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Public submission to the committee regarding the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill, 2023

In the capacity of a private Australian citizen, I wish to register my strong objection to all of the legislation proposed in the government's Combatting Misinformation and Disinformation Bill, 2023. In my submission I shall often refer to it as "the bill" or "the censorship bill."

Have you read the famous novel "1984" by George Orwell? If not, you really should, but mind you, it ought to be read as a fictional novel, not as an instruction manual for how to govern a country!

The Australian government constantly boasts about the freedom and robust democracy of our country and compares it favourably to the terrible autocracies of other countries such as China and Russia.

Absolute free speech and freedom of the press are essential components to our democracy and any democratic society must have those components firmly in place, otherwise it cannot be called a democracy. If free speech and freedom of the press are limited to only approved content then of course the public cannot be completely and correctly informed, because they will know only part of the story with crucial parts missing, or not even know that the story ever existed. The story would just disappear down the memory hole, never to see the light of day.

Absolute free speech with the information and knowledge it brings to society, is an essential prerequisite to the main cornerstone of democracy which is the ability of the public to hold governments to account. Without correct information or sometimes no information at all on key events of public interest, the public cannot have a well informed opinion or even have an opinion at all, with which to hold governments to account in the first place. Democracy will then disappear yet the public will be none the wiser. Such is the insidious nature of the proposed legislation in the bill.

We cannot claim to support free speech as democracy mandates if we, at the same time selectively suppress it. As Noam Chomsky eloquently put it, "if we do not allow free speech to those whose opinion we vehemently oppose, then we do not believe in free speech at all." One cannot, as the bill says "balance freedom of speech." That is newspeak for controlling free speech. The proposed legislation in the bill, through censoring free speech will effectively neuter democracy, leaving behind just a superficial veneer. It would be more honest to name the bill, The Social Media Censorship Bill.

The mainstream media who is exempt under the proposed legislation from their content being considered to be dis- or misinformation, constantly remind us in their promotion advertisements that they are trustworthy and reliable sources of news of public interest. Yet experience constantly proves that the opposite is true. Sometimes they lie directly, but mostly they deceive through use of deliberate misleading language and by deliberately omitting key facts in the story. That causes the unsuspecting, non critical, trusting public to have an opinion that is opposite to that which they would otherwise have if the story was presented accurately and completely. As such, the role of the mainstream media in society is, contrary to popular belief, not to inform, but to control and manipulate public opinion at the behest of governments and corporations that is, the ruling elite. The claims of Weapons of Mass Destruction (WMDs) in Iraq is a classic and well documented example of such a lie. Yet rather than learn from their lies being exposed, the mainstream media and the governments that use the mainstream media to spread lies and propaganda, have become more emboldened because there are never any consequences for those who are lying in favour of

the establishment narrative.

In contrast, the independent and alternative media, of which there are many, use social media platforms to tell the rest of the same stories, being the parts that governments call dis- and misinformation that are deliberately omitted by the mainstream media, and or to present a contrasting viewpoint to the establishment narrative. In contrast to that of the mainstream media, their role in society is to provide for much better informed public opinion so that the public know more about what their governments do in their name with their tax payer's money, especially when it comes to matters of foreign policy. The public use that more accurately informed opinion to hold governments and corporations to account, that is to say, the public use it to practise democracy. The censorship bill does not support democracy, it suppresses it! When one compares the same story being presented by the both mainstream and independent media, it quickly becomes apparent that the public is being deliberately misled and even betrayed by its own government and by the mainstream media.

Contrary to what the government and mainstream media would have the public believe, it is the mainstream media who are by far the main purveyors of the worst kinds of dis- and misinformation which cause the worst kinds of harm. For example, the kind of dis- and misinformation that manufactures consent from the public for war with consequences resulting in the deaths of hundreds of thousands of civilians, such as the war in Iraq called Operation Iraqi Freedom.

If the legislation proposed in the bill were applied in the context of Iraq WMDs, would the claims of WMDs be called dis- or misinformation? And would the horrific consequences of that lie, being war with Iraq resulting in the deaths of several hundred thousand Iraqi civilians be called harm? Well, perhaps not because the bill explicitly exempts any government communication, of any level of government from being considered dis- or misinformation and also conveniently exempts the mainstream media (professional news content and authorised electoral content) of the same. In effect, the bill makes for any lies coming from the government and the mainstream media, to be automatically converted to being the "truth." Conversely, any truths that are inconvenient as they may undermine the establishment narrative, (oops! I mean undermine democracy - sarcasm intended) such as claims with evidence, from highly credible people such as Hans Blix, Scott Ritter and Andrew Wilke etc., that the WMD's did not exist, may be deemed by the Ministry of Truth (the Australian Communications and Media Authority (ACMA)) to be disinformation or misinformation. The Albanese Government wants to do this of course, as the Honourable Communications Minister Michelle Rowland claims, to keep Australians "safe" on-line. She also says 'Mis- and disinformation sows division within the community, undermines trust...' Well yes, she is correct. Opposing opinion (to that of the government's) does indeed sow division and such is the nature of democracy. Would it be better if everyone had the same opinion? Being the same as the government's opinion? I suppose it would make for a more controllable (oops ! I mean harmonious) society wouldn't it. '...and undermines trust' In the government? Surely not! I suppose the bill would cure that problem too, through effectively deeming all government communication at all levels as being the "truth" as well as through preventing any dissenting opinion, deemed to be dis- and misinformation, from ever appearing on Social media platforms, as it used to (throwing it down the memory hole), by means of threats of huge fines for the corporate owners of the platforms. No more division and no more mistrust of government. Everyone will be happy knowing that Big Brother is looking after them, keeping them safe from dis- and misinformation. Furthermore, the social media platforms will play their crucial role in keeping the public "safe" because they know that Big Brother will be watching them! All truth will come from Big Brother and no one else! Would Australians welcome such a new kind of Orwellian society? Or would they even be aware of it!

In order to sell draconian policy to the public, it is often essential for governments to employ the tactic of manufacturing a fictitious enemy and or threat which we must all be afraid of and protected

from. Under the guise of keeping the public "safe", often called "national security," governments use that "threat" to dupe the public into willingly accepting policy that they would not normally accept, if not for the "threat." Such policy for example may include outrageous military expenditure (Eg. \$368 billion on nuclear powered submarines) which could be instead spent on community needs, and policy allowing more government secrecy and surveillance of its citizens and of course, policy to silence dissenting voices including even jailing them as in the case of Julian Assange, and or accusing them via the mainstream media, of working for the fictitious enemy. In the case of "The Combatting Misinformation and Disinformation" Bill, the "threat" is the deliberate and gross exaggeration of the "harm" that may be caused to society from mostly bogus "mis- or disinformation." If the government considers a posting of information on social media to be genuinely false, and serious enough to cause harm to society as opposed to harm to the establishment, then the proper and democratic method to combat the false information is to explain to the public why the information is false and allow its validity to be publicly debated. If the government cannot do that, it is because the dis- or misinformation is instead, inconvenient truth. The government proposes to combat inconvenient truth in the only way it can, through censorship. Without the "threat", the policy would be much more difficult to sell because it would be seen for what it is, that is, censoring free speech which is a repugnant concept and condemned in a democratic society. It is only the terrible autocracies, the ones that we the sanctimonious, call regimes or rogue states ruled by brutal dictators, that do that, isn't it? This evil practice of manufacturing and demonising a fictitious enemy and subsequent threat is discussed by Frank and Melville (1988) in their paper "The Image of the Enemy and the Process of Change." They state 'The image of the enemy is not only very dangerous for the stability and security of international relations but leads to highly negative consequences for the domestic life of countries. This happens because the hysteria about the outer threat is often used as justification for secrecy and suspicion, covert actions, policies creating "mobilized" societies, artificial national unity, "witch hunts," and policies suppressing dissent, all ignoring domestic problems and distracting attention from them. By projecting the blame for these on the enemy, each side protects its own self-esteem from the realization that it has been unable to solve its own problems.' Does that sound something like what is happening currently?

Among the latest images of the enemy emanating from the mainstream media is "the rising threat from China." One such example is The Sydney Morning Herald newspaper's front page article titled "Red alert: War risk exposed" with a large image of war planes flying out of China towards us, the peace loving "good guys", which has been justly and widely condemned as being war mongering propaganda by many such as Paul Keating and others. Another example is the Sixty Minutes TV presentation with the especially Orwellian title "Weapons for Peace" which attempts to justify the obviously provocative (to China) US military war preparations in the South China Sea under the guise of maintaining peace and stability in the region and, upholding the International Rules-based Order (which is arbitrary and not internationally agreed upon). War is Peace! Does that sound familiar? The sources of such modern day McCarthyism which inform the mainstream media, the government and in turn, government policy are typically the "think tanks" usually named institutes, that are largely funded by corporate and government sponsored organisations with commercial and hegemonic agendas. The most notorious and prolific source of such McCarthyist lies, especially on "the rising threat of China" is the Australian Strategic Policy Institute (ASPI) which the mainstream media frequently cites and consults when reporting in that context. It should be mentioned, although the mainstream media almost never does, that ASPI's funding comes from foreign governments including the US, notably the US State Department, the UK, Canada, the Netherlands and Japan and from or has come from weapons manufacturers and military suppliers including Boeing, Lockheed Martin, Northrop Grumman and Raytheon (US), Thales (France) and BAE Systems (20-21) (UK). Such kindheartedness and altruism!, especially from the good weapons manufacturers. They obviously like what ASPI does. I thought we didn't like foreign interference!

The government is also very sensitive to inconvenient truths being exposed even by their usual ally, the mainstream media, especially those about classified state secrets of public interest such as war crimes and covert operations etc. The government's fear of, and consequent zeal to silence such truths is evidenced during recent years by the actions of the Australian Federal Police (AFP) in raiding the ABC head office in Ultimo, Sydney in 2017 as a result of former Australian Army lawyer David McBride providing information about alleged war crimes in Afghanistan by Australian Defence Force personnel. Another example is the AFP raiding the Newscorp journalist Annika Smethurst's home in 2019 after she published an article exposing a plan by the Australian Signals Directorate to spy on Australians, in order to try to find her source of the information. Both incidents caused considerable backlash from the public and the media, which arguably saved both from prosecution. That would not be a good look in a democracy.

Of course social media has much dis- and misinformation, which is a natural reflection of society. It also contains much valuable truth that exposes government and corporate lies, corruption and malfeasance which the mainstream media refuses to expose. The bill is designed to prevent such inconvenient truths from appearing in social media in the first place, which is to suppress free speech. While no reasonable person would welcome "harm" such as the vandalism of 5G towers which the bill gives as an example of, the consequences of suppressing free speech on the internet is far more harmful to society and to democracy than any potential "harm" caused by false information on the internet. This is essentially why the First Amendment of the Bill of Rights in the US constitution states 'Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.' It is also why Article 19 of the 1948 Universal Declaration of Human Rights states '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.'

Truth is not necessarily easy to determine. Apart from true simple facts that are universally agreed upon, truth is open to interpretation and debate based on many factors such as depth of knowledge, perspective and experience, all of which vary and can even change the truth to non truth status as new information emerges. In many cases truth is not stable. This is especially the case when truth is of a political nature or has political consequences and determining such truth is also almost always influenced by motive and agenda. As such, there is no way that a faceless platform service provider with no accountability to the public nor in the case of the ACMA, accountability to the government or the public, can be even capable of, let alone trusted to accurately or responsibly determine what is true and what is not. The fundamental serious and worrying problem with the proposed legislation is that truth, will be determined arbitrarily by the platform service providers and ultimately by the ACMA and their determinations will not be subjected to public scrutiny. There will be no one to check the fact checkers. Only big brother will determine the truth. Given the close relationships of the collective western governments, especially those involving the Five Eyes Intelligence Alliance and the AUKUS Agreement, along with the influence from foreign government funded think tanks such as ASPI etc., which inform government policy, it is safe to assume that it will not only be Australia that determines what is "safe" content or "truth" and also that the truth determining process will be politically influenced.

The other very concerning aspect of the proposed legislation is that the ACMA will demand that social media platform service providers collectively make a compulsory code of practice on how to determine if the content contains dis- or misinformation or not (the truth status), but deliberately give those service providers only vague definitions of what dis- and misinformation and harm actually are. Of course this will make the task for the service providers impossible to do in a fair, reliable, accurate or responsible way. Without specific universally agreed upon definitions of truth, which there cannot be, due to the typically slippery and subjective nature of truth, the service

providers will have to always be in tune with current government policy and thus be also sensitive to what governments like or dislike to be communicated and make their best guess of what constitutes truth or non truth accordingly, in order to avoid extremely heavy fines imposed on them by the ACMA. In order to protect themselves, service providers will need to prevent a very broad range of communication, which they "think" governments "might" not like from appearing on their platforms, especially that of a political nature. The censorship could therefore actually be much more broad than even intended by the government, as the providers will have to guess what might be dangerous for themselves financially and be extra careful, censoring more content than even intended.

The bill states that the ACMA will not have the power to request specific content or posts be removed from digital platform services. Is that to give the appearance to us dummies, that they will not be actually censoring content? Actually as just discussed, they won't need that power because under the proposed legislation, the content will not appear on social media websites in the first place. Due to the vague and therefore broad definitions of what actually constitutes dis- and misinformation, the platform service providers will, in order to comply with the code, need algorithms in place to prevent anything remotely resembling dis- and misinformation from appearing. One won't even have the opportunity to complain about the government censoring social media content, because there won't even be any evidence, because the content will have been removed in advance of appearing on social media websites. Isn't that brilliant? Or utterly sneaky! That is the memory hole from "1984."

The government does not want a well informed public. Instead it wants the public to only think they are well informed by the mainstream media. By controlling information and consequently public opinion, the people are also controlled. This makes government policy, especially foreign policy, easier to implement with much less public opposition. The rising popularity and influence of independent and alternative media offering counter narratives on social media platforms is causing the public to be much better informed with knowledge that they would not otherwise receive. Of course, for the reasons explained, the government would see that knowledge as highly undesirable and an obvious threat to their authority and power. Hence the true motive behind the proposed legislation in the bill, is not to keep the public "safe" on the internet but rather to keep the government safe from public scrutiny and ultimately safe from the public themselves, who also vote.

For the reasons discussed, the dishonest and Orwellian agenda behind the proposed legislation in the "Combating Disinformation and Misinformation" bill must be recognised, and the bill condemned and entirely rejected. There must never be any laws that regulate truth. None of the proposed legislation must ever be implemented, for if it is, Australia cannot be described as being a democratic country.