

# Submission - Misinformation and Disinformation Bill

---

**From:** Ben Caines [REDACTED]  
**To:** Information Integrity <information.integrity@infrastructure.gov.au>  
**Date:** Sun, 20 Aug 2023 21:00:19 +1000

---

To whom it may concern,

Please register my stronger opposition to this bill and any similar proposals.

I reject the bill and offer the follow as reasons for its rejection by parliament.

## PHILOSOPHICAL

This bill lacks any philosophical foundation. The thrust of the framework appears to be attempting to prevent the spread of harmful information. In practice, this would essentially amount to an attempt to legislate truth, and prohibit publication of non-truth. This is thoroughly baseless in contemporary Australia which has rejected the idea of truth or any agreed moral or philosophical baseline. The bill should be rejected.

## SCIENTIFIC/MEDICAL

The story of science, including medical science, is the story of change. Each successive generation builds of its forebears to give greater knowledge and technological progress to the world. Looking back, many ideas which are the consensus of their day are patently false to us today. Only 500 years ago, Columbus' contemporaries mostly believed in a flat earth. Only 250 years ago, George Washington's doctors bled him with leeches in accord with accepted medical practice. If the proposed legislation operated in at those times, any scientist who said the world was round or doctor who opposed bleeding for healing would be banned from social media for those views. This bill would stifle scientific and medical progress and damage those living it its time. This bill should be rejected.

## DEMOCRATIC

The framework of this bill in practice would mean that unelected bureaucrats at ACMA are able to prevent Australian citizens from expressing their views online. This is not representative democracy. It is not government by the people for the people. This bill should be rejected.

## IDEOLOGICAL

There a a number of issues in contemporary Australia which are still far from resolved in public debate. For example, many issues around sexuality. Clearly, many of the views from all directions which could be expressed on these topics are capable of causing harm. Therefore, allowing a bill like this would essentially require the public to conform to one ideological narrative in its online expression. This would destroy freedom of expression. This bill should be rejected.

## INTERNATIONAL OBLIGATIONS

Article 19 of the UN Declaration of Human Rights states that: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions **WITHOUT INTERFERENCE...** (emphasis added) This bill would destroy that freedom. This bill should be rejected.

## PUBLIC DEBATE

It is an essential part of a healthy society to have public debate, including where people deeply disagree. This bill would stifle or destroy that debate and thereby undermine democracy and free speech. This bill should be rejected.

## DOUBLE-STANDARD

It is noteworthy that government and professional news outlets are exempted from restriction under this proposal. Content can be harmful no matter who publishes it. Governments and news outlets have a greater audience and influence for their messaging. If anything, government and media outlets should be held to a higher, not a lower, standard of preventing harm. This bill should be rejected.

## AUTHORITARIANISM

Australians rightly criticise modern authoritarian regimes for restricting freedom of expression by their citizens. We should not follow the way of the oppressors. This bill should be rejected.

## RECORD KEEPING

The framework proposes to require digital platform providers to keep and maintain records on users who post certain types of content. Such a list could easily be adapted to be used as a kind of dissident black list, depending on the type of harm being provided. This is an unwarranted invasion of privacy. This bill should be rejected.

## EXECUTION

If some form of the bill would be enacted, the following is suggested;

All private messages to be exempted.

Freedom of expression should always override the harm principle — freedom of expression is the basic human right. Ensure public oversight of a code of practice and any issues which are being reviewed.

I reject his bill and ask that parliament likewise reject this bill and anything similar.

Yours sincerely,

Ben Caines  
BA LLB GLDP Solicitor NSW  
Small business owner

