

Memorandum of Comments

To: ACMA

From: Allan McDougall [REDACTED]

Date: 20th August 2023

Subject: Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

I oppose the proposed legislation above (the "Bill") because if enacted it would amount to a de facto power, enabling government to curtail, if not outright censure legitimate public debate and stifle disagreement. The Bill effectively promotes government as the arbiter of truth.

What may be misinformation in one era may become accepted facts in another. A classic case is the origin of the COVID virus. Initially official sources alleged it to be zoonotic in its inception, but now the better view is that it was almost certainly a laboratory creation. It may not be convenient or feasible for government to subsequently admit its error in promoting the prior view. Yet under the Bill proponents of the now accepted understanding risk censure, simply for trying to get the truth out.

Further, the Bill exhibits the current tendency to pervert the true meaning of words. A classic case is "harm". Originally it meant physical or emotional distress. Now, under the Bill, distress could be caused by debate over conflicting but legitimately held political views.

Another linguistic concern is the use of the word "combatting" in the Bill's title. Apart from being a ridiculous misuse of the word, it implies there is something noble and moral about stifling dissent. By implication there is only one true word view, and that is what the government of the day says the view should be. This kind of terminology does grave disservice to the notions of representative government under which the Australian body politic supposedly functions.

The best way of "combatting" errors of fact (whether someone is truly "misinformed") by what is distributed on the internet is through the open, unhindered expression of competing views.

As regards the Bill's use of the word "disinformation" is also a pejorative. It implies a deliberate attempt by one or more parties to mislead or divert others from the accepted view. In effect it smears legitimate debate and discourse with the implication of concerted malfeasance. Whilst that may be true of state actors, it is grossly unfair to apply it to individual citizens exercising their democratic right of freedom of expression. And who is to judge that – the government, acting a censor?

In conclusion the Bill should be withdrawn and expunged from the legislative agenda completely.

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