to prevent freedom of speech and the spread of truth that would undermine The Narrative. They are to prevent the use of social media and dissemination of information and are as severe as they are unwarranted.**

## Protecting privacy and freedom of expression

In seeking to implement regulatory measures to ensure digital platform providers actively combat misinformation and disinformation on their services, the government is committed to achieving a balance that upholds the rights and freedoms of Australians whilst protecting Australians from serious harm that can come from the spread of misinformation and disinformation.

**There is no possibility that this legislation can uphold the rights and freedoms of Australians in its current form. Unless ACMA is serious about pursuing the Government as a major source of dis and misinformation, the objective of preventing serious harm from mis and disinformation cannot be achieved.**

## Freedom of expression

***The ACMA would have no role in determining truthfulness, nor will it have a role in taking down or requesting action regarding individual pieces of content.***

**As ACMA has no interest in the truth (as stated above), how can it be the arbiter of what is considered safe and what is considered harmful? Why does it consider that any information, regardless of it being truth or lies, disseminated by the Government and the trusted media is not harmful, while the truth is not to be conveyed? This stance is Orwellian and destructive. The admission that this legislation and indeed ACMA has no role or interest in the truth is disturbing to the majority of Australians.**

*If the ACMA uses its reserve code registration or standard-making powers, it will be required to consider whether there are any potential burdens on freedom of political communication, and if so, to consider whether they are reasonable and not excessive, in view of intended the protection from serious harms.*

*As proposed in the Bill, the proposed ACMA powers will:*

- ***focus on ensuring digital platform providers have systems and measures in place to combat misinformation and disinformation on their services which pose a risk of serious harm.***

- require **digital platform services to continue to be responsible** for the content they host and promote to users.
- not apply to professional news content and the other types of excluded content (noted above).

The code and standard-making powers will not apply to electoral and referendum communications that are required to be authorised.

## Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 - Guidance Note

### Commentary – July 2023

Original document in *italics*.

Response in **bold**.

#### 4.3.1 Matters that may be dealt with in a code and standard (Clause 33)

The following are some examples of matters that may be dealt with by misinformation codes and standards:

- preventing or responding to misinformation or disinformation on digital platform services
- using technology to prevent or respond to misinformation or disinformation on digital platform services
- preventing or responding to misinformation or disinformation on digital platform services that constitutes acts of foreign interference (within the meaning of the Australian Security Intelligence Organisation Act 1979)
- preventing advertising involving misinformation or disinformation on digital platform services
- preventing monetisation of misinformation or disinformation on digital platform services
- **supporting fact checking**
- allowing end-users to detect and report misinformation or disinformation on digital platform services
- policies and procedures for receiving and handling reports and complaints from end-users.

Is the ACMA aware that in court in the USA (defendant ██████████) the “fact checkers” title was corrected, on proof that their activities had nothing to do with facts, to the more accurate “narrative reinforcers”. This reflected correctly, as you have already stated in the Fact Sheet “*The ACMA would have no role in determining truthfulness, nor will it have a role in taking down or requesting action regarding individual pieces of content*”.

Could the ACMA then explain how it determines “*where content is false, misleading or deceptive*” if it has no role in determining truthfulness?

Additional information: from this article by Rebekah Barnett, [available online](#).

#### **BREAKING: Tech giant Meta to 'safeguard' Australian referendum integrity, arbitrate truth**

Fact-checkers named as recipients of Meta money include the Australian Associated Press (AAP) and the Royal Melbourne Institute of Technology (RMIT) ‘fact-checking’ unit, both of which have been responsible for publishing false claims as ‘facts.’

For example, AAP falsely claimed that the Australian Government had not tried to hide reports of Covid vaccine adverse reactions. Documents released under FOI request have revealed that the Therapeutic Goods Administration (TGA) did in fact hide child deaths reported following vaccination, due to concerns that disclosure, "could undermine public confidence."

In another document release, the Department of Health was shown to have actively sought for the removal of Facebook posts describing users' adverse reactions to Covid vaccines.

RMIT's 'fact-checking' unit falsely 'debunked' claims that Covid vaccines were affecting women's menstruation. RMIT also falsely claimed that, "evidence overwhelmingly shows that masks and lockdowns do work," failing to address the many peer-reviewed studies and reports finding the ineffectiveness of masks and lockdowns.

**Australians do not approve of the Government forming partnerships with big tech to remove freedom of speech and the freedom to access accurate information.**

**This article contains multiple examples of "fact checks" related to Government and professional, but compromised, news sources, that show that the "checks" are better described as censorship leading to harm of Australians.**

**By not requiring "professional news content" and Government communications to be subject to the requirements this legislation is proposing of other publishers, social media and online platforms and individuals, the real intent is clear.**

**This legislation seeks to censor and prevent free speech in what has been considered a free country, until recently. There is no chance of this legislation achieving any of the goals set out and no chance of it not restricting freedom of speech.**

**That it has no interest in the truth means it is not grounded in any Australian tradition of a fair go, and of the right for everyone to have their say.**

**That this legislation is even proposed by a democratically elected Government is beyond comprehension. It must be defeated if we are to remain a free country where the truth, not The Narrative, should set us free.**

**Yours faithfully,**

**Mrs Karen Fox.**