

I am writing in response to the ACMA's request for feedback on the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (the Bill).

I strongly oppose these amendment for several reasons, which I will outline below.

For a start, how will "misinformation" be defined, and by who?

Is ACMA aware that a lot of what was defined by governments, the mainstream media and "fact checkers" as "misinformation" early in the covid pandemic, is now accepted to have in fact been true, and or plausible?

The best known example of this was the "Wuhan lab leak" theory of the origin and spread of the covid virus, which was heavily censored on social media by Big Tech in 2020.

Another example of "misinformation" that wasn't, were social media posts in 2020 and 2021 that claimed that government covid response measures like lockdowns, the use of face masks, social distancing, and test and trace were ineffective or based no hard evidence, with many of these posts citing statements by doctors and scientists who opposed the prevailing narrative.

Again Big Tech, often at the behind the scenes urging of governments, we now know, censored many such posts and claims.

But on 10 July this year, an independent 127 page report title report titled '*Report for the Scottish Covid-19 Inquiry*', commissioned by the Scottish government, was published on the government's covid response. It was written by Dr Ashley Croft an expert in epidemiology and infectious diseases.

It's conclusions? The following are from page 73 and 74 of the report:

*In 2020 there was scientific evidence to support the use of some of the physical measures (e.g. frequent handwashing, the use of PPE in hospital settings) adopted against COVID-19. • For other measures (e.g. face mask mandates outside of healthcare settings, lockdowns, social distancing, test, trace and isolate measures) **there was either insufficient evidence in 2020 to support their use – or alternatively, no evidence; the evidence base has not changed materially in the intervening three years.***

Dr-Croft-epidemiology-report.pdf (covid19inquiry.scot)

According to an article in the Canberra Weekly, “Misinformed? Why Aussie doctors are rejecting Labor’s online censorship bill” (Aug 18, 2023): A *[fact sheet](#)* on the draft Bill says that decisions will be made by “fact checkers” and other “systems and measures” put in place by online platforms.

Will these be the same “fact checker” organisations that declared the Wuhan Lab leak theory “misinformation” early in the pandemic? Once again, will we have Arts Graduate journalists with no education in science, “fact checking” articles written by doctors and PhDs in medicine that have been posted on social media?

Another reason for opposing the amendment is that even if genuine “misinformation” can be identified on social media, the use of censorship to control it is anathema to the principle of free speech, which I thought was fundamental to democracies in the West, and what distinguished us from authoritarian regimes.

To deal with misinformation, why not simply counter this by publishing information that points out whatever fallacies are found in the identified misinformation?

In addition, as no doubt you are aware from the submissions received, some legal and medical groups such as AMPS and the Victorian Bar association who have examined the proposed legislation have grave concerns about the amendment and therefore oppose it.

Moreover, I note that the bill will exclude government departments and officials, and the mainstream media, from its ambit. Given that both have been guilty of spreading such misinformation as “the covid vaccines stop transmission” in the past, causing massive harm to those who lost their jobs due to refusing a vaccine that it turned out did not protect others around them, I find this utterly hypocritical.

You may call me cynical, but this “misinformation bill” seems to be a thinly disguised attempt by the government to silence and punish its critics, and prevent the public from becoming aware of the massive incompetence and harms of its covid response, and that of the state premiers.

Yours sincerely,

Kim Skeltys