

# **SUBMISSION ON COMMUNICATIONS LEGISLATION AMENDMENT (COMBATTING MISINFORMATION AND DISINFORMATION) BILL 2023, EXPOSURE DRAFT**

## **Introduction**

For the sake of clarity and brevity I will define, in my submission, misinformation and disinformation as lies as opposed to truth. Also, I refer to the bill under question as the Bill. The Bill with accompanying Guidance Note and Factsheet states that lies can cause harm which indeed they can and the government seeks to protect us from this harm. The Bill lists, under the definition of 'harm', 6 areas of concern to the government where harm can occur, listed as items (a) to (f) in that definition. The government proposes to mitigate this potential harm by implementing a new government regulatory oversight that will be administered by its authority ACMA, whose function will be to regulate the already self-regulating censoring activity of digital platforms to make sure their censoring standards are 'adequate' in these listed areas. This proposal by the government raises a number of questions on the fundamental principles of how we function as human beings and as a democratic society under the Australian Constitution.

First of all, do Australians want our government to protect us from the potential harm of lies? Have we asked them to do this for us? What is it that gives us the ability to protect ourselves from lies? Has the Australian Constitution delegated the role of protecting us from lies to the government? Are digital platforms the only source of spreading lies? Who is capable of lying? How do we determine if something is true or not? Is it the job of digital platforms to make this determination for us? Is it the job of government to make this determination for us? Will the limiting of access to information that will result from this proposed new regulatory measure achieve the government's stated aim of reducing harm or will it make us more vulnerable to harm by hindering our ability to find out if something is true or not? Is reducing harm the real intention of this new government regulatory measure? If this new regulatory measure was implemented where is the provision in the Bill to contest a ruling on what has been deemed harmful lies?

I address these questions and others below.

### **1. Who is capable of telling lies?**

Every single one of us is capable of telling lies. This Bill claims to have the aim of wishing to protect us from harmful lies but it only refers to digital platforms as a potential source. It exempts government, what it calls the "professional" media and certain educational institutions. Is the government, by excluding these 3 potential sources of lies, saying that the people who work in these organisations never lie, are incapable of lying and are somehow superior to the rest of us? Is the government saying that this group of people can be blindly trusted and there is no need to check out what they are telling us? Are we to accept them as a group of self-appointed "elite overlords" who cannot be questioned? Is that not a threat to or rather a removal of democracy replacing it with dictatorial rule before the people of Australia have been asked if that is what they want? A referendum to change the Australian Constitution would need to occur to change our style of governance. It cannot be done simply by passing this or any other legislation.

### **2. How do we determine what is of truth and what is of lies?**

Free and open enquiry gives us this ability. Amongst the answer that Senator Penny Wong gave in the Senate recently to the question, who decides what is true and what is not, she said, "some things are demonstrably true and demonstrably false". This is correct. Truth and lies are able to

demonstrate who they are. They speak for themselves and display their own character. To limit the places where truth and lies can demonstrate freely who they are is to limit our ability to determine which is which. Truth can handle being questioned because it has a foundation of evidence that demonstrates that it is the truth. Lies on the other hand cannot handle being questioned because it does not have a foundation of evidence, it is not able to demonstrate that it is the truth. Its only way of deceiving us into believing that it is the truth is by limiting access to those places where it can be demonstrated that it is lies. Lies uses bullying and cancelling tactics in an attempt to eliminate the voice of truth that would expose it for what it is, ie lies. A good indicator of who is speaking truth or trying to get away with lies is behaviour. Which ones are trying to limit our ability to check things out and talk with oneanother while we are investigating matters? Those that are of truth or seeking the truth will not put limits on others' ability to investigate. Those that are trying to hide the truth and deceive, however, will.

**3. What is it that gives us the ability to protect ourselves from harm that lies can cause and from unscrupulous people who seek to do us harm by their lies?**

Free and open enquiry gives us this ability. Our innate freedom to choose to either accept or reject truth and lies is our protection from harm. We base those choices on what we discover in our investigations. So limiting our ability to conduct those investigations, keeping information from us, actually removes our ability to protect ourselves. The government, in imposing limits to free and open enquiry does not enhance our protection but rather exposes us to manipulation by those that may not necessarily have our best interests at heart. By controlling what information we have access to, unscrupulous people can impose a particular set of beliefs which if acted upon achieves their goal of destruction for us but enrichment for them.

**4. Do we want to relinquish to government our innate human role of protecting ourselves by allowing government to determine for us what is true and what is not? Does the Australian Constitution delegate this role to government?**

If the government wants to assume the role of protecting us from harmful lies it needs to ask the Australian people first. The Australian Constitution does not delegate this role to government. In fact Section 116 of our Constitution expressly forbids government from making any laws to establish a religion or impose any religious observance or prohibit the free exercise of any religion. The High Court has said that a deity is not necessary for a set of beliefs to constitute a religion, that a religion is a set of beliefs that people either accept or reject. A set of beliefs is what people consider to be either the truth or not. The Bill says that ACMA will not have a role in determining truthfulness, ie whether a set of beliefs on the matters listed from (a) to (f) under the definition of 'harm' in the Bill are true or not; it will leave that decision to the digital platforms to self-regulate. Is this really the case though that ACMA will not have a role in determining truthfulness? The Bill goes on to say that ACMA will oversight this self-regulation of digital platforms and amend it if it deems it 'inadequate'. How will digital platforms know if they are censoring in accordance with what ACMA considers 'adequate' unless they know what ACMA's standard is? So as a first step the government needs to state openly and plainly what it considers to be the truth, ie its set of beliefs, on the subjects listed (a) to (f) under the definition of 'harm' in the Bill. We all need to know what is the official government set of beliefs that we are allowed to think and express without penalty. As mentioned above, however, the government is not permitted to establish or enforce compliance to its or any other set of beliefs according to the Australian Constitution.

**5. Where is provision in the Bill for contesting a digital platform or an ACMA ruling on material that has been deemed lies by them?**

Our democracy has the principle of innocent until proven guilty. There is no provision in the bill for a determination to be contested on whether the digital post is of truth or of lies. It seems a person is to be judged as spreading lies without being given a chance to demonstrate otherwise. As I said earlier only those who are trying to get away with lies seek to limit the ability of truth speaking for itself. Truth welcomes free and open debate. How is truth or lies able to demonstrate who they are if there is no opportunity or avenue to contest a ruling made by either digital platforms or ACMA?

**6. Has government, the “professional” media and education institutions demonstrated a concern over spreading harmful lies in recent times? Are they demonstrating that concern now?**

I was interested to read in the Guidance Note that accompanies this Bill, an example of harm caused by lies. The harm that occurred was that people injected or ingested bleach to protect themselves from a virus. Where did they get this idea from? The Guidance Note did not mention how this idea was put in peoples’ heads or what led to some people taking action on this idea. It actually came from the misleading reporting of the “professional” media who twisted and misrepresented the comments made by a certain US President who this section of the media and some politicians love to hate and seek to harm because they do not want to see a success of his policies. So this lying by the “professional” media that was supported by certain politicians, coupled with months of fearmongering over this virus, fearmongering that was peddled by the “professional” media and government, led to some people thinking this was their only hope. In addition, the government and “professional” media had for months been lying about safe, effective and cheap treatments that were readily available to combat this virus and the government, through its regulatory bodies denied people access to these treatments. That is what led to these people being harmed. If they had been in a calm and rational state, unaffected by the lies that had been spread by government and the “professional” media, they would never have thought such a drastic action was necessary.

The government claimed to care about harm to the health of people during the recent pandemic and pushed and even illegally mandated an experimental, not fully tested medical treatment that was required to be injected into our bodies whilst at the same time denied us access to safe, effective, cheap, proven and readily available treatments. Now that there is a significant increase in excess deaths in Australia, and in every country that has high rates of uptake of this experimental medical treatment, is the government showing that same concern over harm to our health by investigating what might be causing this alarming increase in excess deaths? Is the “professional” media reporting on this phenomenon and doing some investigative journalism to try to find out what might be the cause? Let the reader of this submission answer according to their observations. So is the government’s stated aim in this Bill to reduce harm caused by the spread of lies, believable? Are they being honest? Let the reader of this submission answer according to their observations.

In reference to educational institutions, there is a university in North Queensland that is spreading lies about the Great Barrier Reef, claiming it to be in terrible condition. It fired a professor of that university a few years ago because his observations were that the Reef was in great shape and he could not let the lies that the university was spreading stand uncontested. The university fired him, not because his observations were incorrect, indeed they would not discuss the reality of the Reef’s condition with him, but they fired him for not being “collegiate”, ie not complying with the university’s stated belief on the Reef. The university does not care about truth but rather it desires to support a particular belief about our environment and what might be impacting it. This stance by this university is causing great harm to democracy, society and the economy, a stance based on lies and an unwillingness to allow scientific investigation and conversation of reality.

**7. What if the messaging of government, the “professional” media and educational institutions proves to be incorrect and the posts removed by digital platforms prove to contain correct information?**

We are in this situation right now. The former Minister for Health, Greg Hunt said at the beginning of the covid “vaccine” rollout that the world was engaged in the biggest clinical trial ever from which we will get much data. Well the data is in and it shows that the virus is not as deadly as we were first told and the “vaccines” are not as safe and effective as we were told. Much harm has occurred based on this incorrect messaging and is still occurring. Is the government reviewing the data? Is the “professional” media reporting on the data? Is the government amending its public health policies in the light of this data? Is the government making sure that these very unsafe and entirely ineffective “vaccines” that are still harming people, are taken off the market? Is the government seeking a refund of taxpayers’ money from pharmaceutical companies for their failed and harmful products? Greg Hunt was correct when he said we will have much data from this clinical trial but it seems government and the “professional” media aren’t interested in it.

**8. What is the effect of truth and lies?**

Truth leads to our welfare and flourishing and protects us from being deceived by lies. Lies lead to damage and harm. Isn’t the aim of life to find out what the truth is so we can flourish and not be captured and harmed by the deception of the myriad of lies that abound, that market themselves as truth? To hinder our ability to find out what is the truth, which the measures in this Bill if implemented will do, is in itself a harmful act. It would stifle the democratic process, hampering our ability to make informed choices and open us up to manipulation by those that do not have our best interests at heart. We need open and unhindered ability to seek the truth and share it to protect ourselves from the harmful effect of deception and those who wish to deceive us. Acting upon what we believe to be the truth is what causes either flourishing or destruction. If we act out of truth it will lead to flourishing. If we act out of what we believe to be the truth but is in fact a lie, such action will lead to harm. So it is the ability to discover the truth that protects us.

**9. Will the measures in this Bill, if implemented, reduce harm?**

As I have said above, the ability to find out and share the truth is what protects us from being deceived by lies. Will the measures in this Bill enhance that ability or stifle it? If the government was genuine in wanting to minimise harm caused by incorrect messaging it would pass laws to facilitate open and free enquiry and the sharing of discoveries that are made. At a very minimum the government could start by passing legislation that makes it illegal for digital platforms to censor posts on the subjects listed (a) to (f) under the definition of ‘harm’ in this Bill. The reader or viewer of digital posts is able to discern for themselves if the posts are worthy of their attention or not. We do not need our governments or digital platforms to do the job of discerning for us.

**Conclusion**

Being kept from being able to check out if something is true or not from non-government controlled sources, is a harmful act. Lies do indeed cause harm if we are deceived by them and then act in accordance with them. Limiting our ability to investigate matters does not protect us from harm but rather makes us vulnerable to it. So it really raises the question of what is the true intent of this bill. Is it really to reduce harm? We find the answer in looking at what would result from the measures in this Bill if they were implemented. The result would be the removal of that which provides us with protection from being deceived by lies and that is our natural, innate human right to investigate

matters, share our investigations and decide for ourselves what is true or not. It would result in the sweeping aside of the democratic process of debate and discussion and install dictatorial-style governance where only one set of beliefs is permitted without penalty, ie the beliefs of the current government, their official state religion. We have not voted for this style of governance nor is it supported by our Australian Constitution. This bill is deceitful in its stated aim, brought to us in the guise of caring that people might be harmed but it actually is a vehicle to install rule by self-appointed overlords and enforce compliance to their religion. It is saying that only one belief is allowed, ie the belief of the government. I hope parliament will truly care about potential harm to their fellow citizens and deal with deceit as it deserves and throw this Bill out in its entirety. It is unnecessary, unasked for, unconstitutional and entirely unacceptable in a democracy.