

Comments on *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023*

The obvious defect in this bill is its definition of misinformation: *unintentionally* false, misleading or deceptive content (emphasis mine).

This is too broad and open a definition. At the very least it presents a threat to our democracy, or indeed to any democracy. To forbid *unintentional* misinformation is Quixotic at best, destructive at worst, irrational at any time. To comply with such a provision requires omniscience and the gift of prophecy. I do not possess these attributes.

The nub of the matter of course is where does (mis)(dis)information stop and start? One man's information is another man's misinformation. Wikipedia tells us that Australia does not have freedom of speech in any constitutional or statutory declaration of rights, *except political speech*. We need a Bill of Rights.

All fields of knowledge progress via conjecture and refutation, hypothesis and falsification. Journals and websites are filled with debates, arguments, opinions, conclusions false and true. There is no way to separate out information from misinformation, much less disinformation, except by encouraging an environment of testing and experience.

In 2003, CSIRO senior scientist Graeme Pearman was reprimanded and encouraged to resign after he spoke out on global warming. How things have changed!

For decades Alfred Wegener's Continental Drift Theory was regarded as misleading and ridiculed, until the evidence in its favour led it to being accepted as information rather than misinformation. Under the terms of this Bill, proponents of Wegener could be regarded as spreading misinformation and censored.

You might argue that the Bill does not and is not intended to address certain areas and domains of knowledge and knowledge production. Not so. Consider Trofim Lysenko, a Soviet agronomist who rejected well-established Mendelian genetics in favour of his own ideas. After 1940 he became politically powerful and used his political influence to suppress dissenting opinions and elevate his theories to state-sanctioned doctrine. The consequences were dire: dismissal of opponents, hundreds imprisoned, a few executed as enemies of the state; famines and mass starvation in both the USSR and China.

I submit that this Bill opens the door to similar disasters in this country. How can you be certain that a similar trajectory might not be followed in Australia?

For instance, how might the Morrison government have used the provisions of this Bill had they been available to them in dealing with critics of Robodebt? Given what I have read in the news, and in view of the sheer, brazen defiance of Mr Morrison in parliament denying the truth of the findings of the Royal Commission, it seems highly likely that his government would have labelled any and all criticism of Robodebt as misinformation, censored it, and penalised the critics.

I feel that this Bill is intended to re-introduce the censorship abandoned in the early 1970s, only in a far more onerous and extensive form. The only form of censorship that really works is self-censorship. It is entirely likely that some future government would decree that not to agree with some official opinion (or diktat) is a crime.

The scientific method is based on conjecture and refutation, hypotheses, verification, and theories. If one can't argue against a proposition – any proposition – then one can't analyse it. Obviously, neither beneficial nor harmful propositions would be identified as such. This isn't confined to the physical sciences; social sciences are affected also. Politics is a social science.

Recall Pontius Pilate's famous retort when examining Christ, "What is truth?" Possibly he said that because he'd grown up in a multicultural society with a wide variety of philosophies at hand: Epicureanism, Stoicism, Pythagoreanism, and others. In the modern setting, might this or a future government select one of those as The Truth and criminalise anyone doubting it, anyone who points out flaws, gaps, lacunae in its reasoning?

One benefit of maturity is that most of us grow in self-control, self-awareness, patience, being good listeners, humility and gratitude. As very much an outside observer of social media, so much of what is said on social media seems to reveal just plain immaturity, rash behaviour, volatile opinions, unthankfulness – and I suspect this is part of what the proposed legislation seeks to control.

As I presume you are well aware, Plato observed in *The Republic* that democracies tend to slide into dictatorships. One of his criticisms of democracy was that it permitted too much freedom. Is this another notion underlying this Bill: we enjoy too much freedom?

But apart from easy censorship for some future government, the Bill's objectives won't, can't, work. Censorship is a form of policing. The flaw in the philosophy of policing is that it attempts to enforce upon people from the outside what people should enforce upon themselves from the inside. Maturity is the key issue. Maturity can usually be gained simply by aging and life experience, but it can also be gained from education and wise leadership. Some people mature late or not at all.

Conclusion

This Bill is dangerous.

An easy remedy may simply be to replace the word "unintentional" with "intentional."