

**To:** The Department of Infrastructure, Transport, Regional Development,  
Communications and the Arts,  
GPO Box 594  
Canberra ACT 2601

**Re:** New ACMA powers to combat misinformation and disinformation (the *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023*)

Dear Officer,

*"All truth passes through three stages. First, it is ridiculed. Second, it is violently opposed. Third, it is accepted as being self-evident."*

This quote is often credited to the philosopher Arthur Schopenhauer. Ironically, there is no evidence to prove he said or wrote this statement, and the attribution to him is likely to be false – or "misinformation". Regardless, the sentiment behind it is valid: at first, some theories may be contrary to commonly held beliefs and the science of the day, but over time they are backed by evidence and accepted as the norm.

The following is a list of just a few people who could be censored under the proposed *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 (the Bill)*:

Aristarchus, Copernicus, Kepler and Galileo	Ghandi
Ignaz Semmelweis	Emmeline Pankhurst
Clair Cameron Patterson	Martin Luther King
John Snow	William Wilberforce
Louis Pasteur	Dietrich Bonhoeffer
Charles Darwin	Nelson Mandela
Voltaire	Peter Lalor

Today the term 'flat-earther' is used to describe someone who stubbornly adheres to an outmoded idea. Yet, if the Bill was in place when Pythagoras and Aristotle first suggested the earth was round, their "misinformation" would most definitely have been censored as to avoid the apparent harm to anyone who might go sailing and fall off the edge of the earth.

Once upon a time it was advertised that "*more doctors smoke Camel than any other cigarette*", and smoking was "*refreshing*" for your lungs. Science changes, and this can only be encouraged through questioning and debate. Censorship will stifle that debate.

Where would the LGBTQI+ community be if their voices had continued to be censored? Would Australia's Indigenous population have a vote, let alone a Voice if there had been censorship on commentary to their plight in the mid-1900's?

What constitutes "serious harm"? Could it have been considered "serious harm", at the time, to abolish slavery, to allow women a vote, to recognise Aborigines as people? Could the impact on the tobacco industry have been considered "serious harm" to the economy, and therefore objection cigarettes been silenced?

Included in the definition of serious harm is “harm that ... undermines the integrity of an Australian democratic process”. Yet the censorship of its citizens does exactly that. I believe it is fair to say that, if he was alive today, Peter Lalor would be against such a piece of legislation.

The Bill has potential for significant misuse. The Department needs to consider if they would be happy for such legislation to be in the hands of other political parties – past, present or future. There are some from around the world for whom this would definitely not be the case.

Similarly, putting the decision as to what is misinformation and what is truth in the hands of few brings the spectre of corruption. Again, this may not be the case for the initial incumbents, but will it always be so? It is important to consider the potential for this to occur.

The Bill introduces a “do as I say, not as I do” philosophy. While the general public will be censored for comments, government, professional news content providers, and educational institutions are exempt. How can it be that a person’s comment is considered legitimate based on their employer or the position they hold? Is a doctor or a judge or any other member of society not as worthy to express their opinion? Can a politician, a journalist or an academic not create the same level of harm by making a false statement? On the contrary, it could be argued that they can create more harm due to the nature of the position they hold and through the wide reach of their audience.

As an example of the above three points, when the Morrison government wanted to repeal the Medevac law relating to refugees, Professor Jane McAdam, author of *Refugee Rights and Policy Wrongs: A frank, up-to-date guide by experts* said misinformation peddled by political leaders and certain segments of the media was feeding public disquiet and insecurity about refugees and people seeking asylum. Launching the book Dr Kerry Phelps AM warned that misinformation was now political currency, claiming that the excuses from the Morrison government “...amount to a concerted campaign of misinformation ... sadly and shamefully aided and abetted by elements of the mainstream media who have published these claims.”

It is my opinion that the Bill is the equivalent of book burning. There is a long history of attempts to silence lines of thinking that disagree with those in power. Australia has historically fought to defend the right to free speech. It will be a very sad day if this country switches to be the persecutor and not the protector. As such, I ask that the Bill be dismissed.

Thank you for the opportunity to provide my opinion – it is an opportunity I feel a duty to take while I can and before the introduction of the Bill no longer allows it.

Kind regards,  
David Ryan