

Feedback on an exposure draft of the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023.
<https://www.infrastructure.gov.au/have-your-say/new-acma-powers-combat-misinformation-and-disinformation>

I write as a medical journalist of over a decade's standing, and editor of Clarity on Health.

There is no need for this bill – rather it is a danger in itself

The first sentence of the Government's invitation to submit responses to this exposure draft makes an assertion, for which no evidence is given, and with which I profoundly disagree. It says: "Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as to our democracy, society and economy."

A study of history would, I suggest, not support this statement. Rather, I think it would be more likely to support this alternative statement: "Combating so-called misinformation and disinformation poses a threat to the safety and wellbeing of Australians, as well as to our democracy, society and economy."

I do not recall the regular use of the phrases 'misinformation' and 'disinformation' during most of my life until covid, when, according to the government and media, both were suddenly rife. This may be because I was born in the late 1950s and lived in Western Europe in the aftermath of World War II. To me these two words smack of totalitarianism and one can imagine them having a place in Hitler's Germany, Stalin's Soviet Union, and Communist China to the present day.

There is a danger that these labels may be used to mark out information and opinion that the Government would rather citizens could not see or hear, and thus the phrases could become tools of censorship by the state.

Indeed, I believe that this has already happened during the covid period, even without the presence of such legislation. During covid, views opposing the government's approach to dealing with the situation were labelled misinformation and disinformation and the people who espoused them were labelled "conspiracy theorists".

This labelling encouraged the public to dismiss these ideas, and the people who suggested them, without giving them any consideration. History will show, I believe, that such labelling and dismissal of alternative ideas on how to deal with covid has led to great harm to the people of Australia.

Stifling ideas stifles democracy and science

Democracy is often considered to be simply the existence of voting rights, leading to the majority getting their way. But this is not the essence of democracy. Democracy rests on freedom of speech, and without that it cannot exist.

A democratic society is one in which approaches to solving problems are openly discussed and debated. Through this messy process, better approaches tend to emerge. And although a majority vote may decide a situation, a true democracy welcomes and protects the minority views within it, respecting individuals' rights to have those views, and knowing that some of those views may turn out to be valuable. Labelling certain views and opinions as mis- or disinformation is a way of taking them out of the democratic debate.

The process that is Science is very similar to democracy, except there is no majority vote. Science is the process of seeking the truth, trying always to make more sense of the universe we live in. The scientific process is to come up with hypotheses – which can be as out of the box as one likes. These hypotheses are then tested by experiment, the aim being to refute them. To generate hypotheses worth testing, and to interpret the results of experiments intelligently, there needs to be free and open debate and discussion.

The proposed bill necessarily reduces the free expression of opinions, ideas, hypotheses, and theories about reality. Therefore, I feel it is a threat to the processes of democracy and science.

Winnowing out certain ideas and statements as mis- or dis-information and not allowing them to stand up to logical scrutiny will inevitably lead to the loss of important contributions to both these processes. This is because a few of these ideas are important new insights that can lead to breakthroughs in science and society.

The history of science is full of examples where novel ideas are at first denied and mocked by the establishment, only eventually to replace the authority/expert scientific views of their times.

Galileo, for example, was forced by the Catholic church to retract his theory that the earth went around the sun. He narrowly missed being tortured and died under house arrest. His 'disinformation' turned out to be a big step forward in scientific understanding.

The theory of continental drift was at first considered ludicrous. And it was a long battle for the Australian researchers, Barry Marshall and Robin Warren, to gain acceptance of their evidence that stomach ulcers were caused, not by worry, but by a bacterium. If their work had been labelled 'disinformation', it might never have seen the light of day.

Of course, it's quite possible that much labelled misinformation and disinformation may indeed be inaccurate or wrong. The world contains people with crackpot theories, and we need to educate our children to look at internet information using

critical thought. But that doesn't mean that we should not allow people to say what they think, even if it is clearly nonsense. The great thing about nonsense is that it is easily exposed with logic and data.

Who decides what is true?

Thus, from history, we can see that it is not always easy to recognise the truth, and that understanding evolves through debate, scientific experiment and testing of theories, with some of the greatest minds ('experts') occasionally having opposing theories.

Yet in this bill it is assumed that ACMA has some kind of God-like wisdom that will enable it to recognise misinformation and disinformation. I doubt very much whether Einstein himself would have had the hubris to accept such a role! And we are also being asked to rely on the necessarily fallible individuals in ACMA to "balance freedom of expression". That seems to me a very risky proposition.

Of course, we cannot have people inciting violence or defaming others on the internet, but we already have laws to deal with that.

Too much power in already-powerful hands

In my view there are indeed some agents whose 'misinformation' or disinformation' could lead to harm of the people of Australia. These are the government and the media (when the media is used as a propaganda arm for Government or for large corporations). The reason I say this is that the Government is in a position of great power and authority, as is the media, so if they are promoting lies, it has great scope to harm the public. Yet, ironically, the government and media are exempt from this bill.

And imagine how bad would it be if children in our schools and young adults in higher education were being indoctrinated with ideologies and information that was incorrect? Yet these educational establishments are also exempt from this bill.

Please don't get me wrong – I do not wish so-called misinformation and disinformation to be censored in any environment – but if one were going to have a bill to prevent mis- and disinformation then these three areas of government, media and education would surely be the most important areas to include. Yet they are excluded from the bill.

In summary

We are not children who need the Government to protect us from dangerous 'misinformation'. The truth will out, if the scientific process is followed faithfully without agenda or corruption, and the truth does not need to be protected from harm from incorrect ideas, statements, theories and hypotheses which will not stand up to rigorous scientific and logical examination.

The risk of government, through ACMA, labelling and censoring ideas, and de-platforming the people who espouse them (via fines on social media platforms), is, I

believe, far more serious than any risk from incorrect information on the internet. I call for this dangerous bill to be abandoned.

Clare Pain

Editor, Clarity on Health

www.clarityonhealth.org