

## **Feedback on**

### **Exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023**

*Note: the following discussion relates only to information that is currently legal to access and view in Australia. Illegal information is outside of the scope of this feedback.*

The Bill seeks to make law to further abridge the right to freedom of opinion and expression (including the right to access to information) of people in Australia. It seeks to increase Government censorship powers through requiring Digital Platform Service Providers (Service Providers) to control and censor information on their platforms at the whim of the Government. The 'requirement' for the Service Provider to implement this control and censorship function is likely intended to create the appearance that Government is somewhat 'removed' from the decision-making role and is not the party taking the restrictive actions. This is obviously not the case as the proposed Bill assigns Government the role of ensuring the Service Providers carry out this censorship function, and if this is not done to the Government's satisfaction, options are available for the Government to force Service Providers to comply. The 'strongest' option to force compliance being the development and implementation of a mandatory Standard which the Service Providers must meet.

Service Providers already provide a high level of censorship to support their own, and likely Government's, agendas. Their use of automated 'bots' and so called 'fact checkers' to do this is quite intense in some circumstances—the passing of the proposed Bill will merely provide a legal basis for the Government to continue, and expand, this suppression of freedom of opinion and expression in Australia.

The proposed Bill will transform Government (both itself and through Service Providers) into a functional bottleneck through which all information passing the Digital Services Platforms must pass. It recognises the Government as being the only party capable of objectively discerning between perceived 'good' and 'bad' information, and gives Government a mandate to decide what information is allowed to pass through to the people. Any information provider the Government views unfavourably will easily be stopped from providing information for the people, whether the people seek this information or not. While superficially it appears to consider Australian people as not being capable of assessing information, and therefore needing Government's protection, at a deeper level it is simply an easy means by which the Government can censor people's ability to access information the Government does not like.

The premise that Government must intervene in people's access to information in order to protect them from 'misinformation' and 'disinformation' has distinct authoritarian overtones, whether this is intentional or unintentional. The definitions/meaning of these terms, and their applicability to any given circumstances, is purely subjective. This would enable government to easily filter and censor information that does not meet its agenda, even though the information may be desired by the target audience. How easy would it be for government to subjectively classify information as 'false, misleading or deceptive'? Particularly when there are no clear mechanisms available for the public to closely monitor and take actions on Government misuse of these powers. Additionally, are there even such things as misinformation and disinformation? Or is there merely wrong information that can be resolved through the provision of better information? Is it even Government's role to fight against misinformation and disinformation, or should their efforts be more concerned with providing better information?

Government's aspiration to appoint itself to the role of 'keeper' of information transmitted through Digital Platforms, where it is empowered to identify and remove from public access what it identifies to be misinformation and disinformation, is very dangerous. One needs only consider the misinformation, disinformation, coercion and deception used by Governments in Australia in the past. A major recent example being government's 'management' of the alleged Covid-19 pandemic during the past 3.5 years. Government has continued to provide assurances to the public that the alleged causal agent, the SARS-CoV-2 virus (along with its supposed variants), has been isolated and demonstrated to exist, with relevant studies being used to inform government decision-making. It has continued to assert that these studies are available in the public domain but has so far been unable to provide details of any such studies that demonstrate the existence of SARS-Cov-2.

Basically, in order to begin to prove there is indeed a virus that is causing a disease, it would be necessary to: isolate the said virus particles from many hosts exhibiting the disease; characterise the particles; show that the particles are replication competent; and demonstrate that the particles cause the disease when introduced into a host organism via a 'normal' transmission route. This has not been done, and accordingly, the Government still has no evidence to even begin to demonstrate the existence of the virus.

It is unfortunate that 'virology' does not utilise the 'scientific method' when conducting scientific studies, as do studies in all other scientific areas. It is also very unfortunate that Governments in Australia knowingly accept this use of 'pseudoscience' as proof of the existence of viruses, preferring to rely on a faith-based approach rather than on systematic studies to guide their policy/decision making. While these problems have been repeatedly drawn to its attention, Government has doubled-down on this potential fraud in order to continue with their agenda rather than publicly acknowledge the problems and look toward identifying solutions.

As further evidence that Government is in no way capable, or trustworthy, to be the deciders of what information is made available to the public one need only look at current Government censorship of information, as recently highlighted by 'The Australian' newspaper. It was revealed that the Australian Government, during the height of the Covid-19 pandemic, had secretly censored at least 4000 social media posts. Many of the posts contained factual information and reasonable arguments, and it is fairly obvious that they must have contained contextual information that the Government feared would expose, or further highlight, deficiencies in its agenda.

In summary, it is clear that the government has decided the public has no right to freely assess information and make their own decision on the value of this information. Rather, it has decided that the public can only access information 'approved' by the government (through the Service Providers under their control). There is an overall assumption that individual users are not capable of assessing information in their decision-making process, and it is up to Government to decide who can provide information to the people. Government has substantially demonstrated in recent times their total inability to judge and provide the public with factual information. Government must not be allowed to increase their ability to restrict people's right to freedom of opinion and expression.

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30 July 2023