

16 August 2023

**To: Dept. 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)**

I am making a submission through this letter which is UNSUPPORTIVE of giving the ACMA more powers to counteract so-called “mis-information” and “dis-information”.

While it is true that the internet is currently a place where one may find all kinds of various views and opinions, as well as reports, research, news and many many other kinds of information as almost all public documents find their way eventually to the internet, among this plethora there are erroneous reports, even deliberate lies, as well as what's sometimes referred to as “hate” content, “fake” news, and more recently what's being called “mis-information” and “dis-information”.

There have been discussions – among governments usually – that some kind of regulation needs to be put in place to supposedly guard the public from especially harmful and nefarious content by censorship, or by requiring media platforms to self-censor the content uploaded on their platforms.

During the Covid pandemic some quite obvious interventions were taken in the above regard. It is now being alleged the US government in particular made illegal attempts to silence certain individuals, organisations, and views through strong representations to social media outlets such as Facebook and Youtube to “deplatform” named individuals and organisations. There are currently litigations and several House of Representative committee investigations underway with the Biden administration about these alleged activities. The government's accusations centred on the term “mis-information” or even “dis-information” as somehow wrongful, and which should not be supported by publication on social media.

It is now being revealed that in the main what was being labelled “mis-information” was what amounted to alternative views to government-sponsored views. In fact one could call it government propaganda (as it was nothing less). Here in Australia the Morrison government seemed to parrot almost in identical fashion a similar thrust in its media campaign to coerce (and it was coercion in many respects through encouraging mandates, psychological social bullying, and finally an actual period of apartheid between those who took the shots and those who chose not to) people into following the unnecessary and extreme government restrictions on freedoms, and finally even into taking new, experimental medications whose immediate and long-term health outcomes were almost entirely unknown.

Those people who were accused of spreading “mis-information” – among them respected doctors, published medical researchers, former heads of pharmaceutical companies, virologists, nurses working in hospitals, as well as people sharing their experiences of adverse effects from taking the circulating injections – were demonized, de-platformed, publically shamed, and some of the doctors were actually deregistered by their medical bodies, others had publication of their research papers and studies cancelled. These were all the outcomes of being labelled as someone spreading “mis-information”.

But what exactly IS “mis-information”? How would the ACMA define it? Who would direct the ACMA in its targeting and censoring activities? Who and what would be *their* sources of information? The ones with the REAL information - the ones with the truth? And how would the

authenticity of those sources and their information be assured? In other words, how would the ACMA justify its censorship decisions? This is not as straight-forward as it might appear.

I would like to call attention to one example which the UK and US governments (and one could argue by association the Australian government as well) followed as a source of REAL information, a source of truth during the pandemic. They followed a statement which came during the pandemic from an opaque on-line organisation called the Centre for Countering Digital Hate (CCDH). This happened when the CCDH published an infamous accusation of a number of individuals the CCDH labelled the “Disinformation Dozen”. This published list, containing the names of respected doctors, researchers, and even Robert F. Kennedy Jr. who is currently running for the US Presidency as a Democratic nominee, were the people responsible (so the CCDH claimed at the time) for 73% of vaccine misinformation on Facebook. This statement was widely circulated and resulted in a huge toll on the individuals so named. Then Facebook did its own investigation and found that no, these 12 individuals were actually only responsible for just 0.05% of all views of vaccine-related content on Facebook. (Facebook- Aug. 18, 2021).

Recently the Washington Examiner has reported on the US government House Judiciary Chairman Jim Jordan, R-Ohio, who has opened an investigation into the CCDH. The group has been ordered to hand over records to the Judiciary Committee detailing its interactions with the US government and the executive branch. As reported by the Washington Examiner (3 August 2023),

*“We know from the Facebook Files that the Center for Countering Digital Hate was working with the White House to censor speech,’ a senior GOP congressional aide with knowledge of the inquiry said. ‘But how far did it go? Republicans want to find out!’”*

Added to this, Elon Musk of Twitter/X-Corp is now suing CCDH which has targetted Twitter, causing the organisation to lose a substantial part of its advertising revenue. Legal representatives for X-Corp are asserting the CCDH's claims are “false, misleading and are not supported by anything that could credibly be called research.” (This is part of Lawyer, Alex Spiro's letter to CCDH's Imran Amed on July 20, 2023).

The activities of the CCDH and the US and UK governments is only one example of the very many ways suppression of information and censorship was being orchestrated during the Covid pandemic to deny the opportunity for any alternative views to be expressed and heard in the public sphere.

The label “mis-information” comes with the sense the information is false or misleading. In reality, at least in the above example, the information was only different to what the government messaging campaign was communicating in all three of the above countries. But the governments' strategy was aiming at total (100%) compliance among their populations, so they actively made efforts to squash any alternative views or information supporting a different view.

So this is the fraught field the ACMA would be entering in attempting to know who is misinforming and of what, and to follow through with its new powers. The result will only mean less access to alternative views, less open discussion, very likely suppression of facts, all this fueling the temptation of governments to take totalitarian control, and less and less “free speech” - something cherished and rightly protected in democratic countries for good reason.

