

## **Submission of feedback on the draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023:**

One of the key missing elements from the proposed legislation is: Who is the arbiter in determining what is correct information and what is “misinformation”, and how do they make this judgement?

- A bureaucrat in a government department / ACMA?
- A digital platform, or an industry group of platforms?
- A politician?
- An academic, with funding links to interest groups?

The presumption within this legislation is that a person, company or body knows what is correct, and what is not. Well intentioned or otherwise, an individual or group can only apply their knowledge and judgement, which is inevitably imperfect. If they do not understand this, then they are least qualified to judge! Many important matters are the subject of healthy disagreement and debate on-line and within digital platforms. It is through this very process of debate that our existing body of knowledge has been built, and many serious harms have been avoided / discovered. This legislation requires someone to decide what is right at a particular time, whereas in reality, what is considered ‘correct’ or ‘truth’ is continually evolving.

Per the factsheet:

Misinformation is online content that is false, misleading or deceptive, that is shared or created without an intent to deceive but can cause and contribute to serious harm.

The fatal flaw with this definition, which is foundational in this legislation, is that information is considered correct today, may not be correct tomorrow, next week, next year. Scientific knowledge continually evolves via ongoing discourse and debate of different opinions, perspective and evidence. There are innumerable, very serious examples throughout human history; two are provided below:

1. Saturated fat linkage to heart disease from the 60s/70s drove dietary guidelines, food consumption habits for decades. Now demonstrated false. Harm has been caused by what is now known to be misinformation, distributed and (still) promulgated by health departments in several western countries. What if the many academic papers and evidence refuting this information had been subjected to this legislation?
2. The statement made numerous times over the last few years that “Vaccines are safe” is an absolute statement that ignores relative risk. Vaccine injury risk is very real for the thousands of individuals who have suffered from it, not to mention those who have died. Recent data presented by the WA Dept of Health (July 2023) has shown that for 2021, the Covid-19 mRNA vaccines have a rate of reported adverse events that is 24 times that of all other previous vaccines, resulting in many serious health impacts. The adjective “safe” is demonstrably false for many people. Surely this is a matter for free and open discourse? Society would benefit from a proper scientific debate on these risks, however even today there are restrictions / censorship actively undertaken on this subject by the digital platforms (voluntarily

imposed in the intended manner of this Bill, suggesting the Bill is actually unnecessary). This is inhibiting proper investigation and discussion of the risks. If anything, this approach is prolonging the exposure for thousands more people to risks of serious harm. Understanding relative risk is an essential component of informed consent for an individual considering a vaccine treatment.

A digital platform and/or a government department deciding what is 'false' is no substitute for wide-ranging, informed debate, and is more likely to cause serious harm than prevent it.

### Disinformation

The proposed power to censor and restrict information, discourse and debate is wide open to influence and / or abuse. Each of the above categories of arbiter has potential conflicts of interest, declared or otherwise. Digital platforms are asked to determine what is right / false / deceptive, however these are global organisations, answering to commercial interests and funding sources that in many respects are misaligned with Australia's best interests, let alone those of an individual.

For any person, organisation or party wishing to sway public opinion to serve their ends, commercial or nefarious, this legislation is a gift! What an opportunity to mould and sway public opinion, removing free and open debate, and to silence dissent! It is naïve to think that this will not occur, and with seriously harmful consequences for our democracy and individual rights. Again, serious harm is the likely result of this legislation in its proposed form.

How does a functioning democracy protect against these risks? By ensuring that all points of view can be heard. This legislation seeks to do the exact opposite. In this respect it endangers the right to free expression in this country and does not belong in our parliament.

As a citizen in the Australian democracy, I have a right to free association, and to freedom of expression and I therefore require access to a range of opinions, information, debates and discussions. I will consider and assess for myself which information has solid foundations, and I reject the assertion that someone else should decide for me what is correct or valid information. This is essential in order to be properly informed and make balanced and ethical decisions, whether that is to decide how to vote, whether to write a letter to my local member, whether to buy an electric car, use plastic bags, get a vaccination, change my superannuation allocation to an ethical fund, attend a protest rally, exercise my rights, or whether to simply stay at home, relax and enjoy life. Whether or not I agree with their views, I want all other participants in the Australian democracy to have the same access to information, unadjusted by those who think they know what information should be disseminated.

Finally, I do recognise that on-line forums can be used to engage in malicious, criminal activity. The proper body to investigate / prevent / prosecute criminal activity already exists; ACMA is not that body. It is not necessary or appropriate to provide ACMA with quasi-judicial powers, particularly in relation to non-criminal on-line discussions.

In conclusion, I submit that this proposed legislation is seriously flawed, containing provisions that are wide open to misuse to the clear detriment of the Australian democracy and that greatly diminish or are in conflict with the rights of Australian citizens.

I have never before in my life made a submission such as this. I am truly alarmed and concerned that such a Bill could be even drafted in this country.

I recommend that it be discarded and removed from further consideration by the Australian parliament.

20 August 2023