

(contact details in cover email)

5/8/2023

Information Integrity Section

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To Whom It May Concern

**RE Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill  
2023**

Thank-you for seeking my views on the titled exposure draft (ED) Bill. My views are as follows:

## General

1. Whilst it is commendable that the government, with support of mainstream media, is seeking to protect impressionable and non-critical thinkers, it is *dangerous* to give the government or its agencies the responsibility to corral information and get rid of anything that is not safe.
2. I understand why the government might want to clamp down on some information – there are some wacky ideas out there that have gotten traction with wide sections of the public and led to poor outcomes. It seems that the intent of the bill is that, for the public good, and the well being of the community, wacky ideas (aka misinformation and disinformation) are best stifled, so as people are not lead astray e.g. bad health choices, poor voting decisions, harmful views leading to self harm etc. etc.

However...

3. That the government imagines itself and the mainstream media to be the authority on matters of truth is laughable. The only difference between Joe Public and an MP and/or his or her government agencies is that a section of the community voted for him or her.
4. The freedom to speak and broadcast is a bedrock foundation and marker of a truly democratic society. Progress happens by allowing people to *publicly* weigh up ideas.
5. To stifle freedom of expression under threat of fine or imprisonment unfortunately paves the way for a government to govern relatively unopposed, increasing the temptation by it to bring in laws and health orders etc. that are not in the public's interest, e.g. that might suit the political aspirations, leanings and power brokers of the party in power only.
6. It is delusional to imagine that we would be better off not having a range of political, philosophical, scientific and faith-based ideas in the public square, unless of course the only ideas permitted are the truthful ones. *The issue is: who gets to decide the truth?* The world is littered with examples of censorship, silencing of political opponents, quashing of ideas that don't follow the party line. This bill if enacted will have that effect.
7. There always the temptation to *control* others (their behaviour, decisions, thoughts, information use, and education, work health and medical choices, votes etc.), especially for those with the power to do so. It's easier and faster to govern, it *can* be safer, it *can* work out for the common good. Controlling what can be said or written, e.g. via enactment of a misinformation bill, is just another form of control. Far healthier is an empowered community with individual autonomy (i.e. self-control) organised around healthy public discourse and democratically elected persons to govern and lead on shared concerns

(infrastructure, national defence, international relations, law and order etc.). It may take longer and be more complex to govern, but ownership of decisions, accountability, checks and balances, beneficial compromises and discourse-tested ideas ensure the way we *are* governed is mostly the way we *want* to be governed.

8. A recent example of how censorship intended to do good actually caused harm, government encouraged the public during the pandemic to see one's trusted GP if one wanted further information. Unfortunately, I was not able to trust my GP because he had an AHPRA gag order placed on him in March 2021 not to talk negatively about the vaccines. Neither could he prescribe ivermectin due to a TGA ban. That was unnecessary information control.
9. An alternative far better approach would be to encourage people to:
  - a. Be critical thinkers
  - b. Be responsible when choosing information to consume and how often
  - c. Judge the motives of the author, publisher and other stakeholders
  - d. Be trained to detect potential bias
  - e. Be trained to recognise underlying messages and themes
  - f. To read and/or listen widely, not just things one agrees with
  - g. To regularly hold discourse, including with people one disagrees with, and seek to understand other's opinions and underlying belief systems, and listen and speak well, i.e. with kindness, respect and courage.
  - h. To understand why freedom of expression is important
  - i. To understand why respectful relationships in family and community are important
  - j. To accept that people see things differently, and to not allow that to divide
  - k. To accept people, whether or not one agrees with their beliefs or life choices
  - l. For some of us, to engage in the public square, media and/or politics.

## Bill Issues

### Part 1 – Introduction

“ACMA may determine a standard to provide adequate protection for the community from misinformation or disinformation on digital platform services”

Who is going to define what constitutes “misinformation or disinformation”? Paragraph by paragraph or post by post or article by article, who gets to decide? What is the consultation process? How will this be documented? Will documentation be freely available to the public? Will there be a review period? What are the checks and balances?

### Part 2 – Definitions

“excluded content for misinformation purposes”, includes:

1. “*professional news content.*” Wow! So the mainstream media (MSM) will be trusted to only publish truth, but social media channels will not be? Why does the Government and ACMA trust MSM? The MSM bias is palpable when reading for example both *The Australian* and the *Sydney Morning Herald* in tandem. Who decided that MSM was exempted but we are not?
2. “*content produced by or for an educational institution.*” Wow! Who decided that our educational departments do not require misinformation checks but the public does? The issue is that these people will be able to push a view, but Joe Public will not be able to refute that view, because they will be “right”. Meanwhile Joe Public will be under threat of fine or prison.

3. "content that is authorised by: (i) the Commonwealth; or (ii) a State; or (iii) a Territory; or (iv) a local government." Ditto. Government may be ok now, but please note that in pre-war Germany, Nazism arose in the context of a democratically elected government.

#### **Part 7 Misinformation and disinformation**

1. "*dissemination of content using a digital service is misinformation on the digital service if (a) the content contains information that is false, misleading or deceptive*". Wow! Does the government have access to some 100% reliable fact-checking site that guarantees to know whether something is "false, misleading or deceptive"? That is childish in its naivety. Who decides what is true?

#### **Part 60 Implied freedom of political communication**

The section only covers a very limited aspect (i.e. political) of freedom of expression.

#### **Conclusion**

My key point is: Who gets to decide what is true? The bill should be scrapped.

I trust that you find the above helpful.

Regards

Ian Abbott