

ACMA Submission - Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

20 August 2023

In relation to the above Bill we submit the following:

- That the Bill amounts to a covert form of censorship that is unwelcome and will in fact limit free speech (despite the claims that it will not).
- The Bill inadequately defines Misinformation and Disinformation and leaves it open to the interpretation and/or bias and/or caution of those making the assessment
- The inadequate definition of Misinformation or Disinformation means that it can be used to protect the agenda of the government(s) of the day and/or other parties which have an influence over the digital platforms that are being asked to police it (e.g. Advertisers)
- The purpose or necessity of the Bill has not been adequately explained
- The Bill claims that ACMA will not have the power to remove content purported to have 'Misinformation or Disinformation,' which leads to the question as to the purpose of the legislation, i.e. what is the point of the Bill if the data gathered isn't going to be acted upon?
- There are countless recent scenarios, where this Bill could have been used against information, which at the time was considered Misinformation or Disinformation, but which has since been proved to be correct, e.g.
 - That Covid 19 Vaccines have not been tested adequately
 - That Covid 19 Vaccines could (and have) caused harm
 - That Ivermectin can be useful in treating Covid 19
- The exclusion of the Government from the legislation (Page 13 of the Guidance Note) makes a mockery of the legislation, given that the Government is often a peddler of serious misinformation and disinformation, e.g.:
 - "You will not catch Covid if you take the vaccine."
 - "The Covid vaccines have been thoroughly tested."
 - "It's safe to take the Covid 19 vaccine."
 - "You will not pass on Covid 19 and you will make others safe if you take the vaccine."
 - "Two weeks to flatten the curve."
 - "Masks are essential to prevent the spread of Covid 19."
 - "Ivermectin isn't safe and is a horse medication."

- These statements are all known now to be false, yet were peddled by Governments of all levels, while the correct information about such things was labelled as misinformation or disinformation and/or removed from platforms and/or account holders had accounts closed. Even respected Doctors had accounts censored or closed because of incorrectly labelled misinformation.
- The Guidance Note (Page 11) includes an example of “*Harm to the health of Australians*” as being “*Misinformation that caused people to ingest or inject bleach products to treat a viral infection.*” This could have equally applied to “*Misinformation that caused people to willingly (or unwillingly) receive a vaccine to allegedly prevent a viral infection,*” yet under the terms of this Bill such a statement could be excluded because it comes from the Government
- The legislation thus assumes that Governments can never be ‘wrong’ which we know not to be true
- Likewise, by the exclusion of news services from the legislation, either an assumption is being made that the media can never be wrong, OR the legislation is saying that misinformation is ok on some platforms but not on others. Both of these scenarios are obviously false.
- The Bill is dangerous in that it puts the onus on the digital service providers to determine what is or isn’t mis/disinformation and effectively turns them into defacto thought police
- The Bill gives digital platforms a smoke screen which they can use to label content as mis/disinformation simply because it doesn’t align with their own commercial or political agendas
- The size of the penalties means that digital service providers are going to have to be especially conservative in their assessment of misinformation or disinformation in order to safely comply with the legislation.

We must remember that at one time, the fact that the Earth revolves around the Sun was once considered misinformation, and in fact we now laugh at the idea anyone could think that’s not the case.

To think that “the authorities” have a sufficient grasp of what’s true and what’s not, or that they don’t have agendas to protect, is arrogant and provides a greater danger than the Bill reportedly seeks to prevent.

The Guidance Note says that the Bill is proposed to protect democracy, when in fact it does the opposite. It seeks to shut down free speech and takes on a “*We know what’s best for you*” attitude, which is more akin to fascism than democracy.

In summary, this legislation is dangerous and unnecessary. There are adequate laws in place covering defamation, fraud, etc, and this attempt to recruit digital platform providers as having to be proactive in hunting down such information will only lead to the limitation of actual free and fair speech.

Thank you for the opportunity to provide input.

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