

**Feedback on the Exposure Draft  
Communications Legislation Amendment  
(Combatting Misinformation and Disinformation)  
Bill 2023**

*August 2023*

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*1. Introduction*

I am proud of Australia. Australia is as they say – the lucky country. Australia is the land of many opportunities. We do not have the right to take our country for granted. We do need to allow the people of Australia to work together in a fully transparent way. We do need for people of Australia to realise that we are the driving force, all of us together. We do need each and every individual, organisation, group, government that seeks change to be fully accountable to the people of Australia.

*2. What is this bill about?*

What are we talking about in this bill? We are not talking about criminal intent and activity with its own laws in Australia. We are talking about misinformation and disinformation. We are talking about making the quiet ones even more quiet, making the curious ones unable to spread their wings and quench their thirst for knowledge, we are making the supportive unable to say what is on their mind out of fear of repercussion, we are making our generation of young live in an environment that tells them “we’ll take care of you and you don’t have a say, you don’t need to critically think, in fact, you don’t even need to grow up”.

*3. Keeping us ‘safe’*

Wherever you look today, there is more and more control to keep us ‘safe’. Do we feel more ‘safe’? Do we feel that our today’s economical situation with high interest rates, high debts, ‘fearful’ nation, might have been brought about because we needed to be taken care of? Because we couldn’t be informed and decide for ourselves? Has there been information suspended already along the tunes of being in our best interest? Do we have robust discussions in our society or do we feel that we cannot talk freely and openly about everything, as we used to? If we had open and freely available communication, would we have been in this situation today where we are talking about a recession? We always said that it takes few months to see the effect of any change in the interest rate. Nowadays we have continuously, almost month after month, seen interest rates rise without any significant discussion being done at any level of the society or government.

*4. Our freedom to speak openly and freely*

We should, instead of introducing a bill around very loose terminology such as misinformation and disinformation, be talking about the Freedom of Speech. Can we please tackle our right to talk freely, which should be the first right in any democracy, the right for explicit protection of freedom of expression. This bill impedes greatly on this right.

We should enable and allow open discussions. Who defines what is misinformation and disinformation? Who controls the enforcer and the controller? How can we be absolutely sure of information that we receive when these by itself are loose terms? One person’s truth might not be the actual fact. As they say, how long is a piece of string?

*5. What is trusted information?*

I have seen interesting references on the internet on government web pages, such as HealthDirect, with links to ‘trusted sources’ and ‘trusted information’. We do expect from government sites reliable and scrutinised information but why don’t we instead have links and references to ‘official sources’ or similar? Is a ‘truth source’ always the absolute truth? Will we instead at times influence

user perceptions of what is the truth, especially when there is limited and evolving understanding and insufficient data. Who's truth is it? Can we be confident that there are no interests involved? How do we then perceive web sites that do not have a 'trusted source'? Are they less reliable?

#### *6. What are the controls and compensation?*

Media should not be lavishly funded by the government. The government should be impartial, transparent and independent in any dealings with media. We need to have close inspection of any funding received. We need to allow competition in media and online platforms. Could we end up banning something without concrete evidence just because it appears as misinformation and disinformation? What are the controls in place to limit just any 'say so'? We cannot talk about best evidence at the time as we can never be 100% sure. What if our perceived interpretation of best evidence presents over time as not correct and actually shows to have caused harm? Is there any safe place? Do we always have to be extremely cautious just in case? Is there any way to backtrack? Will there be full information with clear, objective and detailed reasons? There should be checks and procedures in place for potential consequences and compensation if a ban and regulation, due to the introduction of a code and its adherence, was found to have been out of place. The bill has the ability to crash commercial and individual activity and cause significant financial and other stress.

#### *7. The narrow focus*

Is the focus going to be narrow without concern for effects across the board if bans go ahead? We have seen during COVID-19 the very narrow focus to 'stop the spread' with very little action and thought around broader ramifications in the area of humanity, societal, economic, psychological, and non COVID-19 related health. The debt level is as never seen before. The inflation is rising. People are still 'scared' from the multifaceted, probing and continuing 'information' and enforcement provided during the pandemic. Where would this fit? Would our approach be different if we could go back? Are we having these discussions? What about influencing emotions, invoking strong emotional reactions? Do we want to change the whole generation's thought process by not allowing critical thought? I cannot see reference to propaganda and ad type persuasion information regardless of the intention. Will there be any scope to instead regulate commercially paid information as it could try to influence? We do not want another robodebt flavour where the enforced is by default in the wrong. We do not want to allow the abuse of power and incompetence to flourish.

#### *8. The nudge*

Many media appear to talk almost simultaneously and in the same manner. There is very little variety in the approach. There are very limited open discussions. We have seen name calling, constant bombardment of information that we could almost recite in our sleep, behavioural guiding language.

Why would we go down this path? Are we going to treat Australians as if immature children without the ability to take a dive into the validity of information and sources or have we seen such influence already through approved methods and means in the past and want to hold the upper end? There is a thin line between working for the apparent greater good and working for just in case mantras. People are influenced in different ways dependant on who communicates information. Nudging units such as the Behavioural Insights unit, NSW Government, is about changing behaviour of customers, manipulation of the public's behaviour, use of strategies that work below the public's level of awareness, psychological experiment, directing people's behaviour. Who decides what is right and what is wrong? Use of fear, 'blackmail', enticement, incentivisation, asking end-users to join in the detection and reporting activity. Is there ever a place for the government to 'nudge' the public regardless of how 'good' are the intentions? Can we trust?

### *9. Restrictive 'must' interaction*

It has become common practice to have online forms that do not allow you to submit until you provide every single information that you are asked for, even information that you believe is of a private matter and should not be sought. The only alternative might be to cancel the form altogether or just maybe you could manage to get hold of someone in this digital world that can help you complete the form while bypassing intrusive questions. Open ended questions have generally disappeared in online forms in comparison to the ability for free text in paper forms. We need openness, clear messaging, clarity.

We have seen the 'musts' during COVID-19 that in some cases appear to be nudges. For example, the 'must' reporting of a COVID-19 case in ACT would upon online submission flash briefly a message along the lines of 'thank you for completing the survey'.

Will the control be outsourced? What does evidence based mean? Will decisions be evidenced by research and data from different and a variety of sources. Can others utilise their data, research and findings?

### *10. Freedom of Information (FOI)*

Hiding facts that might produce different results for the aim of the government. Who is right? Will we have government or administrative agencies that don't fall under constitutional requirements? Will we be able to retrieve information and hold them responsible through different sources such as FOI? How long will any such response take. And what if we are not satisfied with the response? Some FOIs take months to come back. By then the control might have spread so widely that it could almost be impossible to backtrack.

### *11. Let's just fit it in*

In Australia, promotion of prescription medicine to the general public is permitted under very strict guidelines. Why is the ad about antivirals broadcast in media and with such frequency? The site advertised leads you to a pharmaceutical company. Just because seemingly a way was found to bypass the tight restriction does not mean that it should be done. It is still an advertisement for all intent and purposes. Will we introduce similar effects online that seemingly appear to align with the bill?

### *12. Influences by large players*

How do we ensure that the bill enforcement is in the best interest of Australia and not (mis)understanding of an individual or group or in the interest of a foreign intelligence, commercial group or other and that there is no unconscious bias or influence due to alternate reasons?

Do we have the resources for such an undertaking? Or are we planning to fund such activities through the penalties charged? Where does this money go to? It should be going back to activities that ensure that we are looking at ways to actually reduce controls.

Large digital platform providers have most of the user activity. They have significant influence on the content and measures against misinformation and disinformation. There is potential for perceived and real conflict of interest. How will we know when commercial or other interests are in play? Can these challenges be abused to reduce provider competition? How is ACMA going to stay on top of influencing forces? How is the public going to have a say since we will not be able to sufficiently monitor, due to our daily commitments, all the codes across different areas that are subject to change? It presents like a recipe for a soup of bureaucracy and power.

### 13. *The power*

How much interference do we need from the government? Are we conditioning people to do what they are told by moving the target that little bit further over time as is mentioned in the draft bill? Will we have same rules across or are these going to be forever changing so that the public can never be totally certain what is the latest rule?

ACMA will have too much power. Before we move forward in locking down the information, we need a multi-faceted review into what has worked well in Australia over the last few years and where there was overreach and agendas that were proven incorrect later.

### 14. *Artificial Intelligence (AI) is a priority*

The bill does have some reference to AI as seen in the guidance note. There is great concern for the AI's ability to impersonate people. Also, articles written by a machine do not exude confidence as we will often not even be aware of the author. The matter of AI should instead be at the forefront of government concern.

### 15. *What is the truth?*

Search engines already use algorithms to provide content designed to influence in many cases. We have use of default applications and browsers so people are already being influenced just by the predetermined and difficult to back out of default installation. Browser engine search results are often very limited. Best dressed sites are at the top. Several years back, I was able to go to the next 10 pages of search results and then to the next 10 pages and so on. Nowadays search results come back generally with only several pages of unique information and inclusive of ads.

Truth is search. Why would we limit our horizon in search for information?

Penalties are so large that you might simply just shut down any discussion. Where is the line between truth and the manipulated truth? Our children are drilled at schools that Wikipedia is not a reliable source of information and should not be used for reference. Wikipedia is still around though. We do not have a problem with misinformation here, or do we?

### 16. *Going overboard 'just in case'*

Will a digital platform provider identify too many cases of 'misinformation' and 'disinformation' just to be safe? There is no mention of learning, embracing humanity, connectiveness, community. Are we going to become a nation concerned with every move of ours while looking over our shoulders all the time? Are we becoming a nation that most of us will not recognise soon? The easy-going Australian persona might just disappear.

By omission, not saying something can be more important than what is said – this does not fit in misinformation? People are often unable to articulate why they believe what they believe, whether it is based on sound information or not. There might be use of distraction tactics to move the focus away from important points, use of implanting messages within images, pictures in the background that are influencing us, conclusions provided without depth. It is a minefield of all the potential possibilities and ways that 'misinformation' can be perceived and at the same time definition misconstrued. This bill needs to be cancelled.

### 17. *A study on misinformation*

The Cambridge study

Adams, Z., Osman, M., Bechlivanidis, C., & Meder, B. (2023). (Why) Is Misinformation a Problem? *Perspectives on Psychological Science*, 0(0). <https://doi.org/10.1177/17456916221141344>

investigated data on misinformation and resulting misbehaviour. It concluded that the current evidence is not sufficient to view misinformation as an existential threat as correlation is often seen

as causation. Secondly, misinformation cannot be examined without the recognition that distortion affects any act of communicating truth.

Further notes of interest from the study:

“...the foundation of an open and free society is diversity in thought, worldviews, and values.”

“Controlling the flow of information assumes that traditional institutions are generally immune from making errors, and this in turn can have negative effects on citizens’ level of trust in them.”

“...regulatory interventions should aim at empowering people and helping them to navigate both traditional and online information landscapes without posing the risk of eroding the foundations of an open and democratic society.”