

Submission to Misinformation Disinformation bill 2023

To whom this may concern,

Today, Sunday the 30th of July, I Luke Hart have read through the “Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023” and here am providing my submission. There is no restriction to this document, you have my authority to make it public.

One needs to ask themselves; “Why do these amendments exist?” you could argue that the overall genetic make-up of media in general, not just in Australia but across the world has changed under the evolution of online technological content. Social media platforms have been created off the back not only of convenience among consumers, but the connectivity among users across a vast scale of location. The access to information regarding multiple topics and beliefs has also expanded where many across Australia and in fact the globe are learning a multitude of new ideas as well as learning some pre-existing beliefs are questionable and in many cases provide further research.

For many we are in a period of “Question everything” and look for alternative sources of media as we have become information hungry. Here we occasionally find better outcomes whether it be political beliefs, economy or health impacts just to name a few. In the process, some long learnt lessons from within societies systems (such as education for example) become replaced with a way that is more suited to the individual. These learnings which are much more in depth than the 30-minute nightly news cycle explain positive outcomes which do have the ability to outweigh the original narrative. Which brings me to my first point: **Exclusions.**

On page 5, it is noted that “Professional News Content” is to be excluded from this bill. They are still regulated which I understand,

excluded content for misinformation purposes means any of the following:

- (a) content produced in good faith for the purposes of entertainment, parody or satire;
- (b) professional news content;

however, in this new age of information sharing they too should be held accountable for “Misinformation and Disinformation” set by any department which would include ACMA. The reason being is across the globe we see one central influence that time and time again directs attention, this being economy, or more frank terms “Money”. This of course equals power and the more power given to one central corporation, institution or individual the more we see genuine freedoms removed. Simple examples of this include; The sugar industry which once was tainted as “Healthy” and the cigarette industry, which now is very heavily linked to cancer. In 2023, we still have these challenges and the more distrust in systems that develop due to large corporate organizations attempting to take over, the more people look for an alternative.

This brings me to my next point: **Power**

It needs to be brought to the attention that providing this level of power to “The Minister” could undermine the

Specifying digital services by instrument

- (6) The Minister may, by legislative instrument, specify that a kind of digital service is a digital platform service if the Minister is satisfied that it is appropriate to apply provisions of this Schedule to the digital service to provide adequate protection for the community.

freedom of speech we still enjoy in Australia. This found on page 11 spells the possibility of such being given the authority to silence a digital platform basically through his or her opinion under the banner of “adequate protection for the community” is something that needs heavy consideration when debating this bill. What could be seen as “satire” by some, but perhaps something more by a minister leaves the door wide open. A single opinion without any consultation is not democracy. This is also covered on page 9 and page 11 when it comes to “Digital Service” which the minister could also determine as per Communications Legislation Amendment (Combating Misinformation and

Disinformation) Bill 2023. Open provisions of power unregulated handed over to a single person given ministerial privilege not only to restrict, but to provide exclusions to ones he or she sees fit.

One thing that is very democratic and welcomed by much of the Australian public is debate and there should be many avenues to do such a thing. Any dramatic changes to such lowers this nation's ability to remain a democratic society. Which brings me to my next point: **Harm**

Found on page 6, much of this I agree with. We should not as a society commit any hatred or segregation to any Australian. We all should be given a fair

go, yet we are seeing the opposite of this not only among our community, but our media and even our government. The main point that needs to be addressed, is that political protest needs to remain a avenue for freedom of speech in this country if we are to remain a democracy. Wording "Disruption of public order or society in Australia" is way too vague. What denotes "Public order"? Is a political protest against something a large section of the community in the realm of public order? Joe Citizen in his vehicle whose commute has been interrupted by a protest may submit such a complaint not even understanding the intention of the protest. This would be a restriction of the community gatherings freedom of speech which is their democratic right.

Through Australia evolving and continuing to evolve on a global scale, we perhaps are seeing a vast genetic change in its political structure. The media has at times commented on perhaps the "right" (side of politics) being "too far left" and the "left" being "too far right" creating confusion among our citizens. This coincidentally opens the door for a new age political focus to the point where Australia is becoming a multi-political party democracy which I personally see as an advantage for progression. Our society evolving into more options for all Australians to be involved in. However, there are some discrepancies that come about of this even at a top level. At this current point we have a referendum and many a time, people have questioned why "grants" have been made available for one side of the vote, yet not the other. Important next point related to this: **Limitations**

We have a very democratic uniformed amendment or declaration of what this bill needs to abide by. But we need to remember this is restricted to social media. It does not involve political comment or even the professional news content media. Advertisement of "yes" campaigns to a referendum should come under stringent review as quoted on page 31; "Unless matter communicated or intended to be communicated for the **dominant** purpose of influencing the way electors vote in a state, territory or local government election or referendum".

If this be true, any sided campaign which has tax payer finance attached to it via social media would be intercepted by ACMA. More importantly, if the side of the referendum which was **not** receiving any funding share their side of the argument be restricted in anyway shape of form, yet the funded

harm means any of the following:

- (a) hatred against a group in Australian society on the basis of ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability;
- (b) **disruption of public order or society in Australia;**

35 Limitation—electoral and referendum matters

- (1) The ACMA must not register a code (or part of a code), or determine a standard, under this Part that contains requirements relating to electoral and referendum content **unless:**
 - (a) the requirements relate to preventing or responding to disinformation on a digital platform service; and
 - (b) the requirements do not relate to authorised content.
- (2) In this clause:

authorised content means:

- (a) electoral matter (within the meaning of the *Commonwealth Electoral Act 1918*) that contains the particulars required by section 321D of that Act to be notified; or
- (b) referendum matter (within the meaning of the *Referendum (Machinery Provisions) Act 1984*) that contains the particulars required by section 110C of that Act to be notified; or
- (c) **matter communicated or intended to be communicated for the dominant purpose of influencing the way electors vote in a State, Territory or local government election or referendum that contains the particulars required to be notified by a State or Territory law relating to the authorisation of such matter.**

campaign not, then that's a direct attack on our freedom of speech. As tax payers, we continue to hold our right to proper public discourse. That's something what makes Australia so great.

One needs to question the way not only policy but debate unfolds in ALL forms of media. Most of the time, when something is put forward to the public, there is a large amount of advertisement that goes with it. We are generally persuaded to believe that intentions are for our best interest no matter what the situation in society is. Whether perhaps cost of living is hurting or not for example.

Emerging circumstances is what we can see perhaps a "what if" things are not evolving to plan. This clause appears to open up the availability for swift action if things are getting out of hand. Question is, what would this be used for? Where a minister appears to be given extra powers, so would ACMA. Where would that decision come from? Say the public are frustrated with things and putting forward these frustrations across social media where they do have somewhat have a voice, who is to make that decision? Does it remain in Australia or does it extend to a global organization such as the United Nations?

Would the UN (and its affiliates) influence misinformation and disinformation if this bill is passed? Information has been left out here which needs to be addressed. If the topic in question is good for social media one day, but not once either the government in power or the organization attempting to change international law outside of Australia but the citizens of Australia disagree with it, what other platform do they have to express their opinion? My concern is suppression will come of this.

Little has been provided in what social media outlets new and pre-existing are to implement when it comes to combatting misinformation and disinformation. However, we have seen social media giants put in control measures which are meant to restrict content that is set to deceive. Terminology to this comes along the wording of "fact checkers". This document, even though social media giants admit to these third-party organizations being more opinion based is merely a covering up of a bigger problem. This major issue: **Fact checkers** is something of great concern.

On page 30, we see the wording of "supporting fact checking" but there is no other context to this. We cannot just restrict people's expression just because someone or organization disagree with them. Our future generations deserve the right to question things no matter where they come from, mainly due to blunders listed earlier on sugar and cigarettes. Other concerning points related to this part of the bill include "using technology to prevent or respond to misinformation or disinformation on digital platform services".

We have already understood that Artificial Intelligence has its issues and needs to be monitored. Relying on technology to monitor discussion will be subject to the input of that system from the

50 ACMA may determine standards—emerging circumstances

- (1) This clause applies if the ACMA is satisfied that:
 - (a) it is necessary or convenient for the ACMA to determine a standard that:
 - (i) applies to participants in a particular section of the digital platform industry; and
 - (ii) deals with one or more matters relating to the operation of digital platform services by those participants; in order to provide adequate protection for the community from misinformation or disinformation on the services; and
 - (b) there are **exceptional and urgent circumstances justifying the determination of the standard under this clause**; and
 - (c) it is unlikely that a code dealing with that matter or matters could be developed under this Part within a **reasonable period in the circumstances**.
- (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**.

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

- (1) This clause sets out examples of matters that may be dealt with by misinformation codes and misinformation standards.
- (2) The applicability of a particular example will depend on which section of the digital platform industry is involved.
- (3) The examples are as follows:
 - (a) preventing or responding to misinformation or disinformation on digital platform services;
 - (b) using technology to prevent or respond to misinformation or disinformation on digital platform services;
 - (c) preventing or responding to misinformation or disinformation on digital platform services that constitutes an act of foreign interference (within the meaning of the *Australian Security Intelligence Organisation Act 1979*);
 - (d) preventing advertising involving misinformation or disinformation on digital platform services;
 - (e) preventing monetisation of misinformation or disinformation on digital platform services;
 - (f) **supporting fact checking**;

introduction of such a thing all for the sake of convenience and quite frank laziness. Any restriction put on these social media giants or monetary fines will be passed onto the third-party fact checking organizations, while our freedom of expression is compromised. Clarity needs to be addressed here, for example ACMA intends to publish “misinformation or disinformation on digital platform services” (Page 26). Who is to decide what becomes misinformation or disinformation outside the minister involved? Are we relying on technology and employed “fact checkers” to decide? That completely removes many examples of freedom of speech.

Again, on page 53 it is noted that “Will readily accommodate technological change” and “Encourages the development of technologies relating to digital platform services”. Correct me if I’m wrong, but the reason we are having this bill is due to the evolution of technology, isn’t it? So how does encouraging more technology going to fix the issue? Let’s face it, 95% of all social media and fact checkers are going to be from overseas, and they do not have Australia’s best interest.

7 After subsection 4(3AB)

Insert:

(3AC) The Parliament also intends that digital platform services be regulated, in order to prevent and respond to misinformation and disinformation on the services, in a manner that:

- (a) has regard to freedom of expression; and
- (b) respects user privacy; and
- (c) protects the community and safeguards end-users against harm caused, or contributed to, by misinformation and disinformation on digital platform services; and
- (d) enables public interest considerations in relation to misinformation and disinformation on digital platform

services to be addressed in a way that does not impose unnecessary financial and administrative burdens on digital platform providers; and

- (e) will readily accommodate technological change; and
- (f) encourages the provision of digital platform services to the Australian community; and
- (g) encourages the development of technologies relating to digital platform services.

I understand the importance of regulating social media, but many of us can see through this. For many years we have seen different legislation come about restricting, changing, amending but at the end of the day, us bulk of the country middle class are constantly finding ways to live better, happier and more for filled lives. Many professionals have spoken about the negative impacts of policy and the like restricting our ability to thrive as a community. Tightening of the screws from multiple angles is driving people away and forcing them to look for alternative options. If someone in Government reads something and has the opinion that its misinformation or disinformation, then that’s merely on their opinion, such as the content provided from them during a speech. There are concepts which do require attention, but opening up the flood gates handing over power to this level is just cutting into our democratic right as a free nation.

I truly believe Australia to be one of the smartest, easy-going places many once wanted to be a part of which is built on that freedom of speech. Let’s not lose that just because powerful organizations overseas want to dictate our policy. Afterall, we have every commodity under the sun and the intellect to create and produce anything. We just do not step into that realm due to short cycles of government and a compulsory voting public who don’t actually (in general sense) care about what evolves. Why? because they get the same no matter who is in power.

Thankyou for reading my Submission, my name is Luke Hart and my contact details are within the email this document is attached to.