

27 July 2023

New ACMA powers to combat misinformation and disinformation

I hereby express my concerns about the exposure draft of the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023, as announced by the Minister for Communications.

I appreciate the motivations behind the Bill, and acknowledge that it will not place the ACMA or any other department of government in a position to determine truth or falsehood, and that this will remain with the social media companies themselves. However, notions of truth and falsehood and the potential for harm caused are likely to vary from one social media company and another, or even change when a company acquires a new owner. There might also be situations where government takes a more restrictive view of the potential for harm caused by a certain piece of misinformation than a social media company. The Bill does not appear to address these situations.

I am in general disagreement with policies that infringe freedom of speech. Much of what is accepted as fact today was considered radical and outside the realm of serious discussion not so long ago, as the information available to us and societal attitudes changed over time. Our scientific understanding of the world is always evolving and subject to political realities, our recent legalising of cannabis, MDMA and psilocybin for treating depression and other ailments being a case in point. The “chilling effect” of this piece of legislation should be a cause for concern for all Australians who wish to have online discussions on new and challenging ideas. I am in agreement with the draft insofar as it excludes private messaging.

Naturally and unavoidably, the conspiracy minded will interpret this legislation as vindication of their views. Alternative social media platforms will experience a surge in traffic, and overseas based ‘alternative news’ pages will remain accessible, as the internet knows no borders. If we were to pass this legislation, foreign regimes who make a habit of clamping down on free speech would be further empowered to say in response to criticism: ‘Tu quoque’.

A better alternative to this (and similar) legislation that would address the root cause of the problem would be bringing in critical thinking courses in schools that deal with misinformation and propaganda and how to spot it, thereby better preparing future generations for the digital world. This Bill comes across as defeatism in the face of the technological space we must now all navigate in.