

20 August 2023

The Department of Infrastructure,  
Transport, Regional Development,  
Communications and the Arts  
GPO Box 594  
Canberra ACT 2601

Dear Officer,

***New ACMA powers to combat misinformation and disinformation (the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023***

1. I wish to thank the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) have inviting feedback on the exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (the Bill).

2. In preparing this submission, I read the one that Children's Health Defense - Australia Chapter (as published on their website) lodged with the Department.

I consider that it is the product of conscientious research and deliberation deserving of your attention. According to their website, it was principally the work of a human rights lawyer who wrote it on their behalf. Its arguments are sound and conclusions, good. Therefore, I stand behind their submission, and urge those charged with its review to give it due consideration.

3. The Founding Fathers of the United States of America were very well educated, intelligent, and astute men. From my (lifelong) learning, I understand that they struggled with the issue of free speech when drafting the First Amendment to their Constitution. Having successfully won their independence from England, they were determined to make the New World the

land of the free. Cognizant of the history of Europe, they concluded that that could only be achieved by strictly limiting the power of the government. In their minds, a legitimate government was one that obtained the consent of the governed, and any attempt to stifle debate by its constituents was ceding more power than necessary. Any censorship would cause more harm to those citizens and their liberty, than any caused by the dissemination of misinformation or disinformation, whatever that may be.

Accordingly, if Australia is to remain a democratic nation, I reject the need for such amendments as the Bill proposes, and call for this Bill to be dropped altogether.

4. With respect to the draft Bill, I note that, apart from the freedom of expression issue, you are seeking people's views on whether it strikes an appropriate balance on a range of other issues, i.e.

- the complexity of content exemptions
- the scope of the private message exemption
- the size of the penalties and any other issues.

My argument in (3.) negates the need for me to address these matters.

5. The perceived need for this Bill seems to be prompted by the media (all types) coverage of the COVID pandemic. This is suggested by Fact Sheet 1: key research findings.

In summary, it attaches much weight the idea that the dissemination of misinformation and/or disinformation during the pandemic was done by 'conspiracy theorists.' This is ad hominem pure and simple, and a prime example of a logical fallacy; this provides no proof whatsoever. Fact Sheet 1 should be assigned to the dust bin.

6. History tells me that we have been down this road before; it was only last century. It led to horrific consequences and the deaths of many millions of people. Drop this bill now!