

This submission is on the “exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023” as accessed at the following link:

<https://www.infrastructure.gov.au/have-your-say/new-acma-powers-combat-misinformation-and-disinformation>

The preamble (under the heading ‘The Issue’ to the exposure draft contains the following statement:

“Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as to our democracy, society and economy.”

This is a very sensational and emotive statement that in my view dramatically overstates the impact of so-called misinformation and disinformation on various facets of Australian life. The statement would be strengthened with examples of where this has occurred in the past. As long as humans have walked the earth there are those who seek to gain by distorting or misrepresenting the truth or spreading lies - including governments. But the right to free speech permits the free expression of views, opinions and ideas and this right should be absolute even if the information has little basis in truth.

The truth in many disciplines is not as easy as $2+2=4$. Truth evolves via the contest of ideas, robust debate, and testing hypotheses.

Throughout history there have been many examples of individuals who were ignored, vilified, and marginalised for spreading so-called misinformation/disinformation that turned out not only to be true, but are now accepted as dogma. Some well-known examples are:

- Ignaz Semmelweis’ claims that if doctors washed their hands prior to delivering babies many lives would be saved
- Galileo Galilei – “The Earth is not the centre of the Solar System” – the sun is”
- Louis Pasteur – “Infections are spread by invisible germs”

Fast forward to the present and in the era of the digital age there are many more examples of individuals whose views have wrongly been censored and pilloried. This is especially the case regarding information about COVID-19, treatments, and vaccines. Many well-credentialed scientists have been censored for their views and been de-platformed from sites such as Facebook and Twitter. ‘Fact-checking’ has become pervasive and laughably, the ‘fact-checkers’ are attacking eminent scientists for their views even as the ‘fact-checks’ – certainly in the case of Facebook, have been revealed to be no more than opinions.

The so-called ‘twitter files’ has laid bare the extent to which the US Government was colluding with Twitter employees to have certain views and/or accounts removed, many of which turned out to be true.

There is currently a lawsuit underway in the United States ‘Missouri vs Biden’ brought forward by the Attorneys’ General of Missouri, Louisiana and private citizens over alleged breaches of the First Amendment right to free speech. The judge issued a ruling on 4 July – a 155 page document that included the following:

The Plaintiffs are likely to succeed on the merits in establishing that the Government has used its power to silence the opposition. Opposition to COVID-19 vaccines; opposition to COVID-19

masking and lockdowns; opposition to the lab-leak theory of COVID-19; opposition to the validity of the 2020 election; opposition to President Biden's policies; statements that the Hunter Biden laptop story was true; and opposition to policies of the government officials in power. All were suppressed. It is quite telling that each example or category of suppressed speech was conservative in nature. This targeted suppression of conservative ideas is a perfect example of viewpoint discrimination of political speech. American citizens have the right to engage in free debate about the significant issues affecting the country. If the allegations made by plaintiffs are true, the present case arguably involves the most massive attack against free speech in United States' history. The plaintiffs are likely to succeed on the merits in establishing that the government has used its power to silence the opposition."

In Australia, information received under FOI and confirmed in Senate Estimates questioning by Senator Alex Antic - the Department of Home Affairs has been contacting social media companies to highlight 'posts' by individuals that it considers misinformation, that have later turned out to be true.

This highlights the dangers of having a single entity as the arbiter of truth.

Some examples of true information that led to censorship/social media account suspension were:

- The mRNA vaccines for Covid do NOT stay at the injection site as was claimed
- The Covid vaccines DO NOT stop infection and transmission as was claimed
- SARS-COV-2 is now widely accepted to have come from a lab and NOT from the Wuhan wet market/zoonotic spillover
- Vaccinated individuals can get sick and die from Covid
- The New York Post's Twitter and Facebook accounts were suspended due to its reporting of the Hunter Biden files/laptop – a story that turned out to be true.

The proposed legislation will enable bureaucrats within ACMA to determine what is misinformation and disinformation, as if it can be the arbiter of truth. The reality is that these proposed laws are an affront to the notion of free speech. Orwell's 1984 was not supposed to be a guide to government policy – but these proposed laws bring a 'Ministry of Truth' one step closer to creation.

The preamble to the exposure draft also contains the following statement:

"The new powers will enable the ACMA to monitor efforts and require digital platforms to do more, placing Australia at the forefront in tackling harmful online misinformation and disinformation, while balancing freedom of speech."

There is no 'balancing freedom of speech' with these proposed laws – they are intended to limit free speech. Australia already has a raft of laws that provide individuals with protection on-line, such as privacy laws and anti-discrimination laws, as well as laws relating to counter-terrorism. But these proposed laws essentially allow for views and opinions to be censored at the whim of bureaucrats, who may be under the influence of government. And it would be impossible for employees of ACMA to be expert enough on any given topic to arbitrate as to what information is true or not.

The better way to get to the truth is via the free expression of ideas. In the end, ideas or views that aren't backed by evidence, or a rational argument, will ultimately fade into the abyss. It is therefore the community itself that will inevitably ensure that the truth prevails.

In summary, these proposed laws are unnecessary, dangerous and constitute a dramatic over-reach of government. There are ample laws currently in place that provide protection from harm without going down this path. Establishing a government agency as the arbiter of truth is a dangerous proposition and will not have the intended effect. Indeed it may result in a slowdown in the evolution of truth as dissenters are silenced.

My respectful suggestion therefore is to condemn this exposure draft to the virtual shredder.