

I strongly oppose the ACMA / Combatting Misinformation and Disinformation Bill and do not wish these amendments to the Communications Legislation to become law.

Debate is vital to a healthy democracy, and people should be encouraged to voice their views and beliefs, and to be exposed to different and/or opposing beliefs and opinions. This is how we develop intellectually, socially and ethically.

No government or government-appointed body should be the arbiter of truth. We can clearly see how, over the last three years, our governments have themselves spread mis- and disinformation. Some examples:

- “Two weeks to flatten the curve” – that was false.
- Professor Brendan Murphy said “Don’t wear masks – go about your normal business” (*The Sydney Morning Herald*, 23/02/2020), but before long masks were mandatory in almost all settings outside the home.
- Vaccines are “safe and effective” – no vaccine is 100% safe, and covid vaccines are no different. So unsafe are these vaccines that the federal government introduced a specific Medicare Benefits Schedule item for cardiac MRI to help diagnose myocarditis following mRNA vaccination.
- The changing timelines between first and second doses – initially six months, this shrank to mere weeks.
- The change in advice about how many doses of a covid vaccine were required.
- Our governments told us time and time again that Covid-19 vaccination would prevent illness and transmission – but it was abundantly clear even before our vaccine roll out began that this was not true. The case numbers following high vaccination rates in Australia would have been impossible if the vaccines were truly effective.
  - Either our state and federal governments lied to us about the safety and efficacy of the vaccines, or they didn’t know. Either of these is reason enough to not suppress free speech, as this bill would do.
- There are many more examples of information that has come from sources we are supposed to trust, which have then proved to be wrong or harmful; these examples include thalidomide, the ‘benefits’ of smoking, and whether eggs are good or bad for you.

*The Australian* revealed on 21 July, 2023, “Many censored social media posts did not contain Covid-19 misinformation”. Posts which were censored by the Australian Government during the pandemic contained “factual information and reasonable arguments”. No Government - or designated body - should have the right to prevent ordinary people from sharing information or discussing ideas and beliefs. Silencing dissenting opinions, squashing public debate, and preventing access to the marketplace of ideas is what dictatorial governments do, and this country and its people have literally gone to war to fight against those dictators. We do not want to become that which we have already defeated.

Amendment 7 (2) (e) of the proposed bill states that the person “disseminating, or causing the dissemination of, the content **intends**” to deceive others. Does this mean

that the Federal Government and/or ACMA will not only decide what “truth” is, they will also determine what an individual’s intention is in posting information? Will ACMA be made up of mind readers? It is impossible for anyone else to truly know what an individual’s purpose or intention is, and this amendment is frightening in its ability to impose intent onto a person’s actions.

It is extraordinary that this draft bill defines “harm” as “harm”. Combined with 7 (3) (a) “the circumstances in which the content is disseminated”, (e) “the author of the information”, (f) “the purpose of the dissemination”, and (i) “any other relevant matter”, it provides ACMA with terrifying power to suppress voices who disagree with the official government narrative and to punish those who speak out.

Censoring debate and punishing dissent has and will result in harm – to the health and wellbeing of all Australians, and to our democracy.

Finally, this draft bill breaches Article 19 of the United Nations Universal Declaration of Human Rights, which says: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and **to seek, receive and impart information and ideas through any media** and regardless of frontiers.”

7 *Misinformation and disinformation*

5 (1) For the purposes of this Schedule, dissemination of content using a

6 digital service is **misinformation** on the digital service if:

7 (a) **the content contains information that is false, misleading or**

**8 deceptive; and**

9 (b) *the content is not excluded content for misinformation*

10 *purposes; and*

11 (c) *the content is provided on the digital service to one or more*

12 *end-users in Australia; and*

13 (d) **the provision of the content on the digital service is**

**14 reasonably likely to cause or contribute to serious harm.**

15 (2) For the purposes of this Schedule, **dissemination** of content using a

16 digital service is *disinformation on the digital service if:*

17 (a) **the content contains information that is false, misleading or**

**18 deceptive; and**

19 (b) *the content is not excluded content for misinformation*

20 *purposes; and*

21 (c) *the content is provided on the digital service to one or more*

22 *end-users in Australia; and*

23 (d) *the provision of the content on the digital service is*

24 **reasonably likely to cause or contribute to serious harm; and**

25 (e) *the person disseminating, or causing the dissemination of, the*

26 **content intends that the content deceive another person.**

27 *Note: Disinformation includes disinformation by or on behalf of a foreign*

28 *power*

**harm** means any of the following:

8 (a) *hatred against a group in Australian society on the basis of*

9 *ethnicity, nationality, race, gender, sexual orientation, age,*

- 10 religion or physical or mental disability;*
- 11 (b) disruption of public order or society in Australia;*
- 12 (c) harm to the integrity of Australian democratic processes or of*
- 13 Commonwealth, State, Territory or local government*
- 14 institutions;*
- 15 (d) harm to the health of Australians;*
- 16 (e) harm to the Australian environment;*
- 17 (f) economic or financial harm to Australians, the Australian*
- 18 economy or a sector of the Australian economy.*