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**RE. Exposure Draft Communications Legislation Amendment  
(Combating Misinformation and Disinformation) Bill 2023**

[REDACTED]

20/08/23

Dear Honorable members of the Parliament of the Commonwealth of Australia,  
House of Representatives, and To Whom It May Concern,

Thank you for giving me the opportunity to provide feedback regarding the proposed Bill **(Combating Misinformation and Disinformation) Bill 2023)**. I will be focussing my response on the following:

- 1) the implications of a government agency, or a social media platform determining or dictating what is misinformation and disinformation,
- 2) specific inclusions and exemptions applicable within the scope of the Bill,
- 3) recommendations to address issues of ‘harm’, in light of misinformation or disinformation dissemination.

Thank you for taking the time to read and consider this submission, which I would prefer to not be published with identifiable information. (Continues below).

Sincerely,

[REDACTED]

## **1) Implications of Government Appointed Agencies Determining Misinformation & Disinformation:**

'There are also dangers inherent in allowing any one body – be it government, a government taskforce, or a social media platform – to become the sole arbiter of ‘truth’.'

(Australian Human Rights Commission; *Submission to Senate Select Committee on Foreign Interference through Social Media 16 February 2023.*)

Freedom of thought and speech are vital to democracy. These are also vital to the advancement of knowledge, as well as the development of new ideas and discoveries. The basic tenet of Science is that nothing can ever be fully proven or disproven. However, when governments believe they can determine for their communities what is ‘truth’ or ‘fact’ they effectively suffocate this process of free expression and enquiry.

Significantly, the proposed Bill essentially affords employees at the ACMA carte-blanche powers to determine what is officially truth and factual - unelected individuals endowed with unprecedented rights to make judgements about the value of information.

Also, just think how information / facts can change over time: For example, in 2008 we were told fluorescent light bulbs were better for the environment and incandescent bulbs were promptly banned. Then scientists discovered that the mercury from the fluorescent bulbs was accumulating to toxic levels in the soil and we were told to use LED bulbs instead. It was a similar scenario for reusable plastic bags - now we're told paper is better.

Or consider the more recent inconsistencies around mask wearing throughout the pandemic. At first there were calls to censor anyone suggesting they might be useful. Then we were told we *\*must\** wear them or face huge fines.

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Now the option to wear masks or not is left to the individual, though covid is still hospitalising and killing people.

Or think back how we were told by leading doctors that it was fake news that people could have asymptomatic infections, much less transmit covid if asymptomatic. Then we discovered there are super-spreaders who have no symptoms.

Social media platforms already apply measures to combat misinformation and disinformation, such as by applying 'fact checking' filters on misleading and erroneous content/ posts. However, if further pressure was placed on these platforms, there is a very strong probability that actual, harmful misinformation, or disinformation, would be driven 'underground' where it cannot be openly addressed, debated and corrected. Already, there has been a significant loss of trust in Government since the pandemic. Censoring content will only serve to galvanize this distrust.

Suppressing open and free inquiry is what we need to be most afraid of, not 'tin-foil hat wearers'. As the Australian Human Rights Commission aptly noted:

**'While reasonable minds may differ on exactly where the line should be drawn, if we fail to ensure robust safeguards for freedom of expression online, then the very measures taken to combat misinformation and disinformation could themselves risk undermining Australia's democracy and values.'**

(Australian Human Rights Commission; *Submission to Senate Select Committee on Foreign Interference through Social Media 16 February 2023.*)

Significantly, the government entrusts the public to elect them, then paternalistically decides \*for us\* what we should believe. If this Bill were passed, there would be a huge temptation to label anything that questions or disagrees with the government's current agenda as 'misinformation' and 'disinformation'. This presents particularly concerning risks in terms of the

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integrity of discussion, free speech and debate around elections and referendums. If someone wanted to challenge the presiding Government's claims and promises, or challenge the results of an election could this be conveniently classified as harmful 'misinformation/ disinformation'...?

Should we really trust this - **or any future government** - to not exploit the opportunity provided by this Bill?

## **2) Inclusions and exemptions:**

One of the most concerning aspects of this proposed Bill is that it clearly exempts Government (Council, State, Federal, etc) from the scope of the Bill.

Given that our governments official stances on certain things has been proven to be wrong at times in recent years, it is concerning to think of the potential harm that could result from implementing this proposed Bill. At the very minimum, the ACMA and the relevant government organizations should be held to standards of transparency and accountability.

No where in the document is there any direct reference to liability for the ACMA in their rulings. What provision will be made if the official stance on certain 'facts' or 'misinformation' needs to be reviewed or corrected? Who would oversee these individuals, ensuring the standards and decisions are reasonable and fair? What happens if a penalty of imprisonment or massive fine is applied, when the 'misinformation' is later determined to be truth?

I am also considerably concerned that search engines are captured by the scope of this Bill. This will inevitably result in a reduction in the free availability of information. Censoring access to information is well known to be the death of democracy, allowing dictatorships to emerge.

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### **3) Recommendations to address issues of ‘harm’ and misinformation/ disinformation:**

**' The Australian public can also play an important role in countering foreign interference through social media. Increasing digital literacy throughout the general community would help to ensure that the Australian population are better able to recognise and respond appropriately to the risks of misinformation and disinformation online, which would increase national resilience in respect of these risks.'**

*(Australian Human Rights Commission; Submission to Senate Select Committee on Foreign Interference through Social Media 16 February 2023.)*

Rather than implementing a Bill that presumes to determine truth for the Australian public, it would be far more effective to teach the public digital literacy skills, instead of being kept in child-like dependency on the Government to determine what's 'officially false or true'. Invest in education programs specifically aimed at identifying misinformation and disinformation. Invest in public education campaigns on digital literacy. Empower Australians to develop and exercise skills in differentiating between ‘fake news’ and verifiable, reliable sources. Encourage users of social media platforms to report suspected ‘bots’ or interference by foreign agency ‘bad actors’.

**‘Top lawyers, including former NSW Supreme Court judge and anti-corruption advocate Anthony Whealy, told The Australian it would be “easy to politicise the project and equally damaging to democracy”.**

**“The usual definitions of truth and untruth are very difficult to apply and it’s all very subjective,” he said. “We need to proceed with extreme caution.” ‘**

*(<https://www.senatorpaterson.com.au/news/dangerous-and-orwellian-tech-giants-lawyers-warn-on-labor-bill>)*

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