

Parliamentary Submission – Combatting Misinformation and Disinformation Bill

I write in regards to the Government's plan to impose measures to restrict the voice and expression of Australian citizens and residents through arbitrary determination of the veracity of information via the proposed above Bill.

The core issues pertaining to this Bill is that it not only restricts but fundamentally removes freedom of speech (an implied Constitutional guarantee), being a philosophical tenet of Australia as a Western liberal society.

The Bill is vague in its definition of what constitutes 'misinformation' and 'disinformation' and allows unbounded capacity for the application of impulsive and discretionary judgements. The Bill also provides undefined breadth and scope for application on the narrative and detail of any subject matter from this time forwards of which the Government of the day, its agencies, international partners or organizations seek to enforce. This runs counter to the principle of transparency and deems that the public be consulted with an official message on a 'what you need to know only' basis.

It also allows for the dismissal of accountability by outsourcing the determination of 'truth' to the regulatory authority, the Australian Communications and Media Authority (ACMA) to impose sanctions on digital providers and users of platforms. The inevitable result and I suspect, intention will be that ACMA's determination of truth and approved narratives on important issues do not depart from the messaging objectives decreed by the Government.

The proposed legislation provides for a dominion of absolute arbitrary power for potential selective use (and abuse) to approve only sanctioned information for sharing with opinion or commentary. This disables that once cherished ideal of considered debate within a robust democracy and runs counter to Western liberal principles that have been the basis of Australia's public sphere of open communication once demonstrated with pride by the publicly funded broadcaster, the ABC.

As has happened through history inconvenient truths have been in the past silenced only to be recognised as having a basis in fact years or decades later e.g. The health dangers of aspartame, safety of materials, medicines, building products etc., or wars against foreign nations based on incorrect evidence, such as Iraq's non-existent arsenal of WMDs when at the relevant period of time viewpoints that were contrary to the assertive presentation of information by Western Governments were deemed as mis-information.

If Government were to have powers provided by passage of this Bill, in a future similar scenario to the above example (i.e. at a time of war or military engagement) any person expressing an opinion contrary to the sanctioned official narrative with information on media platforms would likely be deemed as sharing misinformation and potentially accused of 'siding' or 'aiding the enemy', maybe even then deemed an 'enemy combatant'. Even if that person's desire was not to see half a million innocent people murdered on a false premise and for wider strategic and geo-political intentions.

Similarly, ACMA already pre-supposes misinformation in its study recommendations as being from supporters of particular groups using judgemental and discriminatory labels and tags rather than any critical argument. Already ACMA has shown its impartial stance and displayed how it will operate with pernicious judgement if and when given the powers under this proposed Bill. Fair and open debate and critical argument with arbitrary definition of the 'facts' will be the forever normal.

Rather than being binary positions on issues there can a range of diverse perspectives based on various sources of information that provide a far more nuanced interpretation on matters with deeper intellectual consideration calling for critical thinking skills than the simple narrative echoed across corporate major media or government media channels presenting a black and white, 'we

good, they bad' contrast. Where if one disagrees with the majority view then one is derided with name calling label abuse. Is that a democracy? Where expression of a diversity of view is forbidden?

Life under this proposed legislation would mean that an opinion such as 'Australia has become a police state / totalitarian society' if shared on digital platforms would be regarded as mis/dis/information. Like the alcoholic who if confronted by a partner, friend, counsellor etc. about anger management problems arising from his drinking issues responds with violence to the concerned person and continues on drinking. ACMA and the Government of the Day will become the alcoholic, drunk with power to keep the household under control, or rather, "safe". To preserve democracy. Or the dangerous addiction. Depending on one's perspective.

"The digital platforms will self-censor to avoid the big fines, and in the process, it is very likely that the legitimate views of Australians will be shut down," the Shadow Communications Minister Mr Coleman said. For the record I am not a Liberal/National Party voter. The critical focus should be that this will indeed occur. Call it dis-incentivization, fear of penalty, or effectively psychological 'nudging'.

Lastly this Bill appears to operate according to the principles of discrimination by exempting the Government media and major corporate media. What is the premise underpinning such exemption? Would that be based on assumption? Or is it the case that the Government only ever expresses truth via State media or corporate media channels? Always good while many citizens bad? That simple binary narrative so often employed. To place a firm boundary, an iron curtain, a 'Berlin Wall' on information, if you wish dividing accurate information and other inconvenient journalism, data, information, peer reviewed published studies which in recent experience has been labelled DISINFORMATION / MIS-INFORMATION.