

Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Submission from:

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Historically, there have been many instances globally of government misinformation and disinformation, for instance: wartime propaganda – not the truth.

More recently, during COVID19: The TGA never proposed lockdowns, but States went ahead anyway, citing never disclosed ‘health advice’, which has now been shown to be erroneous at best, lies at worst.

Again, during COVID19: mRNA ‘vaccines’ were developed too hastily, as ██████ for one has now admitted, but these untested and unsafe drugs, touted as ‘vaccines’ by governments, then mandated by governments for use, have now being discovered to cause excessive harmful events in comparison to what would previously have been understood to be an unacceptable level, as well as permanent damage to an equally unacceptable (previously) number of those who received them, and excessive deaths compared to other, properly tested vaccines in use in Australia.

Meanwhile ██████ made around \$100 billion USD from their drug alone.

People who spoke up about this during the ‘pandemic’ were labelled conspiracy theorists, and were said to be sharing ‘misinformation and disinformation, yet now have been proven correct.

The Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 provides for The ACMA to force digital platforms to keep records and reveal instances of so-called ‘misinformation and disinformation’.

This invites various accurate descriptions:

- It is government censorship on an extreme level.
- It is totalitarian in scope, more belonging to a communist regime than a western democracy which is supposed to embrace free speech as a mainstream tenet of its existence and lived experience for all citizens, not just those in government.
- It is ‘Orwellian’, in that it seeks to create what George Orwell described as ‘The Ministry of Truth’, where only the government has the right to dictate what is true at any given moment on any subject.
- George Orwell’s writings were meant to be a warning to society, not an instruction manual for those who may seek to act tyrannically and/or dictatorially.
- The exclusions provided for under the Act are not really exclusions, as the mainstream media is fully compliant with the dictates from government under any and all legislation, and have already displayed their unquestioning acquiescence to government propaganda, including the ABC.
- The Act forcefully excludes all dissent and debate, which would otherwise reasonably be expected to be available to all citizens of a free and democratic society.

- Under the definition of 'harm' in Schedule 1 of the legislation, it is declared that harm means: *(b) disruption of public order or society in Australia; (c) harm to the integrity of Australian democratic processes or of Commonwealth, State, Territory or local government institutions*; This means that The ACMA, a group of unelected bureaucrats, will have the power to determine on their own and/or under government direction, what constitutes these descriptions.
- I submit that (b) and (c) above are so loose as to be easily manipulated by those managing the determinations, and to include anything they disagree with or wish to exclude from the public arena. This very clearly leads to the enactment of tyrannical information disclosure and dissemination practises by government and its agencies, including The ACMA, regardless of real honesty and/or truthfulness. As Pontius Pilate infamously asked, "What is truth?"
- I also submit that the definition of harm under *(c) harm to the integrity of Australian democratic processes or of Commonwealth, State, Territory or local government institutions*; is not defined, therefore provides for the very serious potential of stifling and cancelling not only public opposition and open debate, but political opposition, because a government would only need to declare an opposing political candidate's published platform to contain 'misinformation and/or disinformation', to cause The ACMA to forcibly remove that political publication from public view, thereby stifling political debate and potentially cancelling all or part of any political opposition.
- Limitations in: *35 Limitation - electoral and referendum matters*, are not sufficient to exclude such a declaration of misinformation or disinformation.
- Division 5 – Misinformation Standards:

45 General requirement—consideration of freedom of political communication. Before determining a standard under this Division, The ACMA must consider: (a) whether the standard would burden freedom of political communication; and (b) if so, whether the burden would be reasonable and not excessive, having regard to any circumstances the ACMA considers relevant.

This section leaves open the question, "Under whose direction is 'freedom of political communication' determined to be relevant and allowable? The government or responsible Minister of the day? The ACMA is not at arm's length from government, therefore is fully bound by Ministerial and government dictates.

60 Implied freedom of political communication, does not explicitly exclude political interference in the determination of standards of 'misinformation and disinformation'. 'Implied' is just as it says, an implication, not a registered fact.

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

(c) the ACMA is satisfied that it is necessary or convenient for the ACMA to determine a standard in relation to that matter or those matters in order to provide adequate protection for the community from misinformation or disinformation on the services.

This section above also leaves open the question, "Under whose direction and/or standards does The ACMA determine (a) 'a standard', and how is that 'standard' measured against what can only be reasonably understood as a 'moving target' of the determination (by whom?) of exactly what is 'misinformation and disinformation'.

- *(2) The ACMA may, by legislative instrument, determine a standard that applies to participants in that section of the digital platform industry and deals with that matter or those matters. A standard under this subclause is to be known as a misinformation standard.*

The question in this clause is, “Under whose direction, and/or by what standard, and who is authorised to determine, what such a standard contains? Is it just The ACMA? Is it The ACMA under Ministerial direction?”

If The ACMA, then it is open to determination by unelected and unaccountable bureaucrats.

If under Ministerial direction, it is open to abuse for political gain.

This also applies under 47, 48, 49 and especially 50!

In closing, I reiterate that the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 is totalitarian in construct, intent and proposed delivery.

It is what one could reasonably expect in communist China or North Korea, but definitely NOT in Australia.

It is also, as I stated earlier, a direct implementation of George Orwell’s ‘Ministry of Truth’, from his novel, ‘1984’.

I contend that any politician or party which attempts to enact this or similar legislation will place itself in very real jeopardy of removal at the next election, and I for one will actively work to that end.