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Submission to the Department of Infrastructure, Transport,  
Regional Development, Communications and the Arts

Communications Legislation Amendment (Combating  
Misinformation and Disinformation) Bill 2023

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## Introduction

The opening sentence on the web page seeking feedback for this proposed legislative amendment<sup>1</sup> encapsulates the core problem with the proposal.

Under the heading “The Issue”, it states:

**“Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as to our democracy, society and economy.”**

The tenor of the statement is that it is self-evidently true and that it provides the premise for all successive argument.

But it is NOT self-evidently true, and it may easily be argued that it is not true at all.

Misinformation<sup>2</sup> and disinformation<sup>3</sup> are as old as time itself, existing for as long as humans have communicated with each other. Individual humans and associations of humans will occasionally either make mistakes, or deliberately attempt to mislead others in pursuit of individual or group interests. **This will not change.**

In the sea of information flow everybody is subjected to these days via numerous media, there will inevitably be a non-trivial amount of misinformation and disinformation. The usual way individual humans learn to cope with such a situation is to develop a cognitive framework of **trust**.

In building a framework of trust, the key questions normally considered are:

- Has this source been reliable in the past?
- Does this source have any conflicts of interest (declared or otherwise)?

What does history have to teach us about attempts to override personal trust frameworks and replace them with controlled information?

## Learning from history

There is no shortage of historical examples of information, once deemed false and “dangerous” but later accepted as fact or truth.

In the early 1600s, Galileo became convinced of the likely truth of the Copernican heliocentric theory of the sun and planetary motion after making detailed observations through his ground-breaking telescopes. He was subject to an investigation by a Papal special commission, found guilty of heresy by the Inquisition and imprisoned.

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<sup>1</sup> <https://www.infrastructure.gov.au/have-your-say/new-acma-powers-combat-misinformation-and-disinformation>

<sup>2</sup> Assumed here to mean the inadvertent dissemination of false or misleading information

<sup>3</sup> Assumed here to mean the deliberate dissemination of false or misleading information, often in pursuit of an unstated agenda

“Authorities” tend to be threatened by major changes in knowledge. In this case, the Roman Catholic church reacted in an overbearing manner after a challenge to their well held belief system based on the Earth being the centre of the universe. Why is that? It would have made no practical difference to individual people’s lives to acknowledge a new celestial model. But the authority of the church would have been undermined.

For the church, it would be an intolerable situation for people to begin questioning their “authority”. It was far preferable to preserve their illusion of “authority”, albeit by dogmatically enforcing their own belief system, in the face of emerging and growing evidence to the contrary.

Similarly, when Einstein published his theory of Special Relativity in 1905, it caused shockwaves throughout the physical sciences and philosophical communities. In 1931 the controversy was still ongoing and 47 responses from learned men were published, denigrating the theory and questioning Einstein’s mathematical skills.

In this case, it was not a particular institution that resisted the change, but a collection of philosophers, scientists and mathematicians, mainly from Germany but 9 other countries as well. These may be referred to collectively as establishment intellectuals, coming together for a common cause.

The pattern is the same however. A loosely aligned group did not like their positions and their “authority” being challenged. Even 26 years after publication, these men still saw fit to be published denying the validity of Einstein’s theories - validity that would essentially be proven during the following decade.

In the fullness of time, both the Roman Catholic churching the Galileo case and the authors against Einstein would be demonstrably proven to be purveyors of misinformation/disinformation. And yet they purported themselves to be voices of “authority”, people who could (and should) be “trusted”.

And so, who can be “trusted” to be the arbiters of truth?

### **Nullius in verba**

This is the motto of the Royal Society, founded in the 1660s.

*“The Royal Society's motto 'Nullius in verba' is taken to mean 'take nobody's word for it'. It is an expression of the determination of Fellows to **withstand the domination of authority** and to verify all statements by an appeal to facts determined by experiment.”<sup>4</sup>*  
[Emphasis added]

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<sup>4</sup> <https://royalsociety.org/about-us/history/>

The Royal Society is acutely attuned to the necessity to question everything. That is the essential element for intellectual advancement to take place. All assertions need to be able to withstand rigorous scrutiny and debate.

Similarly, two of the common logical fallacies we are warned about in intellectual debates are 'ad verecundiam' (appeal to authority) and 'ad populum' (appeal to popular opinion). Examples of these are both regularly observed by so-called "fact checkers" online.

Enunciation of these logical fallacies began in ancient Greek times through the work of Aristotle, and have been augmented by a series of modern philosophers. Being awake to fallacies used in debates has long been a subject of scholars and philosophers, and with good reason.

As identified in the introduction, we should be especially sceptical of placing trust in individuals or groups who have a history of disseminating misleading information, adhering to said information even as evidence emerges bringing that information into question, or who may have conflicts of interest in providing independent advice.

## **Conclusion**

The existence of misinformation and disinformation in human discourse is no new problem. It has been wrestled with for millennia and been the subject of thought and scholarship for centuries.

History has demonstrated that 'authorities' are wholly unreliable as arbiters of truth. Human nature is such that individuals or groups in authority have a strong inclination to preserve the status quo, even at the expense of allowing critical thought to advance.

The only reliably effective methodology for resolving truth in any given field is open, robust debate in public forums.

Allowing any 'authority', including one appointed by an elected government, to act as an arbiter of truth is fraught with danger of suboptimal outcomes, due to inappropriate suppression of superior ideas or options.

**It is the recommendation of the author that the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023  
NOT BE PASSED.**