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Submission to the Department of Infrastructure, Transport,  
Regional Development, Communications and the Arts

**Communications Legislation Amendment (Combating  
Misinformation and Disinformation) Bill 2023**

**Submitted by:** Joan Fernon

In the ACMA bill misinformation is defined as information that is untrue, misleading, or deceitful which is likely to result in or contribute to harm. While disinformation is defined as information that is false, misleading, or deceitful which is shared with intent to mislead; and which has the potential to cause or contribute to harm.

The draft bill does not however detail how ACMA will determine the truth or misleading nature of information. Nor does it specify how the intent behind the information or its potential harm will be determined. This lack of boundaries in the Bill could be used to silence and criminalise criticism of government communications, irrespective of supporting evidence. This is a chilling scenario. A nightmarish glimpse into a dystopian Orwellian future.

Giving a single government appointed body the power to stifle dissenting view points and critical discourse is a recipe for disaster. When actions of the staff in such a body can be guided by personal biases, or vested private and government interests. Intellectual freedom and ongoing critical discourse is a pre-requisite for a well functioning democracy and the scientific endeavour. Critical discourse and evaluation of evidence is the only way to test the truth or otherwise of propositions or theories. Hence the application of this Bill could promote untested and potentially misinformed narratives.

There are too many examples of totalitarian regimes where, after critical discourse was extinguished, all aspects of the society collapses. But we need only look at what happened in Australia during the COVID-19 pandemic, where any scepticism or critical discussion of government-backed public health messaging was labelled as misinformation or disinformation. Unfortunately, with the passage of time, it has become clear that much of the officially sanctioned government communication — ranging from the lab leak theory to mask usage, lockdowns, and the effectiveness of vaccines in stopping transmission — was riddled with inaccuracies and misdirection, whether by oversight or design. The use of Ivermectin is another example. Early in the pandemic the TGA asserted ivermectin was harmful and stopped doctors prescribing it for covid patients. Not only was the social media discussion of ivermectin treatment protocols suppressed but ivermectin was described as a horse dewormer which was dangerous to humans. This is inspite of over 4 billion doses of ivermectin having been dispensed to people since the late 1970s with almost no side effects; and it being shown effective as a prophylaxis and as early treatment for COVID by

many practicing frontline doctors and in very large trials in Mexico and India.

The proposed ACMA bill is also of constitutional concern. The Bill's provisions that seek to combat misinformation could be used to infringe on the constitutional freedom of political communication, which is implied in the Australian Constitution<sup>1</sup>.

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**Recommendation:** The bill should not be approved. It is not possible for a single government body to determine what is misinformation or disinformation. The Bill can be used to stifle critical discourse and infringe on constitutionally enshrined freedom of political expression. Rather than suppressing misinformation the Bill could promote the rigid adherence to untested and misinformed narratives.

<sup>1</sup> <https://www.spectator.com.au/2023/02/censorship-a-threat-to-public-health-and-safety/>