

# Submission from Robin Whittle regarding the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024

This is a brief submission in addition to the submission I provided regarding the 2023 exposure draft:

<https://www.firstpr.com.au/issues/Mis-dis-info-bill-Robin-Whittle.pdf>

in which section headings included:

## **Purported cure worse than the disease**

**Even if the goals of the proposed Act were worthy and valuable, its implementation by multiple levels of indirect pressure would be counterproductive and at odds with the principles of good governance**

**Disastrous impact on freedom of expression, ability to learn and evaluate information about anything at all, and on the trust in governments**

The short version is that, beyond existing laws concerning child sex abuse material, privacy, defamation and threats of violence, governments should not attempt to control how citizens communicate, think or research whatever interests them.

This includes laws which directly implement censorship of communications of any kind, and laws, policy positions and threats of such which are intended to encourage or coerce companies to enact whatever controls the government thinks would be beneficial.

Even if we ignore the obvious objections concerning freedom of communication, any such government actions inevitably detracts from trust in governments and promotes an environment of innovation-stifling *groupthink*.

At every level of society – from individuals, through workplaces and friendship groups, to large public organisations, political parties and governments – Australia needs unencumbered, frank, creative, critical and genuinely free-wheeling communications in order that we can live and work well, and devise the best principles and policies for the nation.

Australia has no equivalent of the United States' First Amendment. Every country without this would do better to conduct its affairs as if this First Amendment applied in their country.

The temptation of governments to interfere with communications they do not favour is profound, universal and exceedingly pernicious.

Millions of people fought and died to protect Western civilisation from the censorious controls inherent in communist, fascist and other forms of totalitarian government

The United States Federal Government has directly interfered, in ways which are at odds with the First Amendment, with the ability of U.S. citizens' ability to communicate freely via Twitter (X), Facebook and other social media networks.

You won't read about this much in the *ABC News* and *The Guardian* because they are generally aligned with left-leaning governments desire to suppress views they dislike, rather than to directly challenge and debate them.

See, for instance:

- Mark Zuckerberg's recent confirmation of this:  
<https://www.racket.news/p/zuckerberg-defies-the-borg>
- The United States Congress House Committee on Small Business' recent report: <https://www.racket.news/p/house-committee-rips-state-department>
- The now-combined Missouri vs. Biden and Kennedy vs. Biden court challenges to the constitutionality of recent government social media censorship actions:  
<https://aaronkheriaty.substack.com/p/missouri-v-bidenkennedy-v-biden-update>

The Australian government should honour the highest principles and the needs of the Australian people by abandoning this foolhardy proposed legislation.

Here is a slightly revised version of the final section of my first submission.

Sincerely

Robin Whittle

## The proper way for governments, organisations and individuals to tackle what they consider to be "misinformation" or "disinformation"

These two categories of material are not something which can be objectively defined in a way which reliably and clearly identifies such material in the real world.

To person A, "misinformation" or "disinformation" is material which they think is untrue and/or misleading (to someone else – even to one person in the whole country, and/or deceptive (likewise) and/or "harmful" in some way. Person B would have somewhat or very different assessments of the same set of materials.

These are totally subjective judgements. Each individual is entitled to judge material as being "misinformation" or "disinformation".

No individual, company, organisation, government agency or government should be empowered to suppress discussion and dissemination of material they judge to be "misinformation" or "disinformation". There are obvious freedom of speech and democratic process arguments which show this to be the case.

However, there are further arguments against such empowerment concerning:

- The corruption of public discourse. (Why should anyone trust what is being transacted on social media networks when they know the network enacts government censorship policies?)
- The suppression of governments ability to get (including being given, when not asked for) information, feedback, critiques and guidance from the general public all of which are critical to its ability to make proper judgments on every conceivable matter, not least public health and the democratic process itself.
- The direct destruction in public trust for governments. This profoundly limits the ability of governments and their agencies to do any good at all.
- Regulatory capture of the mis/dis-information management agency by individual companies, industries, political, religious or other groups

The best way for individuals, companies, organisations, government departments and governments to tackle whatever they consider to be "misinformation" or "disinformation" is to:

- Provide evidence and arguments for their position, critiquing the supposedly mis- or dis-information and providing what they believe to be a correct account of all relevant matters.

That's it. There is only one dot point.

This requires no new legislation or expenditure.

This approach treats the public in general, and each individual citizen, with respect. The proposed Act is a deeply condescending action on the part of government to corral and manipulate the minds and lives of all Australians – the people who they are elected and paid to serve.

The government should respect and take a real interest in the opinions of the public, rather than view the entire population as an unruly and potentially dangerous flock which needs to be constrained for its own good.

Governments already have such strong powers to argue for and against whatever they like, via advertisements and other government programs that there is a case for independent scrutiny of all such public information initiatives, regarding their expense, and to provide some professional scrutiny, probably from multiple contrary perspectives, on the veracity of the evidence and arguments governments provide in this manner.

For the government, government departments, industry self-regulatory bodies, corporations, educational institutions etc. to be actively involved in curtailing individual to individual and individual to many communications, beyond those laws which have been enacted for decades, is wrong in every respect.

## About the author

I became involved in consumer advocacy for privacy in 1993, particularly concerning the intrusive nature of telemarketing. In the mid to late 1990s I joined the board of Consumers Telecommunications Network and represented consumers on several AUSTEL technical standards committees.

In the late 1990s I wrote some telecommunications technology articles for *Australian Communications* magazine and did some consulting work. <https://www.firstpr.com.au/robin/cv.html>

I now work with electronic musical instruments and with C++ programming for mining optimisation. My Substack, concerning nutrition and the immune system, allows comments and so would be subject to the regulations in this proposed Act:  
<https://nutritionmatters.substack.com>

I appreciate the government's offer to publish this submission with my name but without my address and other contact details.

I will also make it available at <https://www.firstpr.com.au/issues/>.