

Combatting Misinformation and Disinformation Bill 2023

Summary:

This Orwellian legislation is an offense to democracy. Throughout history, the government of the day has been the main purveyor of misinformation and disinformation in order to remain in power. Any suggestion that the Australian government is different is absurd. The various state and federal governments (both Labor and Liberal) have been treating Australians to a constant diet of lies about Covid vaccines (“they prevent transmission”), Covid treatments (“don’t take vitamins”), the environment (carbon dioxide is bad), new technologies (solar cells are “clean”), wars (weapons of mass destruction in Iraq; defending democracy in Ukraine), etc

Stifling debate, discourse, and opposing views will prevent any chance of moving forward with our society and move us instead toward the dystopian systems of China and North Korea.

A few problems with the legislation:

Grammar

7(3) [p12/29] makes no sense.

Definitions:

Serious Harm

The term “serious harm” is not defined in the actual legislation. It appears only under the descriptions of misinformation and disinformation and in 7 (3) which grammatically makes no sense. It is defined in the fact sheet, but this doesn’t appear to be a part of the legislation.

Misinformation

The term ‘misinformation’ is defined in the fact sheet on page 1 as:

*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.*

However, in the legislation clause 7(1) misinformation is defined as

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

Apart from the absurdity of having two different definitions of misinformation and disinformation – the key words in the title of the bill – the definition in the bill (“reasonably likely to contribute to..”)

is so broad that a court could decide that nearly anything we do or say makes a non-zero contribution to some sort of serious harm (which remains undefined).

Harm

The term “harm” has six definitions:

- (a) Hatred (against groups on several bases)
- (b) Disruption (of public order or society)
- (c) Harm to democracy
- (d) Harm to health
- (e) Harm to environment
- (f) Harm to economy.

Thus a call to strike, or even a suggestion of a strike, is harm according to definition (b). Reporting an informal vote to strike would therefore be “misinformation” or “disinformation” and could result in huge fines.

Under the circular definitions of (c) to (f), harm is harm. This enables the courts or ACMA to determine anything as harm. E.g. having a BBQ in the backyard could cause ‘harm’ to health, the environment, and the economy.

Enforceability

1. No mandate

The Australian Communications and Media Authority (ACMA) does not have the power, authority, nor mandate to enforce any laws outside of Australia.

Information that is stored or communicated outside of Australia’s borders should only be regulated (or not regulated) within the jurisdiction it is stored or communicated. Attempting to regulate global free speech is overreach on an absurd scale.

2. No power

ACMA does not have the power (let alone authority or mandate) to levy fines on companies outside of Australia. A few companies, such as Alpha, Meta, X and Snapchat have physical presences in Australia and could therefore be threatened with fines. However ACMA will have no luck with other platforms such as Spotify, Rumble, Yandex, Telegram, Line, Signal and Substack.

3. A likely shift to alternate platforms

Being unable to access actual information would shift many people looking for truth (rather than the government narrative) off these platforms and weaken them. This in turn is likely to result in these platforms simply treating Australia the same way they treat China – abandon the market.

4. Will Chinese and North Korean banning come next?

Several platforms such as Spotify, Rumble, Substack, Telegram etc are unlikely to comply with these absurd mandates. Will ACMA set up a Chinese Communist Party style firewall to 'protect' Australians from these misinformation platforms?