

Comment on the draft

**“Communications Legislation Amendment  
(Combating Misinformation and Disinformation) Bill 2023”**

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**Executive Summary:**

- 1) This legislation blithely believes that the ACMA will know 100% of the truth of all matters, or have access to people who will, which is a pious notion in the extreme.
- 2) The truth is not always an absolute but can be a partial truth, a distortion, an exaggeration or omit vital information that undermines what has been said.
- 3) Even if it is supposedly established, the truth can change over time as new information comes to light.

For these reasons it is not only Orwellian in the extreme to police what is claimed to be the truth and ban dissenting voices but often an impossible task to know what the truth is.

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**The question of Truth**

The ultimate issue for the legislation is whether the truth can always be determined and without doubt. On simple issues of fact the truth can be determined relatively easily but not on issues that are still in flux either because the subject is new, the information is new or the matter is open to debate. (And one should be cautious about ever closing debate on any issue).

The ACMA cannot be expected to know the whole truth of every matter that might come under its purview for both the above reasons and because of a simple lack of knowledge.

**Rely on the advice of Experts?**

Seeking the advice of experts is a flawed approach because those experts might, apart from contending with more general issues that I discuss below,

- a) Have an education that leads them to believe certain untruths
- b) Be incompletely informed, which leads them to make false judgements
- c) Not be impartial but wish to promote or suppress certain lines of argument

And on top of those problems, how can the ACMA determine who is truly an expert and who is not when many so-called experts have used media releases to declare themselves experts? (Even if the ACMA managed to somehow recognise the self-promotion as false, would it call out such instances as misinformation or disinformation?)

### **Judgement of Solomon:**

Both sides might have good evidence<sup>1</sup> to support their claims and not even the professional field to which they belong be unable to decide which argument is more likely to be correct.

It's a bit rich to assert that the ACMA can make a decision that the professional body has found impossible to make.

### **Is popular opinion a guide to the truth?**

The ACMA should not claim or imply that popular opinion or even a consensus among people in the specific field is an accurate indicator of the truth.

The following are examples in science where people disagreed with the consensus of the day:

- Wegener's theories of tectonic plates and continents moving over time were widely dismissed when they were made public. He was correct.
- Galileo Galilei's theory about the Earth travelling around the sun were widely dismissed at the time. He was correct.
- Ignaz Semmelweis said that doctors should disinfect their hands when moving from dissections in a mortuary to assisting women in childbirth. His ideas were ridiculed at the time but he was correct.
- When two Australian researchers, Marshall and Warren, claimed that stomach ulcers were due to bacteria, helicobacter pylori, their claims were dismissed. They ultimately proved they were correct.
- It was claimed for about 70 years that whether a substance would burn and how rapidly it would burn depended on how much phlogiston it contained. Researchers who rejected the notion were ignored but were ultimately shown to be correct – phlogiston doesn't exist.
- Albert Einstein's theory of relativity would probably have been scrapped because in an open letter to German newspapers 100 German scientists claimed he was wrong. He is believed to have responded something like "One would have been enough if he had convincing evidence that I was wrong."

In these cases the consensus was a false guide to the truth, moreover the consensus view usually had little credible evidence to support it while the dissenting views had plenty. In scientific fields and medicine, breakthroughs often arise when the consensus, "the truth" according to opinion, is rejected and new avenues explored.

If the ACMA had operated at the time and accepted the consensus view as the truth and that the dissenting views were disinformation or misinformation, the consequences for society might have been dire.

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<sup>1</sup> I use the term "evidence" in its legal sense – data and other information supporting an argument – not in the popular sense of it meaning proof.

### **Pressure to accept a false truth**

Another situation to consider is where a supposed consensus is forced on people by others with a vested interest but little solid evidence.

I could illustrate this situation with some very suspect claims from different United Nations agencies but I doubt that you would believe me, such is the reach and power of their publicity machine.

One example is from archaeology, where the deciphering of Mayan script was set back for years when an influential researcher, Eric Thompson, widely announced, quite falsely, that the theories Y.V. Knorosov presented in 1952 were wrong. Thompson's influence over the field was so strong that it was not until Thompson died in 1975 that Knorosov's theories were reconsidered and found to be correct.

Another example comes from the field of genetics and Soviet Russia last century. Trofim Lysenko was a soviet agronomist who refused to accept proven Mendelian genetics. Soviet scientists were forced to accept Lysenko's claims as the truth or else they'd be imprisoned. Lysenko's beliefs determined Russian and Chinese agricultural policy and in the ensuing famine between 15 and 55 million people died. Lysenko's claims were false; they weren't the truth.

Deciding that Knorosov's ideas were disinformation, or Lysenko's the truth, would both have been wrong.

These two instances are far from the only ones. We are often pressured to accept the word of experts as the truth, when it might be no such thing.

In 2017 I undertook the first ever audit of the temperature data the IPCC had used since 1990, data that we were expected to believe was accurate and the truth. I found more than 70 problems with that data, some applying to single values but others applying to more and more until almost all temperatures were impacted. Use by the IPCC led people to assume that the data was the truth but in fact in many instances it wasn't.

### **Whole truths, half-truths, distortions, omissions**

Sources might be speaking the truth but not the whole truth. They might be speaking half-truths, they might be distorting the truth, perhaps by exaggerating, or what they say might be the truth but omit vital information that refutes that truth. In science, the last-mentioned might be referred to as "cherry-picking".

### **Is the truth what the mainstream media says?**

It's not only the scientific field in which widely held beliefs are shown to be false, it happens in mainstream media too. Here are three examples:

- The contents of Hunter Biden's laptop were a Russian disinformation operation.
- Donald Trump colluded with Russia to win the 2016 presidential election.
- Covid vaccines will prevent you catching covid

These were claimed to be the truth and widely reported as such, but now are regarded as false claims.

I suspect that the ACMA would have looked at the supposed consensus and accused anyone who disputed them to be guilty of spreading misinformation.

### **Is the truth what the government or its ministers say?**

I notice that the government will exempt from any scrutiny of the truth. This has an uncomfortable parallel with “The Ministry of Truth” in George Orwell’s “1984”, but there’s another problem too.

Governments have a habit of making exaggerated or false claims and the ACMA can’t rely on them to be the truth. In recent times energy minister Chris Bowen claimed that according to the CSIRO, wind and solar power were the cheapest forms of energy. A few weeks later the CSIRO admitted that its finding assumed that the necessary (and very costly) infrastructure to support wind and solar power would be in place.

If the ACMA had accepted Bowen’s initial comment as the truth and judged other comments against it, it would have been using a highly qualified truth, one loaded with huge assumptions that greatly distorted the true picture.

### **Some untruths succinctly make a point**

Satire, ridicule and exaggeration often use blatantly untrue statements to make a succinct point. Comedians often use these tools but they are not the only ones.

As an example, just today I posted a comment online to the effect that the word “gullible” had been removed from dictionaries because using it to describe people was hurtful and offensive. Of course it’s untrue, but anyone foolish enough to check the veracity of the comment will show that they were gullible, which is the point that the statement was making.

Or how about “He was so flustered he was running around like a headless chicken”? Or another expression “He was three sheets in the wind” (i.e. he was drunk)? Neither should be taken literally; they are simply describing the situation in very few words.

Is the ACMA really going to declare these all to be disinformation or misinformation when (a) they succinctly make a point and (b) one’s interpretation of the situation is subjective?

### **Summary**

The supposed truth can easily be a product of false information, pressure to accept statements, or the truth is simply unknown. There is no guarantee that someone with expertise in a field will state the truth.

Truth can be ephemeral. It can be refuted by subsequent information that might arrive minutes, hours, days, months or years later.

Truth is not a discrete whole but can be partial, distorted, exaggerated, or omit vital information that would cast significant doubt on what was stated, which itself might have been true as far as it went.

No-one has a monopoly on the truth. No-one is all-seeing and all-knowing.

The proposed legislation is not only flawed but should be abandoned completely because the task is impossible.