

RE: New ACMA powers to combat misinformation and disinformation

To whom it may concern,

I write to express my concern about the proposed legislation intended to give the ACMA new powers to combat online misinformation and disinformation. I see this legislation as not only unnecessary, but contrary to the principles outlined in our constitution, and dangerous to the freedom and liberty of the Australian people.

To begin with, the fact that this legislation is even being proposed betrays a lack of trust in the Australian people, and a belief that they do not have sufficient discernment to know truth from falsehood. We are not a nation of children who need to be spoon fed information that has been filtered and sanitised – we are adults who are quite capable of doing our own research and forming our own opinions based on the available information.

I am concerned that this legislation is purely negative in nature and will restrict the freedoms of the Australian people, stifling their free speech. It would be preferable to introduce measures which will educate people in the detection of misinformation and disinformation. This will increase freedoms, rather than restrict them, and will encourage open discussion of current issues. If you treat people as children, you can expect them to behave as children. If you show a lack of trust in the people, you can expect a lack of trust in government institutions in return.

There is also a strong element here of “the fox guarding the hen house”.

The Australian governments and their bureaucracies, at both state and federal levels, have shown themselves to be purveyors of misinformation and disinformation over the period of the COVID scare. To make matters worse, they undertook to censor opinions which were actually accurate and factual, calling them "misinformation". It seems very unwise to grant them wider powers when they can't be trusted with the powers they already have.

The Australian Constitution exists to protect the rights of the people and keep the government's powers in check. This legislation is thus working against the constitution - undermining the right of free speech while increasing the government's power to misinform and disinform. While I recognise that free speech is not a guaranteed right in Australia, it is a foundational principle of Western democracy that should be treasured and protected.

Regarding the content of the legislation, it uses the vague term "hatred", without providing a definition of what this means. Hatred is a subjective concept and means different things to different people depending on their level of sensitivity, psychological disposition, and many other factors. Such an inflammatory word needs a detailed definition.

The legislation seeks to avoid "harm to the health of Australians" - yet this is also a subjective measure. There is no single authority on what constitutes good health, or what constitutes health misinformation. Over the past few years even the AMA has proven itself to be little more than a mouthpiece for the pharmaceutical industry, along with regulatory agencies such as the TGA and

AHPRA. Indeed, our government has been a purveyor of much health misinformation and cannot be trusted as an arbiter of truth in this matter.

The wording of the legislation is frequently subjective. For example, Section 2(e) says "...the person disseminating, or causing the dissemination of, the content intends that the content deceive another person." Legally it is very difficult to prove intent. People will often share information with good intentions which later proves to be false, and will happily remove it themselves if notified of this.

Legislation of this type will also disadvantage smaller social media companies, by requiring them to monitor more carefully the information their services carry, and so incurring additional costs. A large company can absorb these costs, a smaller one often cannot. This will decrease competition in the social media field, and so reduce consumer choice. This, in turn, will reduce consumers' ability to hear a variety of views on different subjects and accurately judge what is true.

Considering the above, I believe that this legislation is not only unnecessary, but is likely to be harmful to the wellbeing of our country and its people, especially in a time when trust in our government and its agencies is very low.

Thanks for providing this opportunity for us to have input regarding this legislation.

Sincerely,

Bill Stolk

Co-signed:

Marion Stolk

Kira Stolk

Madeleine Stolk

Agatha Stolk