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Address withheld.

**Submission in response to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 No. , 2023 (The “Bill”)**

To whom this may concern,

I hereby lodge my response to the abovementioned Bill in regard to combatting Misinformation and Disinformation on online platforms and outline my concerns with the application of the proposed legislation.

This Bill presents a number of concerns in its scope and potential applications and future consequences for all Australians and their children. The Bill has the potential to cause great harm to Australia if it is to come into law.

First of all, the Government will allow itself within the Amendments (see Schedule 1) under Schedule 9, Part 1, section 2, that content produced by government at all levels (Commonwealth, State and Local) and any organisations authorised or accredited by the Government will be “excluded content for misinformation purposes”.

*In layman’s terms, this means that the Government will be able to say and do as it sees fit, with no danger of consequence under this Bill.*

If, for example the government was to endorse, order or otherwise coerce the public into taking an action that was not in their best interest financially or for their health, it would be absolved of any responsibility. Given the current economy including the strain on young families in particular and in many cases novel health issues now facing Australians in the wake of the last three years, this is very concerning.

It is also concerning that under this Bill that intent would be considered a factor and it is within the scope of the Bill that intent could be decided by Government rather than the originator of the content.

The following points directly address the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023—Fact sheet*, available at <https://www.infrastructure.gov.au/sites/default/files/documents/communications-legislation-amendment-combatting-misinformation-and-disinformation-bill-2023-factsheet-june2023.pdf>

The following is an analysis of the information contained in under the section titled “Serious harm”, with the original text appearing below in Italics.

*“The proposed powers will only apply to misinformation and disinformation that is reasonably likely to cause or contribute to serious harm. The matters that are relevant to determining whether the content is reasonably likely to cause or contribute to serious harm are outlined in section 2.1.2 of the Guidance Note to the Bill, and clause 7 of the Bill.”*

The determination of whether a statement is misinformation or not would be subject to the discretion of the Government. This is especially dangerous as it will likely consider the Government the arbiter of truth. As mentioned above, the government will have no incentive to avoid misinformation itself, as it has excused itself from consequences.

The table below is reproduced from the Fact sheet, with the original content presented in Italics and the addition of comments presented in a third column.

| <b>Type of harm</b>   | <b>Example of serious harm</b>   | <b>Example of past or present misinformation or disinformation</b>   |
|---|--|--|
| <b><i>Hatred against a group in Australian society on the basis of ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability</i></b> | <i>Misinformation about a group of Australians inciting other persons to commit hate crimes against that group</i>                 | It could be argued that the concept of “racial privilege” as commonly claimed by Australian media and in educational institutions, including the publicly owned ABC would likely be causing resentment against a group of Australians which may lead to hate crimes as defined under the <i>Racial Discrimination Act 1975</i> .   |
| <b><i>Disruption of public order or society in Australia</i></b>  | <i>Misinformation that encouraged or caused people to vandalise critical communications infrastructure</i>                         | It could be argued that a race-based referendum to give additional systemic power to one race over the others is fuelling greater divisions within Australia, with activists on the affirmative side suggesting the likelihood of civil unrest if the proposed amendment to the constitution is not passed.  |
| <b><i>Harm to the integrity of Australian democratic processes or of Commonwealth, State, Territory or local government institutions</i></b>  | <i>Misinformation undermining the impartiality of an Australian electoral management body ahead of an election or a referendum</i> | The designation of ideas inconvenient to the party in power as “misinformation” could prevent or seriously curtail political discourse among the voters and potentially stifle political parties.  |
| <b><i>Harm to the health of Australians</i></b>   | <i>Misinformation that caused people to ingest or inject bleach products to treat a viral infection</i>                            | <p>The coercion and force applied by Government to Australians to “stay at home for safety” in 2020 and 2021 had measurable negative effects on health, both mental and physical. The resulting economic issues stemming from the damage to small businesses caused healthy food options to become more expensive and therefore less affordable to a greater number of Australians, damaging to their health more so than the total number that may have ingested or injected bleach or suffered harm from alternative treatments.</p> <p>The treatment offered and coerced upon Australians by government and corporations for this virus was officially touted as “safe and effective”. It proved not to be effective as those that had accepted the treatment were still able to contract the virus, become symptomatic and spread the pathogen to others, thus rendering it ineffective.</p> |

| Type of harm  | Example of serious harm  | Example of past or present misinformation or disinformation  |
|---|--|--|
|   |  | <p>[REDACTED] thus bringing the safety profile into question. See the official TGA statement here: <a href="https://www.health.gov.au/our-work/covid-19-vaccines/our-vaccines/astrazeneca">https://www.health.gov.au/our-work/covid-19-vaccines/our-vaccines/astrazeneca</a></p>   |
| <p><b>Harm to the Australian environment</b></p>  | <p><i>Misinformation about water saving measures during a prolonged drought period in a major town or city</i></p> | <p>It could be argued that “renewable” energy ventures that involve the large scale clearing of natural habitat critical to the survival of threatened and migratory species and threatened ecological communities, and with the potential to affect downstream wetland and marine habitats are not in the interests of the Australian environment. This is especially true when coupled with the economic fallout such as offshore manufacturing of components, which transfer money from the Australian economy to foreign interests, not to mention the constant requirement for mining of raw materials and high carbon inputs for production of these components. Constant manufacturing and replacement of concrete supports, fibreglass, copper, magnets, resins and other inputs require mining of sands, petrochemicals, ores and production of cement are therefore inseparable from “renewable” energy.</p> |
| <p><b>Economic or financial harm to Australians, the Australian economy or a sector of the Australian economy</b></p> | <p><i>Disinformation by a foreign actor targeting local producers in favour of imported goods</i></p>              | <p>The forceful and often militant blocking of the economy on the Commonwealth and State levels, particularly in 2020 for the purposes of “protecting Australians” from a virus which, from the start was accepted that all Australians would eventually contract and most would fully recover from has left the economy heavily affected with the greatest pressure on young families by rising living costs and soaring interest rates which have left an increasing number homeless, or at the very least in a worse situation.</p>   |

| Type of harm | Example of serious harm | Example of past or present misinformation or disinformation   |
|--------------|-------------------------|---|
|              |                         | The making of any promise by government which is not able to be funded with existing finances is economically detrimental to Australians by way of inflation and compensatory measures such as raising of interest rates. |

As demonstrated above, it may not be wise to vest trust in the state to handle matters pertaining to what constitutes misinformation or disinformation or otherwise.

It is also particularly concerning that the Bill suggests that the misinformation – by extension the originator of the alleged “misinformation”, is to blame rather than the perpetrators of acts. This is exemplified in statements such as *“Misinformation that encouraged or caused people to vandalise critical communications infrastructure”* and *“Misinformation that caused people to ingest or inject bleach products to treat a viral infection”*. This viewpoint assumes that the public are utterly incapable of thinking for themselves, and that a statement or idea will force them against their will to do harm to themselves or others. In other words, it absolves persons of any kind of personal agency, yet at the same time applies total agency to the person who may be sharing an opinion in good faith – whether they themselves are misinformed or perhaps correct at the time and yet to be vindicated. Could it be that the fear of the virus, as perpetrated by the media and government in the first place put a section of the population in a state of fear which made them more amenable to harmful alternative “treatments?” When government is not forthcoming in admitting fault for misinformation it disseminates, the likelihood that members of the public will believe more extreme and dangerous conspiracy theories is greatly increased.

In conclusion, the right to access information and opinions **must** be preserved as democracy cannot exist concurrently with limited or controlled access to information, especially considering that misinformation is best dealt with openly and publicly. Removing personal agency and decision-making ability from some and applying it to others is also remarkably unjust and cannot be policed fairly or effectively at all, especially as official viewpoints change and evolve with new data as we have seen, particularly since 2019. As this is currently a Bill not passed into law it is outside the scope and ability of the Commonwealth government to have such control over the expression of opinions, whether correct or incorrect by the citizens of Australia who fund this institution to act primarily in their interests. The truth will always surface eventually no matter how thoroughly it may be suppressed in the moment, which is why this Bill is at best ineffective or at worst a decisive leap towards a dystopian nightmare.