



Keep The ACCC Out Of Social Media

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Nearly exactly the same things said about social media today could have been said in the middle of the 15th century about the development of movable type and the printing press. People will use books and newspapers to say nasty things about each other; foreign powers will distribute pamphlets to undermine domestic governments with the result that eventually the sources of authority in society will be challenged and even overturned.

Five hundred years ago the Catholic Church could no more hold out against the printing press than can governments and the traditional mainstream media hold out against Facebook and Google and whatever succeeds them.

In a fight between government and technology, in the long run, technology usually wins. The reason technology wins is because the best and most powerful technologies empower individuals – which is precisely why, on the whole, kings and queens in the 15th century and governments in the 21st want to regulate and control technology.



This is the context in which the release last week of the report of the 'Digital platforms inquiry' from the Australian Competition and Consumer Commission must be seen. The report is just another manifestation of the history-long, never-ceasing attempts of governments and authorities to prevent the spread of whatever it is (usually its ideas and technologies) they believe could damage their own interests.

One of the very few possible justifications for the involvement of the ACCC in the field of social media is to investigate the extent to which the traditional news media is hampered by rules and regulations that don't apply digital platforms. And related to this is the question of whether Facebook and Google are 'publishers' with all the legal liability that entails. These were issues the ACCC largely avoided.

Instead of focussing on these legitimate policy considerations, the ACCC instead spent its time inventing a whole series of new regulatory burdens to be imposed on digital media companies to level the playing field with traditional companies – which is exactly the opposite of what they should have done. Unfortunately no bureaucratic organisation whose entire raison d'être is the creation and application of regulations will ever recommend doing themselves out of a job.

The ACCC wants a whole series of new powers for itself and other regulators to control the news and opinions citizens have access to, through the ACCC's oversight of the algorithms determining what users see on their screens. While the manipulation of algorithms of the big technology companies leaves a lot to be desired, the alternative to private companies choosing what citizens see is having the government decide.

The ACCC is absolutely wrong when it claims that 'high-quality journalism' is 'essential for a well-functioning democracy'.

What's essential for a well-functioning democracy is for individuals to have freedom of speech and freedom of thought. Journalists should have exactly the same freedoms to speak and write as any other citizen. The 'high-quality journalism' that the ACCC believes exists is usually simply the left-progressive opinions of journalists working for traditional news media organisations.

Perhaps the worst part of the ACCC report is its attempt to tackle the alleged problem of 'fake news' by requiring digital media companies to monitor the spread of 'disinformation' on social media. What the ACCC is suggesting is eerily reminiscent of a report into media regulation commissioned by the previous federal Labor government. In 2012 the so-called 'Finkelstein Inquiry' recommended that the government appoint a 'News Media Council' to regulate the publication and dissemination of news. After a widespread uproar, Labor shelved the idea.

Now just a few years later, the ACCC is back with very similar suggestions and it's using exactly the same rationale to justify government censorship of the media as that employed in the Finkelstein Inquiry. Apparently, in the words of the ACCC, the spread of digital media content means it is 'difficult for consumers to ascertain the veracity, trustworthiness and quality of the news and journalism they access online.'



Probably the only worthwhile outcome of the ACCC report is that perhaps unwittingly it highlights the stark choice we face into the future. Either we as individuals decide for ourselves the sources of news and opinion we trust or we leave it to the government and the ACCC to decide for us.

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