

Why the New ACMA powers draft law to combat misinformation and disinformation should be struck down.

The Internet and freedom of speech

The evolution of the internet has provided unprecedented freedom of information sharing and social interaction. It is an advance for the good of the majority even if information can be confusing to a minority. The majority of people in the western democratic nations treasure such freedom.

Social network sites should be likened to the town's public square, people should be free to express themselves as long as they don't insult or bully other individuals. In fact today's social media platforms should be imagined as a service provider on top of the service provider that is the foundational internet backbone. Think of it as an information channeling system built on the existing public utility infrastructure such as a courier freight rail network on top of the rail system. A courier does not police the majority of what people send to each other or companies selling to its customers!)

The shining hallmark of modern western democratic civilisation, that is freedom of speech and freedom of information. Any citizen of such a nation should be allowed to voice the information plus opinion they gather and pass on to those they wish to or deem necessary to receive. Governments and related entities should not hinder the rights of its citizens to do such a thing. They do not have the right to do so.

National security *can not be* and *should not be* an excuse in preventing freedom of information to pass around between citizens. Citizens of a democracy have the right to learn evidence of various proven war crimes committed by government related entities, hence making judgment in democratic political processes whether to support such unethical, lack of moral high ground actions, especially a war. After all, it has been the principle of democracy that sets democratic nations apart from totalitarian ones.

Independence and authoritative qualification of the ACMA

What and who ensures that ACMA is really independent? What and who makes sure that ACMA does not side with government propaganda or misinformation by government connected commercial entities? The draft law appears to indicate that the various levels of the government clearly have exemptions on what they put out. Hence just this clause alone shows that ACMA can't be independent if they don't have power to criticize the government itself!

Then the laws 'clauses seem to favor the so called '*professional news content*' which is from the so called *mainstream commercial media* and press! However, the definition and quality of 'professional news 'really comes into question given today's technology allows everyone with a

camera or smartphone to be a journalist (given journalism means the action to record and report an event that took place.). Mainstream commercial media doesn't mean they are professional, or correct and truthful by default.

Given the so-called *professional news media* is to be exempted or given free passes, little wonder why in the recent the voice referendum debate, tons of clearly misinformation and disinformation got passed along those media. A clear example that ACMA needs to hold them accountable as they should be held to a way higher standard.

Then take for example the event of a fire ravaging a building in the city recently, hundreds of people witnessed that and used phones and various camera devices to take pictures and video. What makes the so-called *professional news* footage superior to the many footage taken by citizens witnessing the event? In fact news of the fire came first and came faster than the so-called '*professional news*' via the social media platforms. Footage from citizen journalists was first and can be superior to the professional news casting footage as there are many more of them and from various perspectives. Hence having forced the public to rely on so-called '*professional news*' seems like a limited preselected confinement, deliberately disregarding the various quality and fact verifiable sources that are factual and truthfully reflects what has happened, which is also news and not disinformation and misinformation!

Then what criteria and scientific authority for ACMA to rely upon to be able to give balanced and independent advice to confirm what news is fact or fiction when it comes to highly technical and scientific information such as medical information and other topics of science?

Here is one hypothetical scenario:

let's say the time is 16XX, the church and the government believe the sun rotates around the earth and earth is the centre of the universe. The likes of Galileo Galilei post information from their research claiming the earth goes around the sun and earth is not the centre of the universe. The church and government bodies call Galileo's lot of astronomers spreading misinformation and disinformation. If ACMA existed at the time, what gives ACMA the scientific backing to judge if Galileo-like astronomers are spreading misinformation or how ACMA can decide if the church (and the government) is preaching the absolute truth? If ACMA sides with the church and government, then ACMA will be completely factually wrong.

Let's consider another scenario:

This time in the future, a couple of amateur astronomers around the world capture crystal clear quality photos of an alien starship passing by earth lid up by the sun. The government and mainstream astronomers claim these are misinformation and disinformation. What makes ACMA capable of judging if the photos from more than one sources are disinformation and misinformation when other third party photo experts plus astronomers claim otherwise?

I can come up with many more scenarios that show the complexity and impossibility for one authority, let alone a minister, to decide on what is fact and what is misinformation when it comes to complex scientific and medical matters!

The fact is, it takes long term research and collective hard work and debate to decide on complex scientific and medical issues, no one authority can quickly dismiss or champion one side of any scientific arguments and observations. Therefore bodies such ACMA or any government ministers do not fit to judge what is misinformation or fact in matters of such complexity. No self respecting true scientist will proclaim he or herself as 'I am Science!'.

True scientists and those who have trained on scientific methods and logic agree that debate is the norm and encouraged in the science community, in fact one can argue debate and challenge from peers is what makes science progress with advance and keep being proven right!

True independent body should not have an exemption in criticising the government. Court of law sees government agencies at various levels equal and can be taken to court, therefore a true fair independent body will be given power to fairly judge the information, from various levels of government, criticise and punish these government bodies for spreading proven false and misleading information! There should be no hypocritical nonsense of one rule for the people, another for the government!

Yet in this draft law, it is clear that different levels of governments get an exemption, therefore one can conclude the ACMA is hardly fair nor independent with these powers!

Ministry of truth

George Orwell's timeless forewarning classics *1984* was required reading of the KGB in USSR and it has been on the Australian high school English class reading list for decades. In *1984*'s plot, the *ministry of truth* is a government agency that decides what is fact and what is the correct history. Therefore to anyone who read and understood the story and its warnings, one can't help but compare to ACMA's power to that of the *ministry of truth* in the novel.

Where is the clear cut well defined wording / clause in plain english in the draft law that would clearly define these ACMA powers, ensuring it won't evolve the ACMA into the real *ministry of truth*? In fact one can argue the various vague terms that open to political interpretation plus lacking in power to hold government bodies accountable for their misinformation is already one foot into the *ministry of truth*.

Measure of adulthood and daddy government

The measure of an adult is his or her ability to distinguish between truth and propaganda, able to make out facts from lies. It is up to the adult person and his or her experience to believe and choose what to believe or trust. It is not the government's job to parent grown adults. The best

the government can provide is advice and counter information to expose these lies and propaganda with proven facts and detailed research that is balanced and independent of political influences.

With the government's financial power, they would certainly create a support information portal with facts and truthful information that can withstand criticism. The people will decide if to trust the government body's information or information from other parties. One good example for such an information provider was ABC TV's TV show '*The Checkout*'. It was rather successful in spreading correct information regarding the government's consumer protection law to the public, allowing the public to learn their rights as consumers and see through some of the corporation's deceptive misinformation conduct, sadly the program was axed.

Government should not set up a body to be a judge and able to act as some sort of punisher to utility platforms for what is factual and truthful information or not. Misinformation and disinformation is not bullying or personal attack and defamation, the government does not need to set-up a protection system to protect individuals.

social media platform are utilities not content creators

ACMA's original purpose is to police commercial bodies which put out false advertising and untruthful information on their products and services, this works for news companies whose primary function is to create curated information as a publisher of content they help make or select to broadcast. But social media platform entities are not publishers, where its service is to act as conveying bodies of information by its millions of users, they are closer to telephone companies and internet service providers. Governments have no rights to police one individual telling another individual or various individuals what they know and learn. Given such info passing can be legally done in a two person whisper conversation, a speech at a party or meeting or simply by speaking in a town square to a gathering.

Like a water utility supply company, platform providers can't be held responsible if a user passes proven misinformation to another. A company like that can try their best to make and label such proven false information if found but it is not possible to stop nor should the company be punished. Blaming social media platforms for lies on them is like asking the phone company to be responsible for an individual's lie to other individuals via the telephone, instead of exposing and letting the people punish the lying individual.

Any one with experience with the email systems of the world know it is full of scam and spam emails, the majority can be proven as misinformation to some degree. But for decades, it is proven spam and scam mail can't be stopped, despite all the spam filters, it is up to the individual to take measures against them in the end. Was it because the ACMA cannot find email carriers like Google and Microsoft responsible for those misinformation of scam and spam emails numbering billions a day, therefore the email service was exempted in the draft law?

The downfall of so-called professional news aka mainstream media as informer of

misinformation and facts

The press or so-called '*professional news*' was supposed to be the watchdog for fake news and information and held governments accountable. In the past, investigative reporters would dig into various pieces of events and uncover lies and deceit plus propaganda from companies or from the government! Sadly the press seems to lose this ability in the last 10 or so years! If so called mainstream professional news would continue to put out truthful factual information, alternative information channels would not become popular as an alternative source of news and information!

In fact, it was because the so-called *professional news press* or msm (main stream media) became proven misinformation spreaders that lead to the rise of alternative independent media on social platforms as channels to pass information.

It was because audiences of alternative media on social platforms find its news information to be more truthful and factual than so-called *professional news / mainstream press* that contribute to their success.

It would only make ACMA with its new power to be a *ministry of truth* if it was found to label what proven as truthful facts of news from social media platforms as misinformation.

One prime example in the recent 2020 U.S. Election cycle is the infamous hunter Biden laptop saga, where the independent alternative media claim the laptop's information was factual and real evidence of wrongdoing. But *mainstream press / professional news media* claim it was misinformation by the 'all mighty' Russians back in 2020.

Yet in 2023, various U.S. Government agencies themselves prove undeniably the laptop and info contained inside are factual truth. The US *professional mainstream press* admit it is fact and real now ^1. Hunter Biden even got charged for it, hence what was once labelled misinformation from independent media sources becomes proven factual truth. What was Russia's misinformation 'fact' championed by the so-called *professional media press* becomes proven misinformation. In this scenario, if ACMA sided with the U.S. Government agencies and US *professional news media* label the laptop saga as misinformation in 2020, ACMA will evidently lose all credibility as with authority today.

Conclusion

In conclusion, the government should not provide such power to an authority to judge what is fact or misinformation, especially with political agenda in play. Only autocratic, authoritarian governments seek to do that. There are countless examples in history for such an act.

Adult citizens do not need the government to be their parents, to hand-held them on defining what's truth, what's lie. All governments can do is provide accessible counter to lies info for citizens. Whether the citizens choose to use such information or service is up to the citizens

freedom.

Even If such a judgment body must exist in a democracy, then for it to be truly independent it must have power to accuse and call out the government itself much like the civil and criminal law system.

Establishing ACMA to be a judge and able to fine information conveying utility platforms is like starting a *ministry of truth*. It is not a positive step in a true democracy known to champion personal liberty , freedom of speech and press as well as freedom of individual expression.

ACMA should reject such power which infringes on the freedom of speech, the shining beacon of western democracy.

True **Democratic governments by the people and for the people** will not let such registration be tabled, let alone pass this law in parliaments. Because doing so only proves the misinformation by a minority: *Western governments are now controlled by a 'deep state entity ' pushing for taking away rights such as freedom of speech and changing these governments into autocratic governments.*

Hence true representatives of various electoral districts within Australia who are truly for the people should vote no to this draft law, and there should be no amendments in passing such law in any form, it should be struck down for true democracy! Elected representatives need to do that to prove the conspiracies wrong!

^1:

References to professional news report on Hunter Biden laptop being REAL and proven factual information:

<https://www.msn.com/en-us/news/politics/fbi-knew-the-hunter-biden-laptop-was-real-in-2019-irs-whistleblowers-say/ar-AA1cUJyd>