

The proposed new laws and powers given to the ACMA will be detrimental to the civic life of Australia and will make the problems associated with disinformation worse, not better. As such they should be scrapped completely.

Free and open communication is one of the necessary pre-requisites for democratic government. If the citizens are no longer free to openly discuss and consider the views of others, and also importantly publish their opinions for others to discuss and consider, then people are unable to make a full and informed choice about issues that affect them. The saying that “democracy dies in darkness” is in this case true. Due to the vague nature of these laws and what may be considered disinformation, they will undoubtedly have a chilling effect on political discourse in Australia, and severely limit the range of acceptable topics. Speech codes such as the ones proposed discourage people from expressing or publishing anything controversial under the fear that it may be labelled “disinformation”. It is also likely that a number of open public forums may simply cease to exist, as comment sections on websites and other places where people engage in necessary political speech are shut down due to fears that they will be targeted with excessive punishments. This will leave many in the community without a public voice in political debates, making Australia significantly less democratic. It is ironic in this sense that the current Labour government is advocating for change to the constitution to grant an Aboriginal voice to parliament, while at the same time the government is acting to effectively remove the political voice of many in the community. Some of these people are the same Aboriginal people that the voice is supposed to serve. The voice will be made all the more ineffective if Aboriginal people cannot effectively raise their concerns to the voice body.

Another significant concern with these proposed laws is that the government of the day will simply declare anything they find unfavourable to be disinformation. It seems from the legislation that one of the main criteria for disinformation is whether it is likely to cause some sort of supposed harm, not whether the statements are in fact true. This opens the possibility that the government or its agencies will deem unflattering but reasonable facts or opinions as disinformation. The Australian people should have the right to hear from all sides of a debate and make up their own minds on what is the correct statement. The role of government is not to decide what people are allowed to believe.

A good example of this concern occurred recently with the question of the nature of the Uluru statement from the heart, and whether this document is technically 1 or 26 pages in length. The Albanese government has asserted that it is one page, and that suggestions to the contrary are some sort of Q-Anon type conspiracy theory. This statement is itself likely disinformation, as the claims of the Q-Anon theory, at this point demonstrably false, have nothing to do with the question over the length of the Uluru statement from the heart. It is reasonable to assume that, given the power, the government would move to have suggestions that the statement was more than one page declared disinformation. Regardless of the actual length of the statement, the Australian people deserve to hear the debate and understand that nature and origins of the important statement. It is not for the government to dictate the debate because it's conclusions may be unfavourable to them. In general, it is dangerous to give the government this kind of power, as it will inevitably be abused to cover up politically inconvenient statements.

Another inevitable effect of these laws is that they will help to destroy trust in the Australian government and its institutions. When facts are able to be censored or hidden from the people they can no longer trust that what they are being told is the whole story. In Australia we don't necessarily expect our institutions to be perfect, but where there are problems, we expect them to be exposed and addressed. If the government has the power to censor speech, people will no longer be able to trust that their institutions are telling them the truth. This lack of trust can lead to large problems

because once trust of the people is broken, it is very difficult to get it back. As a result of the heavy-handed approach that public health officials took during Covid, and the lack of accountability for wrong information, we now have the problem that many in the community have stopped trusting public health institutions. This will make future public health programs exceedingly difficult, as there is a lack of trust that the institutions running them are being honest with them. These laws risk spreading these problems to all of government. Social trust in institutions is a precious thing and very difficult to repair once broken. In their capacity to break that trust these laws present a clear danger to the Australian society.

These laws and regulations are also not fit for purpose, as they will do little to combat disinformation in Australian civic life. The largest and widest reaching source of disinformation in Australia is the government and its institutions themselves. Any law on disinformation that fails to hold the government to account is simply not addressing the problem. As an example, it has become clear that the government is responsible for spreading deadly misinformation about covid vaccines. The government declared these vaccines to be safe and effective even though there was no credible scientific evidence of these claims. The vaccines have subsequently been shown to have a risk profile far exceeding those of any previous vaccine and are also largely ineffective at stopping the spread of covid. They are in truth neither safe nor effective as those terms are commonly understood when applied to vaccines. Despite this, when the problems with the vaccines became apparent as people began to suffer adverse reactions and, in some cases, die, the government chose to double down on their messaging and ignore the evidence coming in contrary to their position. In short, the government spread deadly misinformation to the Australia people, and people did die as a result. Any legislation or regulations that do not hold the government equally to account are not serious about stopping disinformation or protecting the Australian people from it.

There are also many other issues with these laws. They are a fundamental breach of human rights, as freedom of speech is a human right. This is outlined in article 19 of the UN Universal declaration of human rights. These laws are also fundamentally unjust in that the potential punishments in terms of fines far exceeds the nature of the crime. For all these reasons these laws should be scrapped entirely. Laws such as these have no place in a free and open democracy such as Australia. The Australian government needs to have more faith in its citizens that they are fundamentally good people and can discern for themselves what is good and true without the heavy hand of government dictating it to them.