

*If freedom of speech is taken away, then dumb and silent may we be led, like sheep to the slaughter.* George Washington

*Of all tyrannies a tyranny exercised for the good of its victims may be the most oppressive.* C.S. Lewis

The proposed 2023 Communications Legislation Amendment, Combatting Misinformation and Disinformation, henceforth 'the Bill', represents at best a dangerously ill-conceived, presumptuous and paternalistic attempt to undermine Australians' freedom of expression. While the road to hell is said to be paved with good intentions, the vagueness of the Bill's definitions relevant to establishing its scope and applicability, the incoherence of the specious arguments used to articulate its purpose, and the consequent scope for its arbitrary abuse, not even that can be said of this newly proposed route to perdition.

The Bill defines misinformation as '*content that is false, misleading or deceptive, that is created without an intent to deceive, but can cause and contribute to serious harm*'. Disinformation is '*misinformation that is disseminated with the intent deceive*'. It would not be difficult to write a lengthy tome in an attempt to do justice to the problems with these definitions and the legislative interventions they undergird. However, such an effort would require one to labour under the belief that the proposed legislation has been drafted in good faith, and that its apparent flaws are not features. For these reasons, I provide below but a sketch of the reasons why the Bill is objectionable to anyone with an interest in the freedom of thought, expression and the pursuit of truth.

1. **Breadth:** the definition of misinformation places no philosophical or practical limits on what may be classified as such, with the implicit exception of proclamations by governments, corporate news outlets, or accredited educational institutions to which the provisions of the Bill do not apply. With the possible exception of scientific laws, hypotheses that have yet to be falsified, it is difficult to conceive of information that, in the absence of an agreed and clearly explicated standard of truth, could not be deemed misinformation under the provisions of the Bill. Anyone thinking that some standard of common sense or reasonableness may be relied upon to prevail should bear in mind that we live in an age where the mere mention of objectively demonstrable sexual dimorphism is deemed harmful to some.
2. **Presumption:** implicit in the bill is the presumption that unelected tech platform providers, politicians and government bureaucrats are better able to discern misinformation from truth than the population at large. Not only is there a presumption of omniscience, but benevolence too. With this Bill, the government seeks to assume the role of a doting parent protecting a toddler from the perils of an unguarded electrical outlet. Seen this way, the Bill is nothing short of a loving and protective embrace, without which the casualty departments would be overrun by the innocent and naive who'd obediently injected themselves with bleach upon heeding the medical speculations of a fellow (albeit American) politician. This flippant hypothetical, cited as an imbecilic example in the 'fact sheet' explaining the rationale of the Bill reflects both the contempt with which the public are regarded, and the ignorance of history required to accept the notion that governments, corporate media and accredited educational providers are not themselves the most dangerous purveyors of misinformation and disinformation. From the healthy eating pyramid, to the lies justifying the invasion of Iraq, to dangerous and unsubstantiated claims about the coronavirus 'vaccine' efficacy and the perils of Ivermectin, the examples of government misinformation and disinformation, promulgated unquestioningly by corporate media and tech platform providers, the examples are legion. Benito Mussolini declared that '*Fascism should rightly be called corporatism as it is a merge of state and corporate power.*' The Bill can thus be thought of as a legal enshrinement of fascism in Australia.
3. **Reason:** whether one approaches from a philosophical, economic, or scientific line of thinking, the Bill is contrary to reason. Living in an age and culture steeped in scientism, the scientific method itself has been misrepresented, misunderstood and corrupted for political ends: a claim that is borne out ever time one hears politicians, technology wonks, media or

bureaucrats (arbiters of truth under the Bill) make appeals to 'consensus science', or claims along the lines that '98% of scientists agree that [insert talking point]'. Michael Crichton summed it succinctly: *'Let's be clear: the work of science has nothing whatever to do with consensus. Consensus is the business of politics. Science, on the contrary, requires only one investigator who happens to be right, which means that he or she has results that are verifiable by reference to the real world. In science consensus is irrelevant. What is relevant is reproducible results. The greatest scientists in history are great precisely because they broke with the consensus.'* Ignác Fülöp Semmelweiss, the Hungarian physician who revealed the links between mortality rates from puerperal fever and hand-washing in obstetrical clinics, died in a mental asylum following protracted conflict with the medical establishment at the time. Closer to home, the Australian scientist Barry Marshall was awarded the 2005 Nobel prize for physiology and medicine for overturning the established medical orthodoxy in identifying a causal link between bacteria and stomach ulcers. Such was the resistance to this apparent 'misinformation', that Dr Marshall resorted to infecting himself with the bacteria causing the severe gastric illness to make his point. The point more generally is eloquently made by Richard Feynman: *'It is in the admission of ignorance and the admission of uncertainty that there is a hope for the continuous motion of human beings in some direction that doesn't get confined, permanently blocked, as it has so many times before in various periods in the history of man.'* The anti-scientific strictures of the Bill lay the foundations, at best, for apathy and stagnation. Even economics, the most dismal of sciences, suggests that the Bill should not be countenanced for at least two reasons. First, the asymmetry of information, and the divergence of incentives between the voting public (principals) and their self-appointed protectors (agents) provide compelling a-priori reasons to believe that the powers conferred by the Bill will be abused. Second, there is no benefit in argued principle or historical experience, to be gained from incurring the demonstrable risks of the legislative intervention.

I close with the observation that, while a multiplicity of objections can be made on the important but ultimately prosaic grounds of history, science and economics, the Bill threatens the most fundamental of human quests, the purpose for which we were created: the freedom to explore, discern and assert beliefs about questions beyond the reach of the scientific method, the Orwellian deliberations of "fact checkers" or the shallow, self-serving bleating of the majority of our elected representatives. Facebook, YouTube and similar platforms routinely suspend, band or demonetise users who share Christian imagery, prayers and doctrines - the most fundamental and important of truths that provide, meaning purpose and freedom to countless millions. Viewed in this light, it's not difficult to understand the nature of the threat being addressed by the Bill. I strongly urge the rejection of this most dangerous of legislative impositions on the fundamental rights and freedoms of Australians.