

Regarding the proposed legislation for new ACMA powers to combat misinformation and disinformation.

My feedback regarding this proposed legislation is as follows:

Part 1(2) definitions - definition of the term excluded content.

In (b), exempting professional news content. This proposed legislation's intent to exempt professional news content amounts to entrusting the production of news and information to licensed news outlets that are required to produce content in accordance with what the government defines as truth. (See this submission's note regarding the proposed legislation's definition of who can produce professional news content.) Given there can be no guarantee the narrative from the government will be true and correct over all time, this inclusion is a direct threat to Australia's free-functioning democracy. The powers called for in this legislation should not be granted to Australian institutions or government.

In (c) and (d), exempting education content. This proposed legislation's intent to exempt content by or for an education institution will undeniably be used to misinform the children of Australia. This item (c) effectively gives the government control of the narratives given to children while at the same time disabling alternative narratives. Given there can be no guarantee the narrative from the government will be true and correct over all time, this inclusion is a direct threat to Australia's free-functioning democracy and the rearing of clear-thinking, strong-minded children. The powers called for in this legislation should not be granted to Australian institutions or government.

In (e), exempting government content. This proposed legislation's intent to exempt government content amounts to permitting the government to behave in a manner which it intends to prosecute others who behave similarly. This is not just an absurd notion on the face of it, but given this is a matter of Australians' freedom of speech, this is a direct threat to Australia's free-functioning democracy. For Australia's society to continue to advance, Australians need freedom of speech to wrestle with difficult matters without the intervention of the government deciding what matters are open for discussion and which are not. The powers called for in this legislation should not be granted to Australian institutions or government.

Part 1(2) definitions - definition of the term harm.

In (a), there is no definition in this document for the term hatred. It is unacceptable for legislation to refer to vague terms and it is unacceptable for the interpretation of this term to be deferred to the Crown. It is unacceptable that the Crown is to be the arbiter of what is referred to as 'hate' and to then exact controls on Australians' freedom of speech as a consequence.

In (b), it has been shown over the past three years that one of the greatest disruptions of public order and society ever against the people of Australia has been perpetrated through the actions taken by groups excluded in this proposed legislation. The false claims of exaggerated health danger by malevolent, careless institutions and individuals leading those institutions left Australians locked in their homes, unable to travel, unable to attend the deaths of family and loved ones, brutalised by police, dismissed from their jobs, to mention but a few disruptions of public order and society. It is cynical and absurd that the Australian people are expected to support this proposed legislation.

In (c), the definition of the term harm in this proposed legislation is self-referencing. This point is therefore rendered meaningless at best and malevolently destructive to Australia's democracy at worst. Also, if harm is defined in respect of disruption, reform or disbandment of a Commonwealth, State Territory or local government institution in relation to its delinquency or incompetence in its responsibilities to the Australian community, then this provision in the proposed legislation is antithetical to the nature of democracy who should rightly demand and bring about the disruption, reform or disbandment of the institution.

In (d), the definition of the term harm in this proposed legislation is self-referencing. This point is therefore rendered meaningless at best and malevolently destructive to Australia's democracy at worst.

In (e), the definition of the term harm in this proposed legislation is self-referencing. This point is therefore rendered meaningless at best and malevolently destructive to Australia's democracy at worst.

In (f), it has been shown over the past three years that one of the greatest economic harms ever against the people of Australia and their prosperity has been perpetrated through the actions taken by groups excluded in this proposed legislation. The false claims of exaggerated health danger by malevolent, careless institutions and individuals leading those institutions orchestrated a massive currency increase that has now predictably resulted in rising prices and less prosperity that negatively affects every Australian. The false claims of 'safe and effective' by malevolent, careless institutions and individuals leading those institutions has now left Australia with a prolonged marked elevated excess death rate of thousands of people per month, which costs Australia financially, in addition to the emotional tragedy suffered by countless thousands of the deceaseds' surviving friends and family. This draft legislation is absurd and cynical in that it wishes to give more control to those institutions and individuals leading those institutions who have caused one of the greatest financial harms to Australians to date.

In all these points (a) through (f), their wording will lead to arbitrary and capricious use of these clauses to impinge upon the freedoms of Australians. This is unacceptable and this proposed legislation must be dismissed in whole.

Part 1(2) definitions - definition of the term professional news content.

The term professional news content refers to content produced by institutions that are licensed or otherwise sanctioned by the government. As a consequence, they are required to produce content in accordance with what the government defines as truth. Given there can be no guarantee the narrative from the government will be true and correct over all time, this inclusion is a direct threat to Australia's free-functioning democracy. The powers called for in this legislation should not be granted to Australian institutions or government.

Part 1(7) - Misinformation and disinformation

Part 1(7) (1) - definition of misinformation

In (a), it has been shown over the past three years that one of the greatest examples of what falls under the definition of 'misinformation' in this section has been promulgated by groups excluded in this proposed legislation. The false claims of exaggerated health dangers and 'safe and effective' by malevolent, careless institutions and individuals leading those institutions has had immeasurable detrimental impact to Australians and Australia's way of life. It is cynical and absurd that Australians should grant those perpetrators the powers to decide what is false, misleading or deceptive information. It is cynical and absurd that the Australian people are expected to support this proposed legislation.

In (b), it has been shown over the past three years that one of the greatest examples of what falls under the definition of 'misinformation' in this section has been promulgated by groups excluded in this proposed legislation. It is cynical and absurd that Australians should grant those perpetrators immunity from the actions they wish to persecute. It is cynical and absurd that the Australian people are expected to support this proposed legislation.

In (d), the definition of the term harm in this proposed legislation is self-referencing - as per Part 1, subclause 1 Definitions. This point is therefore rendered meaningless at best and malevolently destructive to Australia's democracy at worst.

These points (a), (b) and (d) will lead to arbitrary and capricious use of these clauses to impinge upon the freedoms of Australians. This is unacceptable and this proposed legislation must be dismissed in whole.

Part 1(7) (2) - definition of disinformation

In (a), it has been shown over the past three years that one of the greatest examples of what falls under the definition of 'disinformation' in this section has been promulgated by groups excluded in this proposed legislation. The false claims of exaggerated health dangers and 'safe and effective' by malevolent, careless institutions and individuals leading those institutions has had immeasurable detrimental impact to Australians and Australia's way of life. It is cynical and absurd that Australians should grant those perpetrators the powers to decide what is false, misleading or deceptive information. It is cynical and absurd that the Australian people are expected to support this proposed legislation.

In (b), it has been shown over the past three years that one of the greatest examples of what falls under the definition of 'disinformation' in this section has been promulgated by groups excluded in this proposed legislation. It is cynical and absurd that Australians should grant those perpetrators immunity from the actions they wish to persecute. It is cynical and absurd that the Australian people are expected to support this proposed legislation.

In (d), the definition of the term harm in this proposed legislation is self-referencing - as per Part 1, subclause 1 Definitions. This point is therefore rendered meaningless at best and malevolently destructive to Australia's democracy at worst.

In (e), it has been shown over the past three years that one of the greatest examples of willfully intending to deceive people has been promulgated by groups excluded in this proposed legislation. It is cynical and absurd that Australians should grant those perpetrators immunity from the actions they wish to persecute. It is cynical and absurd that the Australian people are expected to support this proposed legislation.

These points (a), (b), (d) and (e) will lead to arbitrary and capricious use of these clauses to impinge upon the freedoms of Australians. This is unacceptable and this proposed legislation must be dismissed in whole.

Part 1(7) (3) - regarding how likely it is that harm will be caused or contributed to

In (3), the definition of the term harm in this proposed legislation is self-referencing - as per Part 1, subclause 1 Definitions. This point is therefore rendered meaningless at best and malevolently destructive to Australia's democracy at worst.

This point together with its sub-points will lead to arbitrary and capricious use of these clauses to impinge upon the freedoms of Australians. This is unacceptable and this proposed legislation must be dismissed in whole.

Part 3—Misinformation codes and misinformation standards

Division 3—General principles relating to misinformation codes and misinformation standards

33 Examples of matters that may be dealt with by misinformation codes and misinformation standards

Given the farcical definitions of terms pivotal in this proposed legislation, it is undeniably certain this proposed legislation will be misused to impinge on the freedoms of Australians. It is unacceptable that the government be given the authority to decide what is considered truth and it is further unacceptable to grant the government powers to restrict Australians' freedom of speech or damage individuals' incoming earning ability based on what it considers truth. For Australian society to be free and unencumbered by authoritarian government overreach, there is no excuse to grant the government authority to undertake any of the actions outlined in this section.

Part 3—Misinformation codes and misinformation standards

Division 5—Misinformation standards

Subdivision A—Determination of standards

- 46 ACMA may determine standards—request for a code is not complied with**
- 47 ACMA may determine standards—no industry body or association formed**
- 48 ACMA may determine standards—total failure of misinformation code**
- 49 ACMA may determine standards—partial failure of misinformation code**
- 50 ACMA may determine standards—emerging circumstances**

Given the farcical definitions of terms outlined above that are pivotal in this proposed legislation, it is undeniably certain this proposed legislation will be misused to impinge on the freedoms of Australians. It is unacceptable that the government be given the authority to decide what is considered truth and it is further unacceptable to grant the government powers to restrict Australians' freedom of speech or damage individuals' incoming earning ability based on what it considers truth. For Australian society to be free and unencumbered by authoritarian government overreach, there is no excuse to grant the government authority to define standards in relation to the mooted terms 'misinformation' and 'disinformation' outlined in this section.

Summary

This legislation is a thinly veiled assault on freedom of speech, built upon farcical definitions, granting the government and government-controlled institutions undue power over narrative and information dissemination. It is a grim nod to authoritarianism, and a mockery of the principles of democracy.

It brazenly vests the power of the government to define news narratives and with 'professional' news outlets defined by the government to disseminate them, threatening the free-functioning of Australian democracy. The legislation deems it permissible for the government to push narratives unchallenged while expecting others to remain silent, creating an absurd double standard.

By exempting educational content, it allows the state to manipulate the minds of young Australians, controlling the narrative without giving room for alternative viewpoints. This will undoubtedly stunt the growth of clear-thinking, critical minds, central to a thriving democratic society.

The legislation's nebulous terminology, particularly around 'harm', 'misinformation' and 'disinformation', opens the floodgates for arbitrary and capricious interpretations that will undoubtedly stifle freedom of speech. It is unacceptable for a democratic society to vest the Crown with such power.

Moreover, the legislation offers no clarity on the scale of harm necessary to invoke its provisions. The self-referencing definition of harm renders it meaningless, and its potential misuse could be destructive to Australia's democracy.

The legislation's definition of 'professional news content' as content produced by government-licensed or sanctioned entities, echoes totalitarian regimes. It gives the government a free hand to define truth, threatening the very essence of free speech. The proposed laws provide the government a legal avenue to suppress any perceived misinformation or disinformation. This Orwellian move will allow the government to muzzle dissenting voices under the pretence of preventing the spread of 'misinformation'. It's absurd and cynical that the Australian people are expected to support such a manipulative legislation.

The legislation's provisions about misinformation codes and standards, determined by the government, adds to the growing pile of red flags. It gives the government an unprecedented level of control over information, imperilling individual freedom and the democratic process.

In its entirety, this proposed legislation is an authoritarian's dream. Its blatant disregard for fundamental democratic principles, freedom of speech, and clear-thinking citizenry is horrifying. Such legislation has no place in a democratic society and must be dismissed in its entirety. This is not a step towards order but a leap into oppression.