

Submission to the Proposed
“Combatting Misinformation and Disinformation Bill 2023”

By: Lyn: Mangan

“Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as to our democracy, society and economy.”

The Parliament is discussing yet another Act or Bill which, like all Acts and Bills only binds ‘persons’ and corporations, not men and women. Yet, this amendment has the propensity to affect all men and women, whether they realise it or not. I agree wholeheartedly that incorrect information poses threats to us all, and it would appear to be an altruistic goal to protect us.

However, I see several issues with the broad sweep this statement makes because unfortunately, the most dangerous sources of misinformation and disinformation that I have witnessed in the last 4 years have stemmed not from social media, but from mainstream news outlets and their advertising campaigns espousing lies and propaganda promulgated and pushed by the government of the day, encompassing all sides of the political divide. According to this amendment to the Bill, government agencies, news outlets and government approved mouth pieces and educational institutions will be exempt from the self-monitoring process suggested.

Before anyone discusses this proposed Bill, there needs to be quantifiable definitions of:

- i) Information
- ii) Misinformation
- iii) Disinformation

When defining the meaning of these pivotal terms, there needs to be an agreed standard for the definitions. That is, will you use legal definitions by means of legal dictionaries such as Black’s Law or Bouvier’s or public dictionaries such as an Oxford or Macquarie Dictionary? Below is the legal definition of information, according to the Oxford Dictionary, whereas the legal definition of information underneath it is quite different. This presents a controversy immediately. If one cannot define and define limits thereof of what information is, then how do you propose to define that which constitutes misinformation as “false or inaccurate information, especially that which is deliberately intended to deceive” (a) or disinformation as “false information which is intended to mislead, especially propaganda issued by a government organization to a rival power or the media”? (b)

Isn’t it curious that disinformation has its origins in the “1950’s formed on the pattern of Russian *dezinformatsiya*” (c), when this Bill proposes that government, government agencies and government approved media outlets will not be limited by any ‘information’ they release when the very definition of the term ‘disinformation’ is derived from the intentionally incorrect usage of ‘information’ by certain governments and their propaganda machines? *Dezinformatsiya* was a term coined by Josef Stalin in the 1920’s to describe the work of the KGB. What makes this process any different from the Communist regime of that time?

Oxford Dictionary of English

1. Facts provided or learned about something or someone.
2. What is conveyed or represented by a particular arrangement or sequence of things?

INFORMATION. An accusation or complaint made in writing to a court of competent jurisdiction, charging some person with a specific violation of some public law. It differs in nothing from an indictment in its form and substance, except that it is filed at the discretion of the proper law officer of the government, *ex officio*, without the intervention or approval of a grand jury. 4 Bl. Com. 308, 9.

2. In the French law, the term information is used to signify the act or instrument which contains the depositions of witnesses against the accused. Poth. Proc. Cr. sect. 2, art. 5.

3. Informations have for their object either to punish a crime or misdemeanor, and these have, perhaps, never been resorted to in the United States or to recover penalties or forfeitures, which are quite common. For the form and requisites of an information for a penalty, see 2 Chit. Pr. 155 to 171. Vide Blake's Ch. 49; 14 Vin. Ab. 407; 3 Story, Constitution, 1780 3 Bl. Com. 261.

4. In summary proceedings before justices of the peace, the complaint or accusation, at least when the proceedings relate to a penalty, is called an information, and it is then taken down in writing and sworn to. As the object is to limit the informer to a certain charge, in order that the defendant may know what he has to defend, and the justice may limit the evidence and his subsequent adjudication to the allegations in the information, it follows that the substance of the particular complaint must be stated and it must be sufficiently formal to contain all material averments. 8 T. R. 286; 5 Barn. & Cres. 251; 11 E. C. L. R. 217; 2 Chit. Pr. 156. See 1 Wheat. R. 9.

Please find attached a link to a peer reviewed paper from the University of Amsterdam which examines the dangers of criminalising "Misinformation", the difficulties presented by trying to define these specific terms and the hidden dangers in trying to control such a broad range of content. (d)

When these terms are defined, who will determine which information, whose information, why, how and when will it be determined that it is/was fact or not a fact?

After the controversy of creating a workable set of terms of reference, the key concerns I identify are:

1. Who will be the arbiters of non-misleading information commonly regarded to be 'truth'?

The last few years have illustrated the conundrum presented when one set of people seek to tell another group of people that what they believe to be truthful, is not. For those who will see and hear, venerable experts in fields such as climate, health and medicine have been ridiculed, shadow banned and effectively silenced, while government approved stories have been permitted to flood the airways to influence the public into making questionable decisions regarding their life and livelihoods. Since the global rollout of the 'world's largest clinical trial' according to Greg Hunt, the public has been fed dangerous information, disguised as truth which insurance actuary figures and government data sources are now revealing has had deadly consequences by way of excess mortality rates, and yet this new Bill will hold the perpetrators of spreading deliberately misleading information as exempt. Therefore, who will be appointed, selected, or elected to maintain the status quo? Will there be judges and juries appointed to sift through data to determine its worth? It has been ruled that only those with judicial authority to determine the facts of a given case can impose penalties and fines, so who will be deciding what is classified as misinformation or disinformation?

The nature of truth has been sorely tested.

In the court case *Meta/Facebook vs Stossel*, lawyers for Facebook denied any claims of defamation against Stossel because the labels used by 'Fact Checkers' were 'neither false nor defamatory; to the contrary, they constitute protected opinion'. Therefore, Stossel could not claim defamation because it was a matter of a difference of opinion between two "public persons". So it can be claimed that any entity calling themselves "Fact Checkers" and claiming to be independent are merely 'opinion checkers', paid by generous sponsors to support a certain point of view.

Yet, 'fact checkers' still dare to assess social media posts to push some opinions more than other opinions. I have had both a question and a photo "fact checked". Can you please explain how either a question or a photo can be a fact or not a fact, or "Partly False"? A question is not a fact nor is ever regarded to be a fact, and neither is a photograph, although a photograph may be used as evidence.

On the 2nd of July, 2023 I received a fake Fact Check label of "Partly False" over a video I attempted to share. It was a video of a group of elders who stated they never signed anything to do with the upcoming Voice campaign, and didn't ask for it, although others claimed they had committed to the Voice. When I clicked to see why it was "Partly False", the assessment of the opinion checkers stated verbatim, "Linking voice to nefarious republic plans is bananas"! Please see the screenshot attachment provided. I was unable to retrieve the post to amend or address any questionable content. Was this a reflection of an opinion as stated by Prime Minister Albanese?

Can we expect more nonsensical judgements such as these to continue should this ill-considered Bill proceed? I believe the answer to that question is Yes.

2. When will the Ministry of Mistruth be established?

As a student and teacher of History and the English language, I read George Orwell's 1984 as a warning to future generations of how well-meaning peoples can be manipulated when they believe they are following orders 'for the common good', until the fourth wall closes in and they are trapped by their own good intentions. Reasonable instructions will be followed by reasonable people, until they realise that some in positions of power and control abuse their positions of authority. I fear that 1984 has become an instruction manual, rather than a precautionary tale.

3. Truth depends on perspective and experience.

When determining a definition of what is fact or not a fact, we can consider the parable of the Blind Men and the Elephant. When they investigated to decide what the elephant was, several blind men make several different statements, depending upon their perspective. Each man said something different – it's a snake, a wall, a tree, a rope! All of these statements are true for the one speaking, yet none are correct as a whole.

In recent years, there no longer seem to be any legitimate public debates. A debate should be an open, frank argument on a given topic where all sides of an issue are discussed and questioned without fear of reprimand, scorn, or ridicule. In my debating experience, when an opponent resorting to personal attacks by ridiculing an individual rather than answer or address the question at hand, it usually means they cannot or will not answer, so they resort to demeaning a man or a woman rather than reveal their inadequacies. There have been thousands of experts silenced in the public arena and banned on social media and You Tube to limit the 'information' being fed to the public. This is alarming.

4. Truth changes with time

Hopefully, these words and terms need little explanation:

Thalidomide

DDT

Agent Orange

Doctors recommended 'healthy' cigarettes 1920's to 1950's

Asbestos

Greenhouse effect

Here are some terms which may well be the Thalidomide of the next decade:

5G

Covid 19 vaccines

Neuralinks

Bio-convergence

Climate change

5. If this Bill passes, will you admit that we are not living in a democratic society?

I pose this question as most countries associated with controlling the opinions of their population tend to be found in nations such as China, USSR and Nazi Germany. The regimes who historically institute control over information and opinion tend to be totalitarian by nature, whether called Communism, Stalinism, or another Statism.

“I’d rather have a question that can’t be answered than an answer that can’t be questioned.”

When we can longer question the nature of any issue, there is no democracy or freedom.

Anonymous (Often attributed to Richard P. Feynman)

“I think it's much more interesting to live not knowing than to have answers which might be wrong. I have approximate answers and possible beliefs and different degrees of uncertainty about different things, but I am not absolutely sure of anything and there are many things I don't know anything about, such as whether it means anything to ask why we're here. I don't have to know an answer. I don't feel frightened not knowing things, by being lost in a mysterious universe without any purpose, which is the way it really is as far as I can tell.”

Richard P. Feynman

The very nature of being a man or a woman is to question. We question everything. Who are we? Where do we come from? Where are we going? What are we doing here, now? When we dare to question, we seek the answers from a range of sources, and this Bill has the intention of restricting our right to access a range of information from a range of sources. This effectively treats adults as minors, censoring our every thought, opinion and/or action. How far does the censorship extend? How can we make informed choices and opinions when you seek to restrict the data which helps to form our choices and opinions? This is clearly an attempt to guide our opinions and choices. This type of censorship is not welcome, anywhere.

Whilst it is encouraging that you claim you will not attack individuals or breach the Privacy Act, how can we trust the government with any form of censorship after the way people have been reviled and demeaned in the last few years for sharing their own opinions?

In my opinion, this Bill is treading dangerous ground considering the broad scope with which it attempts to control the opinions of the people under a masquerade of caring for their safety and the safety of our economy.

In conclusion, I will draw your attention to the Universal Declaration of Human Rights, to Article 1 and Article 19 as quoted below. We are each born equal, with a right to free expression of thoughts and opinion, with no one person or entity above any other. Please explain how is it possible to “hold opinions without interference and to seek, receive and impart information” when another party strives to contravene our natural rights by regulating information WITHOUT OUR KNOWLEDGE OR CONSENT?

Article 1 of the Universal Declaration of Human Rights

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 19 of the Universal Declaration of Human Rights

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. (e)

Please take great care in determining whether this is a lawful, righteous Bill which protects our Creator-given rights or whether it is merely a ploy to concentrate power and control in the hands of those who may abuse such a privilege, as evidenced throughout history.

By: Lyn: Mangan
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- (a) Oxford Dictionary of English, 3rd Edition 2010, P 1131 Column 3
- (b) Oxford Dictionary of English, 3rd Edition 2010, P 503 Column 2
- (c) Oxford Dictionary of English, 3rd Edition 2010, P 503 Column 2
- (d) “The perils of legally defining disinformation”, Ronan Ó Fathaigh, R.F.Fahy@uva.nl, Natali Helberger, Naomi Appelman, University of Amsterdam 4th November 2021DOI:
<https://doi.org/10.14763/2021.4.1584>
- (e) Universal Declaration of Human Rights <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>