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From: Malcolm Stanton – [REDACTED]

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Submission to: The Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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

My understanding of this Bill, if passed, would give the Australian Communications and Media Authority (ACMA) unprecedented discretionary powers to pass subjective or instructed judgement on the acceptability and permissibility of free thinking Australian and international opinions posted to on-line media platforms.

This would be entirely unacceptable in a nation whose constitution implies the right of its citizens to express their opinions freely and thoughtfully on any subject matter.

(Note – Australia as signatory to the International Covenant on Civil and Political Rights (ICCPR). Article 19.)

Further more, if passed, the Bill could, by subjective endeavour or political agenda, occlude the dissemination of important information by which one's opinions are arrived at.

The current contentiousness around the term 'informed consent', in my opinion, has been generated by the deliberate obfuscation of key information and critical opinion questioning a great range of government and corporate claims, with the resultant societal harms being evident in division and confusion on that very range of topics (not to mention the physical harms that are coming to light). If the dissemination of information and opinion is restricted either by an individual's personal choice or by an external body, then the premise of informed consent is null and void. That is indeed an individual's right, but is not the right of any un-elected government body, which should be acting in service to its people's best interests.

I flatly reject the intimated suggestion supporting this Bill that online mis-information and dis-information have resulted in public harm. In my considered opinion the vast predominance of public harms have come through Government and Corporate sponsored mis-information and dis-information via mainstream media, conversely with dissemination of critical information coming from independent experts and independent fact-checkers forced to use independent media platforms.

If not for the seeking of those considered expert opinions online I may well have incurred serious harm as a result of the gov/corp mainstream narrative.

It's a profound irony that sees this government seeking to mitigate mis- and dis-information.

I'm also of the opinion that this Bill has been hastily worded, and has left key definitions in ambiguous context, and open to misinterpretation and misuse by its prosecutors.

This submission is by no means a comprehensive analysis of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 but it reflects what I consider to be the most obvious flaws in its drafting and intention.

I don't consider it 'fit for use' by any authentic and genuine democracy, let alone that of the Australian people.

Sincerely,