

Dear Sir/Madam,

I am very concerned about the recent proposal to grant the Australian Communications and Media Authority (ACMA) new powers to combat “misinformation and disinformation”, and wish to make this submission.

Misinformation OR Disinformation, what is the difference?

Firstly, **DISINFORMATION** is defined as information Deliberately spread by an organisation or someone to Deceive in return for the creation of Benefits. Since I filter Disinformation out myself, I will keep the discussion on this subject brief.

There are a number of reasons why a person or organisation would want to provide Disinformation which usually involves intent, and the manufacturing of false information..... otherwise known as “fake news”.

Primarily persons, institutions, corporations etc spreading Disinformation are motivated by the creation of some form of profit or satisfaction, and are typically very aggressively defensive of their position, and also willing to overlook the risk of harm to others.

A large corporation can make millions or even billions of dollars profit through deception by DISINFORMATION by:

- hiding of adverse events
- criticising cheaper treatments or alternative remedies
- making it profitable to promote their product through kickbacks or rewards
- buying favourable research and releasing it without acknowledgement
- inventing, distributing or advertising false claims
- spending large sums to promote Company agendas without full disclosures
- employment employees or researchers can be bought through financial or other incentives such as large salaries and benefits, kickbacks, holidays or research grants to promote a product or narrative.

Individuals can be motivated to promote DISINFORMATION through:

- financial reward including extending employment contracts and nepotism
- fame or promotion
- publication of their name as a stepping stone to bigger things
- sexual gratification, prostitution, pedophilia, blackmail
- laziness – failure to investigate other or better alternatives
- overworking and pride – not enough time to research and realise their mistake.

Failure to reveal full truths or doubts about information that you are aware of to others is also a form of Disinformation eg side effects of medications and secrecy surrounding a Company or individual's operation.

I do not condone Disinformation and support efforts to suppress it.

Secondly, the term **MISINFORMATION** applies to those opinions or statements one makes that might contain mistaken information, without any intent to deceive, and that are claimed by others to be mistakenly incorrect.

This is obviously subjective, and can arise due to different data sources as well as opinions and personal experiences.

I note that clause 2.1.2 Misinformation, disinformation and serious harm of the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 includes the following clause: "Misinformation in the Bill is intended to capture content that is disseminated on a digital service, where that content is false, misleading or deceptive, and where the provision of that content on the service is reasonably likely to cause or contribute to serious harm.

The key distinguishing feature between misinformation and disinformation in the Bill is intent.

Disinformation is intended to capture 'misinformation that has been disseminated with the intention of deceiving another person'.

clause 2.1.4 Content produced in good faith for the purposes of entertainment, parody or satire will be excluded, even if the content is at surface value, misinformation.

"Misinformation" is defined as a mistake. "Disinformation" is defined as deliberate dishonesty.

We could have one expert in a field say this is true, and another expert in the same field saying something else is true. If one expert's background is slightly different to the others, then both experts' opinions could still be true as it relates to their specific expertise.

Many times my truths/opinions also incorporate my personal history/experiences, formed over many years after much research and investigation. They can genuinely be considered by me to be true information. What right does any employee of ACMA have to determine their interpretation of my well-resourced and often experiential information is mistakenly incorrect. Must ACMA's determination of Misinformation be correct beyond reasonable doubt?

And regarding the diversity or duality of beliefs we hold to be true that ACMA might claim to be Misinformation..... are they incorrect and punishable? Is this as important as Disinformation? I don't think so.

Which opinion should be called Misinformation? Perhaps neither.

I would want to be able to freely investigate all views as they relate to my particular situation/query and make my own decision as to my course of action after intelligent consideration.

And I believe that if ACMA attempted to include a blanket opinion of misinformation on my beliefs then that would be unreasonable and unjust. This would risk undermining fundamental principles enshrined in our Constitution regarding our Rights to Freedom of Speech and Open Discourse without persecution or prosecution.

We live in a democracy, and our Australian forebears fought for us so we could retain our Democratic Freedoms and Right to Free Speech.

Many sacrificed their lives to uphold this principle.

It is crucial that we safeguard these Freedoms and Rights even in the face of misinformation and disinformation challenges.

As a free citizen of Australia, I reserve the right to investigate information myself, and to unrestricted access to points of view on both sides so I can decide for myself what I consider to be true, (which may include parts of both sides), and to pass true information on as I see fit.

As Australians, we must retain our Right to be privy to all sources of information, both scientific, experimental, or experiential, and draw on the extensive knowledge of our forebears from successes, failures, and mistakes. We must be free to carry out our own investigations so that we can make our own minds up as to whether information is a truth or a fallacy, or choose to further investigate other options before forming an opinion.

Yes misinformation can be harmful, but throughout my whole life of three score years and ten I have been free to make my own decisions with regard to my situation, and it is imperative that I retain the right to carry out my own investigations to choose what I consider is best for me and my family.

It would be foolish to think that imposed bureaucratic censorship by a select few could always be accurate, proper and correct for me or the whole Australian Nation.

A quick revisit of History would confirm that Governments, Medical Institutions, Scientists, Doctors, Engineers, etc., are not infallible, and often make mistakes by presenting Misinformation.

History is littered with mistakes that authorities have made that have affected hundreds, even thousands of lives.....

eg The medical establishment — comprising of doctors, regulatory authorities, licensing bodies, patenting offices and of course the pharmaceutical manufacturers — are often seen as the last word on health practices. They are considered an infallible institution often deemed immune to error. However, their track-record reeks of fatal blunders, and calls into question their credibility.

- In the US, doctors and Big Tobacco were complicit in promoting cigarettes from the 1930s to the 1950s.
Tobacco companies paid physicians, throat doctors in particular, to recommend

smoking as a remedy for throat irritation and to perpetuate the notion that smoking was healthy. Cigarette advertisements in medical journals were the norm. Images of doctors smoking in print ads were a common marketing ploy. "More doctors smoke Camels than any other cigarette".

- In 1982, ABC's 20/20 ran a segment titled "The Deep Sleep: 6000 Will Die or Suffer Brain Damage." This program highlighted several cases of medical mishaps that resulted in serious injury or death.
- Multiple approved drugs eg Pholcodine, Zantac, Vioxx etc, later withdrawn due to dangerous side effects
- Germ theory was dismissed by early medical schools!
- The drug thalidomide, created in Germany by the Grunenthal group, was heavily marketed to pregnant women for morning sickness in the 50s and 60s. It was available in 46 countries until it was banned in 1961 following a massive spike in the birth of infants with physical deformities worldwide to women who had taken the drug while pregnant. At least 80,000 babies died before birth and 20,000 were born without limbs due to thalidomide. The consumption of thalidomide by pregnant women resulted in a wide range of birth defects including severe deformity of the limbs or in extreme cases, the absence of limbs. Reports suggest the companies which distributed and produced the drug in various countries were aware of the side effects that maimed thousands of babies in the womb worldwide, but ignored them for the sake of profit.

It wasn't just the medical establishment that made mistakes.....

- Weapons of mass destruction are real – Disinformation?
- The unsinkable Titanic was certified safe
- 12 Publishers decide to reject JK Rowling
- Decca records rejected The Beatles in 1961 after listening to them play 15 tracks in a few hours after deciding groups with guitars were on their way out
- Human error was responsible for both Chernobyl and Three Mile Island nuclear disasters.

I cannot see a small group of people at ACMA having a monopoly on wisdom and knowledge, making all the right decisions on what to allow to be published for every person or circumstance on the Australian Continent.

It is only through open discourse and availability of diverse opinions and determinations enabled by Freedom of Speech that intelligent human beings individually are able to chart their lives, including reviewing decisions made by others, each being responsible for their own decisions and re-directing or modifying them if and when needed through self-imposed discipline.

To be realistic, if I needed assistance in my decision making after a particular event in my life or my family's lives, I cannot see ACMA giving me personal aid or direction. It would be up to me and I would want to see and consider all my options!

Censorship by a panel of self-claimed "experts" in Australia is an attempt to commit all Australians to the same viewpoint and pathways, possibly making the same mistakes for everyone, and with God-forbid, the same fate for all.

We need diversity of information and opinions.

No single person or panel of persons (viz ACMA) will always be correct with all of the facts, considering the diversity and complexity of decisions suitable for each individual's circumstances, in a changing environment.

We need to be able to review and control each of our own individual situations and circumstances. It would be an impossibility for a set selection of humans on a panel, probably all on the same page, to get it right globally across Australia every time for every person.

I am not against considering varying opinions, but we must not allow knee-jerk bureaucratic committees or institutions to force their opinions on us, or to take away our Freedoms by controlling us through domination and fear of financial destruction of our homes, families, and way of life that we have chosen.

Such impositions would be backward and Neolithic.

Our Freedoms and democratic rights are what has made our Nation vibrant and successful, and given us the ability and opportunity to choose our individual ways of life.

I urge ACMA to respect the rights of all individuals or groups to access and exchange any and all information freely, using whatever medium they choose, and retain the Right to choose their own pathways through life without retribution.

Granting ACMA sweeping powers to police information on the internet with suppression of legitimate dissent, censorship of alternative viewpoints, and prohibition of the right to free public discourse, will undoubtedly change the vibrancy and culture of Australia both internally and internationally.

The imposition of any financial penalties, and strict censorship of citizens, content providers, journalists, information platforms (both social, professional, academic, medical, and sharing of information eg health and dietary solutions, etc) I expect would quickly cause division and civil unrest.

A suggested \$550,000 (max) penalty for breaching censorship rules relating to record keeping and reporting on misinformation and disinformation on social media platforms as proposed by ACMA is shown below.

Maximum penalties – non-compliance with registered code	Maximum penalties – non-compliance with industry standard
Maximum of 10,000 penalty units (\$2.75 million in 2023) or 2 per cent of global turnover (whatever is greater) for corporations or 2,000 penalty units (\$0.55 million in 2023) for individuals.	Maximum of 25,000 penalty units (\$6.88 million in 2023) or 5 per cent of global turnover (whatever is greater) for corporations or 5,000 penalty units (\$1.38 million in 2023) for individuals.

Financial penalties and hardships caused by censorship and the fear regimes imposed over the whole country as above will without doubt destroy many families in typical suburban homes and communities throughout Australia, resulting in break ups, loss of homes and security, loss of income, imprisonment, loss of trust between citizens, and civil aggravation.

In other words this could cause nationwide disaster, discontent and homelessness, leading to inflammatory consequences.

The obvious question is..... if this is predictable, would it be intended or unintended?

Fear and vague regulations might stifle the voice of the people, stifle established information and sharing platforms, silence the voice of the people, and destroy established community aid groups..... if the people let it happen.

Furthermore, determining what qualifies as misinformation can be very subjective depending on your background and history, prejudices and biases.

This raises concerns about the potential for abuse of power and the selective targeting of certain individuals or groups based on political, racial, or ideological grounds, causing widespread community repulsion.

Rather than imposing new powers, I encourage ACMA to focus on promoting media literacy and digital literacy education among the general population, giving balanced reasons for and against any position statement. Equipping citizens with the necessary critical thinking skills to evaluate information they encounter online to determine whether or not it is true for them is a more constructive approach. Of course this may require two independent contributing panels with for and against positions, as in any healthy debate.

History is littered with “accepted” opinions from professional authorities, scientists, doctors etc that have subsequently often been proven to be incorrect and damaging to citizens.

If divergent opinions had been squashed and buried through heavy censorship and penalties then humanity would be none the wiser if ever the “accepted” views were wrong, and humanity could have continued to have been uninformed and harmed by these mistakes.

Unfortunately the commercial reality of massive profits in the billions often drives many of these falsities/coverups (disinformation!)– and many are still ongoing today.

This is where the true crimes lie and these institutions are the real criminals.

Fostering transparency and accountability within the media industry with both sides of the story, and leaving the choices or determination of what is right or wrong up to the individual can help build trust and combat false information whether it is pre-existing or being newly postulated.

In conclusion, I respectfully urge ACMA to seek alternative strategies that preserve our fundamental democratic values and right to choose, while providing a platform that examines and puts forward the pros and cons of both existing or freshly proposed information, free of censorship and penalties to the individuals or entities concerned, in a balanced and respectful manner.

Thank you for taking the time to consider my concerns. I trust that you will carefully weigh the potential implications of this decision on the fabric of our society and democratic principles, mindful that no single body has a monopoly on the truth.

Sincerely,

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