

20 August 2023

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,

At root, there is no need for legislation like this. Stripping back the propaganda and carefully chosen words, this draft is proposing to create a censorship state. Censorship of ideas being shared amongst adults (whether they turn out to be true or false) is antithetical to a free and open society/democracy. Worse, the censorship is targeted at specific groups and exempts others. This is horrendous, from beginning to end.

Censorship is the hallmark of authoritarian and/or dictatorial and/or fascist regimes, not free societies.

The principle of freedom of expression makes no distinction between truth and error, and this is not a mistake. Rather it makes no distinction because, in an inherently and perpetually complex and changing world, knowing with certainty which claims are true and which are false is impossible or at least not discernible with certainty at the time.

The futility and counter-productive nature of this draft and other attempts at “narrative control” and censorship are most clearly exposed concerning matters of a scientific nature.

I speak with some authority on this point as I am a practising Scientist and Engineer.

ALL scientific claims are provisional. There are NO exceptions to this rule. All scientific claims are always and forever just one falsification away from oblivion. History is littered with the consensus of well-intentioned, honest and genuine scientists who have had their consensus subsequently falsified. And then if we include the consensus of less well-intentioned, less honest and genuine scientists the tally of falsified consensus swells by orders of magnitude.

Another way of stating this is that, in science, **absolutely certain facts do not exist.** The more recent the development, the less certain it is that the claim will remain unfalsified over time.

The unavoidable consequence of this is that the task of accurately declaring a particular position on a scientific question as misinformation or disinformation is itself, at best, uncertain.

Therefore, any “authority” issuing a declaration that this or that claim is “misinformation” or “disinformation” is itself potentially misinformation or disinformation.

And here we reach the point of circularity, which exposes the farce of the whole endeavour.

If any authority, such as ACMA, was vested with the powers proposed in the draft, the form of claim they could honestly make must have the following specific components (taking particular note of the disclaimer):

At this time, the consensus at ACMA is that claim X is misinformation, for the following reasons:

(list of reasons)

Please note: this is an opinion based on consensus of a particular group of individuals claiming expertise in the subject, and is itself not guaranteed to be correct.

Call me sceptical, but I don’t see any political or public authority being quite so energetic about “countering misinformation or disinformation” when they would have to make their declarations honestly, in the kind of form I just described above.

There is much more I could say, but time prevents me. However, I simply can’t end my submission without mentioning the blanket exemption of the government, mainstream media and official educational institutions from the scope of the Bill.

The brazenness of these exemptions is astounding.

The history of mainstream media claims is littered with lies.

The history of the government is littered with lies.

These institutions have a proven track record of lies, so on what planet do they deserve exemption?

Does this amount to an admission that these institutions *do* lie regularly? Because if they didn’t lie, then they wouldn’t need to be exempt from this Bill!

Yours sincerely,

John W Clark (BE Hons 1A)
Engineering, Design and Laboratory Manager. Legal Metrologist.

/ends