

Submission on the exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Thank you for the opportunity to present my submission on this proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Firstly, in my opinion, the legal speak in this draft legislation is very difficult to comprehend, it is not written for ease of understanding, it is written in English legal double speak, it is in itself, misleading. This alone, does not pass the 'Pub Test'.

The plan to introduce these new ACMA powers is a gross, even sinister political and bureaucratic overreach. It is the type of legislation that Totalitarian regimes employ.

To begin with, it is inappropriate that State and Federal Governments are excluded from this legislation. There are many instances where government statements have proven incorrect. For example during the Covid19 period, we were told that vaccines would prevent people from catching Covid, spreading Covid or being hospitalised. All of these statements are misinformation. Governments in Australia tell us that nuclear power is unsafe to use in Australia, when clearly it is safe. It is one of the major power sources in many countries around the globe and if we want to reduce emissions, traditional hydro and nuclear should be front and centre.

This arrogant draft Bill has a double standard, you can't have an opinion, but government can!

As another example of why Government should never think they know better than their constituents, take Robodebt for example. It was a disgraceful government bullying reaction, and yet government at the time, defended its introduction. If, at the time, a member of the public indicated on social media that Robodebt was unfair, inaccurate and wrong, they would likely have been fact checked, penalised, defamed, or demonised. They would have been censored for disinformation or misinformation.

If I wrote on Social media, as I often do, that fire should be used regularly to reduce fuel loads and encourage new growth, hence encouraging native animals back into our National Parks, I would likely be censored. And yet anyone who lives and works in the bush, knows that this statement is correct.

As I see it, this is Big Brother government, taking away individuals freedom of speech, freedom of expression and freedom of choice.

Who do you trust to determine what is true and what is false. What is right and what is wrong?

To determine which news and opinion is allowed to be published, and which should be banned to 'protect public health and safety'? So who determines what is misinformation or disinformation? It's a fair bet that Facebook, main stream media, and the government and government agencies aren't at the top of your list. Yet the Albanese government has released a Bill gifting itself and Big Tech new powers to censor information it doesn't want online.

According to the Minister for Communications: 'Mis and disinformation sows division within the community, undermines trust and can threaten public health and safety. The Albanese government says it is committed to keeping Australians safe online.' In reality, the moment a government says 'trust me', most Australians are immediately suspect.

There are many red flags raised by this Bill. As I suggested earlier, the biggest is the fact that Albanese has exempted anything from his own government or the media from being considered 'misinformation'.

In reality this Bill, instead of 'Keeping us safe online' is really about 'Keeping us in the dark online'! No one could argue the probability of this fact!

Yet anything said in response to the government by the Opposition or another political party, or by any member of the public, can be considered misinformation and censored.

For example, if a Minister of the government made a clearly deceptive claim such as that the Voice would never campaign to change the date of Australia Day, and the main stream media uncritically published stories about this on social media, that can't be considered misinformation. But if you comment on that post and point out the Voice would be free to lobby government on any matter it chooses and that some of the government's top advisers on the Voice have been denouncing Australia Day and calling to change the date for years, you may well find your post tagged as misinformation.

In the lead-up to this Orwellian 'combatting misinformation' Bill being released, 'misinformation' suddenly became Labor's new buzzword for any opposition to its divisive Voice referendum. In February this year, a carefully coordinated media drop from the Prime Minister's Office to the Sydney Morning Herald read:

'Prime Minister Anthony Albanese will link the growing international wave of misinformation to the campaign against the Indigenous Voice to Parliament, saying he is optimistic Australians will look past a confected culture war and support the referendum.'

So on one hand, Labor says stopping misinformation is about 'keeping Australians safe online'. On the other hand, the Prime Minister says misinformation is people who don't agree with his divisive proposal to embed a new bureaucracy in our Constitution, namely 'The Voice'.

Like it or not, for left-wing governments and commentators, 'misinformation' has become the new 'hate speech' – terms used by the left to justify legal punishment against any opposing views.

Let's not forget that social media companies have been happily censoring and banning those who criticise left-wing ideologies for years. It's an ominous sign that the Albanese government demands still more censorship and wants to give itself greater powers to enforce it.

The inevitable result of the Labor government threatening massive fines against social media if they don't censor content further, is that those companies will block content and debates they know left-wing governments don't like. Albanese's government has drafted its legislation to ensure that when your posts are censored or your account is banned as a result of these new laws, there will be no right of appeal to the government, and they'll be able to blame the social media platforms.

Everybody knows that the internet is full of false information. A good government should trust the public they work for, to process and critique what they read and see online, accordingly. The best remedy to misinformation is free and open debate, supported by a fair media which doesn't simply regurgitate the fashionable opinions of the day from social media because it's cheap and easy journalism.

Instead of that liberal and democratic approach, the Albanese government is choosing the path of censorship and suppression. Government that appoints itself and fellow elites as the arbiters of truth is the worst possible response – one that authoritarian regimes have chosen since the beginning of recorded history.

If this Draft Bill is legislated, Australia will no longer be the lucky country, a country where it's citizens can enjoy the freedom that has existed in the past. The freedom that our soldiers have fought and died to uphold. Our democracy would be threatened, because there is a strong case that this will reduce our democratic rights, as free democratic societies have no restrictions on speech, opinions and choices. This Bill should be rejected.

9. Attachment 2: What is in scope of the ACMA powers

Table 4: Key examples of what is in scope of the ACMA powers

Examples	Information powers	Code and standard powers
Misinformation	In scope	In scope
Disinformation	In scope	In scope
Professional news content	Excluded	Excluded
Authorised electoral and referendum content	In scope	Excluded
Unauthorised electoral or referendum content that is misinformation	In scope	Excluded
Unauthorised electoral or referendum content that is disinformation	In scope	In scope
Satire / parody / entertainment – content produced in good faith for these purposes	Excluded	Excluded
Content authorised by an Australian Federal, State, Territory or Local Government	Excluded	Excluded
Educational content produced by or for accredited educational providers	Excluded	Excluded
Private message content	Excluded	Excluded
Digital platform services (excluding services in clause 6) <ul style="list-style-type: none"> - search engines - news aggregators - instant messaging services - social media - web-forums - dating sites - online peer-to-peer marketplaces - podcasting services (with an interactive feature) 	In scope	In scope
Excluded services for misinformation purposes (clause 6 services) <ul style="list-style-type: none"> - email, Broadcast Video On Demand Services (BVODS), Subscription Video On Demand Services (SVODS), podcasts without an interactive feature as defined in clause 5 	Excluded	Excluded

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