

Date: 20 August 2023

To: The Department of Infrastructure,
Transport, Regional Development, Communications and the Arts,
GPO Box 594 Canberra ACT 2601

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

Dear Officer,

SUBMISSION

There exist already submissions such as the joint submission by Maat's Method and Australians for Science and Freedom. These already speak to the individual pieces of proposed legislation and how they sit with other existing laws and regulations such as human rights. Rather than repeating that already submitted the following are some very important concepts and themes that should be held as having over-riding importance in shaping what legislation should exist on this topic. Please do take heed.

Neither the ACMA nor anyone else is in a position to be the sole director as to that which is truth, misinformation or disinformation. It is almost impossible to keep up with fast moving technology so that one institution can have the relevant expertise to recognise sufficient nuances of the latest breakthrough insights that make old truths obsolete. All silencing of discussion is an assumption of infallibility and that is a false assumption. Science never pretends to hold the truth, instead at best working theories for which is always open to scrutiny. The truth does not mind being questioned. It is lies that demand silence or censorship. I therefore recommend great caution that rather than punishing misinformation and disinformation, to focus more to foster community and communications in which open debate is encouraged and valued. This way through scrutiny, flaws in a perspective are found and so that ideas are given their due weight by those who are experts in their field in open discourse with open records. That is how the best working theories float to the top. This in a dynamic and ongoing way will be far better than a world hamstrung by seeing one truth, with everything black and white, when there are so many shades of grey. It is from the shades of grey, anomalies event, that stem to make new insights and breakthroughs.

ACMA's position is not one of impartiality. ACMA's view tend to parallel that of the industry it regulates first, 2nd to that of the governments perspective and last to that of the public. This lack of impartiality means it is not right to lend ACMA the incredible power of being the source of defining that which is truth, that which is misinformation and that which is disinformation.

Current legislation has blinkers on considering 'Conflict of Interest' as a phenomenon only attributable to individuals. However this is also attributable to whole regulatory bodies for which are largely or wholly funded by industry. This is a glaring gap in legislation and thought space, a true elephant in the room. There are few studies that have been done. Whilst the following is in the

medical arena the concept of regulatory body behaviour when funded by industry has parallels with ACMA and the Communications industry.

A Yale team reviewed 37 studies on the extent and impact of conflicts of interest which appeared in *JAMA: The Journal of the American Medical Association*. They found that studies sponsored by industry were 3.6 times more likely to have conclusions favourable to industry than studies without that support.

“Industry sponsorship has the potential to distort the scientific process in a very disturbing way,” said Cary P. Gross, M.D., an assistant professor of medicine and the study’s lead author. “our results show that we need very close oversight.”

<https://medicine.yale.edu/news/yale-medicine-magazine/article/does-industry-funding-equal-conflict-of-interest-often/>

Given the lack of infallibility and of not being impartial, it is far better to encourage digital service providers to make available the many views on a topic rather than pretend that a single working theory be treated as the final sole truth on a matter. Currently google is in the practice of delisting alternative views from mainstream on politicized topics such as pandemics. Yet we know that the centralized global medical tyrannical approach killed the normal open discourse amongst medical professionals that would have allowed more insights to be spread rather than the one fits all methodologies that were proven to be flawed.

The past few years have shown us that many things declared as “fake news” one day end up being proven truthful several months down the track. Catastrophic policy errors are best avoided by robust debate. Scientific progress relies on the ability to refute the consensus. Science ceases to function when freedom is denied. Illiberal measures to control online mischief would be far more harmful than the misinformation itself.

There is nothing more hideous than a perverse idiot who has been leant the power to say that he alone holds the truth and to go about his day with his armies persecuting those who dare wish to go about their life in a natural and fluid way rather than conform to the perverse. Do not let the ACMA become this idiot. If you go to far this way, the law changes will creep and then one day years from now you will have a ministry of truth persecuting both the industry and their customers both.

Let’s say a digital service provider makes a mistake and communicates something that is not in the ACMA’s view the truth. They do so knowingly. But they just disagree with the ACMA that the ACMA’s version of truth they feel is wrong. Now in ACMA’s view this is known misinformation and so punishable.

It is always the politically motivated topic that gets given attention for censorship and punishment or to the defence of the machinations of exceedingly wealthy. Also what might be contentious is the harm that a particular misinformation causes. Chief editors allow government propaganda and one sided click bait to be one of the most common and pervasive practices. If the ACMA was to treat all lies equally to be shut down then mainstream media would be shutdown over night and require to be transformed. Every day consumers read news and see obvious inflammatory article headers that are clickbait for which the content does not match the heading and for which the article is your normal poor journalism providing one side of the story only without much research. Climate alarmism is rife spruiking up cow burps as causing climate catastrophe. Lets be honest, as this is the flavour of politics today to maintain the bloated CO2 and methane persecution that the ACMA would

likely only penalise inaccuracies or information pointing to other causes like undersea volcanic and geothermal effects, which in fact results in skewed priorities on climate action.

Are we going to presume that helpless readers are incapable of seeing that an article only speaks to one group of stakeholders, that they are incapable of imagining the other stakeholders, that they are absolutely spellbound and brainwashed. Now if you do then you must shutdown pretty much most all media providers and especially the propaganda all governments push out. Ultimately the customer of the digital service provider is the one responsible for deciding their view on a topic and to make their choices in life, not the ACMA. It is for them to look to alternative sources to obtain a broad and full view before deciding. This is not helped if we move to a world with only one source of truth available. So recapping, that which the ACMA may see as misinformation, someone else may see as partly or wholly true. We should not be treating the public and consumers as helpless sheep to be guided or else we might just be the authors of setting up to encourage this. Instead, we should foster the circumstances for which the public can fulfill their responsibility to most wisely gain diverse perspective for which to make their mind up. Well, that is if you hold democracy as having a place in a world where history proves that the alternative, being tyranny, is destructive to the truth, freedom and life.

One way to encourage to achieve robust consumers of information is to encourage debate, debunking and to rank the pros and cons of a matter including for all stakeholders. If an article is one sided, then to create an opening for journalism and commentary to fill the gap with opposing views and considerations.

Power corrupts, absolute power corrupts absolutely. There is no avoiding that power will decide a matter and that some sort of distribution of power will exist on a matter. So, the only right choice is to encourage the balancing of power. So please do think carefully about how much power is lent to ACMA regards choosing what is true and false. Look not to this particular tranche in the series of incremental legislation but to the long term, where in crossing a line, that one day a Ministry of Truth with too much over reach creates more harm than good in its role. I say incremental change as that is exactly what regulatory bodies do by default, they grow and take on more and more of the decision making that the public should be doing for themselves. What we need is less government not more because it becomes destructive to have too much done in centralized ways that are better fitted to a dynamic decentralized market mechanism.

To lend historic fact to your imagination, the 2nd biggest killer of humans on the planet to Mosquitoes (passing airborne diseases such as Malaria) is in fact governments via Democide. Democide refers to "the intentional killing of an unarmed or disarmed person by [government agents](#) acting in their [authoritative](#) capacity and pursuant to government policy or high command." [R.J. Rummel](#) in his book *Death by Government*, estimated that there have been 262 million victims of democide in the last century. According to his figures, six times as many people have died from the actions of people working for governments than have died in battle. Rummel argued that there is a relation between political power and democide. Political mass murder grows increasingly common as political power becomes unconstrained.

Rummel argued that "concentrated political power is the most dangerous thing on earth."^[11]

So in conclusion the ACMA is not infallible, it is not impartial and the ACMA should consult widely as to that which they might police and that which they would better encourage market forces to fulfill itself.