

To:

Australian Government, Ministers and MPs

ACMA representatives

Other relevant Parties

RE: Proposed Bill named

**Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023**

As a born citizen of more than 60 years standing of Australia, a country that purports to be one of the free democracies of the world I have very grave concerns about the proposed bill as it is currently written. As a concerned and informed citizen, I cannot condone a law such as this being implemented in Australia.

While it is couched in standard and seemingly benign government legalese, this proposed bill is anything but the benign and supposedly beneficial law that it is claiming to be. Rather, it is the sort of legal adjunct that you would expect to find in a dictatorship – where only the government and their preferred “experts” get to determine what is an acceptable truth.

With very limited and specific exceptions (e.g., slander), I am very much a believer in the overall benefits of free speech. Yes, there will always be people who are problematic in their beliefs and statements but allowing these people to expose their problematic beliefs so that the people behind them become known is generally better than forcing people to hide and form potentially problematic groups. You cannot force someone to change their opinion simply by making a law – all you achieve is making such people resentful and angry (and in some cases potentially dangerous) because they are being forced to state opinions with which they don't agree.

Because of this belief in the overall benefits of free speech, I find the very idea of this proposed bill to be an anathema.

George Orwell's novel “1984” was written as a warning – not as a “how to” book. What right should an unidentified government employee have to determine what and how I – as a citizen – should think?

Having read through the draft bill, the key sections that caught my attention were Section 7 (all three parts), and the definitions of harm as defined in Section 2.

The subclauses defining harm in Section 2 are written so broadly that they could be defined by the relevant governing authority to mean absolutely anything the authority might want it to mean at any

given point. As currently written, those sub-clauses mean that if a person disagrees with a claim made by the approved and accepted narrative (for example a statement or policy of the minister or government of the day), then that dissenting person would apparently lose the right to make their protesting statements. And since the clauses proposed cover all aspects of daily life in Australia, then the harms section basically seems to suggest that unless you make statements in agreement with the approved authority and their narrative, then you will not be permitted to make statements in public at all! That, by its very definition, is the hallmark of an authoritarian dictatorship.

The harms indicated in Section 2 are triggered under Section 7, where offending content is defined as being either Misinformation or Disinformation, and that the offence occurs if the someone makes statements with **“information that is false, misleading or deceptive”**.

At face value, the statement **“information that is false, misleading or deceptive”** is clear and obvious. What is not clear is where and how information becomes defined as **false, misleading or deceptive**. I cannot identify a single person, group, or formal authority as being defined anywhere in the bill as being the responsible party for defining a given statement or piece of data as being **false, misleading or deceptive**.

So as the bill currently stands, it seems to provide considerable power to an unknown and unidentified ‘authority’ to make decisions about what is false, misleading or deceptive and to do so potentially over almost any part of the life of any Australian citizen or resident. This is the sort of power that authoritarian regimes and dictatorships have, and such ideas should never be contemplated in Australia.

There are those that will argue that ‘experts’ should make these decisions, since they claim to have the requisite qualifications and knowledge. While people may well be experts in their narrow field of training, they are rarely – if ever – knowledgeable in meaningful ways across a much broader range of areas. I have learnt over the years that a good generalist (someone with some knowledge over a broad range of areas) regularly provides better outcomes overall than a highly specialised expert with limited to no knowledge outside their field of expertise.

The recent COVID epidemic is a classic example of this. Various official experts abounded during this period, but time has shown that much of what was advocated resulted in greater harms than the benefits expected or achieved. And much of the information that was squashed as being “disinformation” has turned out to be surprisingly well based in fact – the problem was that at the time it did not fit the approved official narrative.

The COVID period is highly relevant to this proposed bill, since during the early parts of the COVID period, information that was not approved by the relevant officials was squashed and forcibly removed from public discussion. This occurred even to people who actually had the training and expertise to be considered experts in their own fields – if they did not agree with the official

approved narrative these experts had their statements, voices and platforms silenced. With the passage of time, it has become apparent that much of the forcibly removed data and related discussion points were not actually wrong, but rather simply “officially unacceptable” as being against the opinions of the approved experts at the time.

The proposed bill “**Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023**” should never see the light of day or be implanted, even in a much improved and modified form. Existing laws provide sufficient means for those inappropriately maligned by digital statements to obtain redress.

The proposed bill as it is currently written represents nothing more than an attempt by ACMA, and presumably therefore indirectly also the government, to impose a legal framework to force the Australian population to agree with the government and other experts and what they say and claim, and to prevent anyone publicly opposing them.

Australia does not need an Orwellian style “Ministry of Truth”, that gets to decree what is true and what is false.

Indeed, rather than this proposed bill, what Australia and the parliament should be considering is a bill that enshrines in our constitution a formal **Right to Free Expression**. For it seems that our existing governments here in Australia and elsewhere are developing an alarming trend towards a desire to force their people to listen to and obey their “overlords” – a group who present themselves as a benevolent ruling authority but daily show themselves more and more as being anything but.

Peter McKay