

A Submission of the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

General

I am concerned that this bill aims to suppress free speech and the publication of the sincerely held opinions of average citizens.

As the following examples illustrate, the framework for judging what is 'true' and what is 'misinformation' will be defined by core Government policy: those that agree with Government policy will be speaking 'truth'; those that express opposing views will be spreading misinformation.

The power to determine what is true and punish those speaking what is considered to be false is the hallmark of totalitarianism, and has no place in a modern democracy.

Whilst we all agree that spreading misinformation with malicious intent is undesirable (e.g. people making hoax bomb phone calls), we must also recognise the rights of an individual to express an opinion, even if that goes contrary to established Government policy. This distinction is not marked out sufficiently (if at all) in this proposed legislation.

Surely it is adequate to make the public aware that everything they hear or read is an opinion unless stated otherwise.

What is true?

'Combatting misinformation and disinformation' implies that the bill is setting out an agenda for determining what is true. Note that philosophers have been trying to determine 'truth' for thousands of years, and yet the quest goes on.

Any logician will tell you that the 'truth' of a conclusion is dependent on the soundness of the argument that leads to it and is ultimately dependent on the truth of the premises (what is accepted to be true to start with). The premises are of course the result of arguments based on premises etc. and the regression goes on endlessly.

It is also to be noted that whilst 80% of surveyed Australians want '**truth in advertising**', they tend to be referring to the stream of lies and misinformation that politicians spout during election campaigns. Yet this bill expressly exempts Governments from the reach of the bill.

Example 1: In November 2022 federal MP Zoe Steggall called for \$50,000 fines to be imposed on people who say that the proposed Aboriginal Voice to Parliament would constitute a third chamber of parliament.

To label the Voice to Parliament as a 'third chamber' is an example of a metaphor. And the ability of the human mind to construct metaphors is one of the foundational human abilities that has led to the development of civilization. To ban metaphor is to try and turn the evolutionary clock back millions of years.

Links:

[ABC Zoe Steggall article.](#)

[Zoe Steggall article critique.](#)

Who determines 'truth'?

The notion that the ACMA (Australian Communication and Media Authority) should be the ultimate arbiter of truth is alarming. The following is an example of how they monitor the Australian ABC and its Code of Practice. They are basically standing up for Government policy rather than policing the ABC's adherence to its code of practice.

Example 2. In December 2022 I complained to ABC News that they had failed to provide any coverage of International Men's Day (19th November) for the past two years, whilst their coverage of International Women's Day seems to go on all year.

The ABC Code of Practice states in Part IV, Section , relating to impartiality and diversity of perspectives covered, that in presenting current issues, 'no significant strand of thought or belief within the community is knowingly excluded or disproportionately represented.'

The ABC replied that their failure to advertise International Men's Day was a 'programming' issue and not covered by their code of practice.

I took my complaint to the ACMA and they supported the ABC stance, adding that 'programming decisions' are beyond the remit of the ACMA.

The ACMA is here inventing a distinction between what is shown on the ABC and what is excluded on an editorial level—a distinction that is absent from the ABC Code of Practice. If this is an example of the ACMA being an 'arbiter of truth' we should all be worried about the state of our democracy.

Links:

[ABC Code of Practice.](#)

[History of a complaint about the ABC.](#)