

Submission regarding proposed new ACMA powers to combat misinformation and disinformation

It is ironic that at a time when the Australian Government is seeking to alter the Constitution in order to purportedly give a 'Voice' to our indigenous people, it is also seeking to deprive all Australians of a voice through this Orwellian legislation which will be tantamount to instituting a Ministry of Truth where only Government approved information is permitted in the public domain.

It is bad enough that we, the Australian people, do not have the protection of the equivalent of the US First Amendment enshrined in the Australian Constitution, the Government is proposing to codify the suppression of free speech by compelling digital platform providers to remove content their 'systems' deem to fit the definition of misinformation or disinformation.

Conveniently, the Government itself, is exempt from this proposed legislation as are professional news services, with the reasonable conclusion to be drawn that these entities are incapable of misinforming or disinforming the public. This conclusion is in itself, disinformation or misinformation, whatever the distinction is between these buzz words.

I will provide one striking example where the Government and what certainly in this instance was its mouthpiece media, were guilty of disinformation and misinformation, namely, when it spouted the mantra that the COVID-19 'vaccines' were safe and effective and that they prevent infection and transmission of the COVID- 19 virus.

It is well-established that the FDA clinical trials for the COVID-19 vaccines' were **not** designed to clinically and statistically demonstrate that the COVID-19 'vaccines' prevent infection, **prevent transmission**, **or** protect against disease, hospitalizations, and death. ¹⁻⁸

It is evident from the draft legislation that the digital platform providers will be charged with policing and determining whether communications constitute disinformation or misinformation through their 'systems', presumably their algorithms. The questions arise whether they are

ultimately responsible for assessing whether content fits the definition or whether it is ACMA or someone else and what makes the ultimate determining body the sole, infallible arbiter for determining whether content is disinformation or misinformation? What safeguards or rights of redress are there in the draft legislation for errors in judgment – something which is not beyond the realms of possibility, as per the spectacular example above?

A defining feature of totalitarian governments is putting systems in place in order to suppress free speech. When the people fear their government, we have dictatorship. When the government fears its people, we have democracy. I fear that with proposed legislation such as this, we are lurching further towards the former.

Does our government have a similar program to that which was brazenly conveyed below, hence its fervent desire to ostensibly control the narrative?

“We’ll know our disinformation program is complete when everything the American public believes is false”. [REDACTED]

Alexandr Solzhenitsyn, who experienced first-hand, the horrors of a totalitarian regime, famously stated in his magnum opus, *The Gulag Archipelago*, that “Unlimited power in the hands of limited people always leads to cruelty”. [Solzhenitsyn in an interview with Pravda, 1986] “We have a choice to make once and for all: between the empire and the spiritual and physical salvation of our people. No road for the people will ever be open unless the government completely gives up control over us or any aspect of our lives. It has led the country into an abyss and it does not know the way out”. It is interesting to note that Solzhenitsyn foresaw way back in the 1970s that the West’s complacency and government overreach was leading us down to a similar path of destruction and totalitarianism. What we have seen, particularly, over the last 3 or so years, is the tendency for Australian governments of all levels and persuasions for this overreach, with tragic consequences for the Australian people and economy and this piece of Orwellian legislation is another startling example of this overreach. 9

I will conclude by observing that the message that the government is conveying with this legislation, as it did over the last 3 years or so, is that it does not trust its people and that it alone, is the font of all wisdom and truth. In other words, to paraphrase Plato in his *Republic*, “If no one knows what’s true, the more powerful person will tell you what’s true”.

REFERENCES

1. Pfizer Inc., BioNTech, initial new drug (IND) application. “A PHASE 1/2/3, PLACEBO-CONTROLLED, RANDOMIZED, OBSERVER-BLIND, DOSE-FINDING STUDY TO EVALUATE THE SAFETY, TOLERABILITY, IMMUNOGENICITY, AND EFFICACY OF SARS-COV-2 RNA VACCINE CANDIDATES AGAINST COVID-19 IN **HEALTHY INDIVIDUALS**.” PF-07302048 (BNT162 RNA-Based COVID-19 Vaccines) *Protocol C4591001*; Apr 2020.
2. Gruber M. (Dir CBER/OVRR), Naik R., Smith M., Wollersheim S., Huang L., et al. Pfizer Inc. on behalf of Pfizer and BioNTech; “Emergency Use Authorization (**EUA**) for an Unapproved Product.” *Review Memorandum*; Nov 2020. <https://www.fda.gov/media/144416/download>
3. Polack F., Thomas S., Kitchin N., et al. for the C4591001 Clinical Trial Group; “Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine” *New Engl J Med*; Dec 10, 2020; 383:2603-2615. <https://www.nejm.org/doi/full/10.1056/nejmoa2034577>
4. Naik Ramachandra, PhD, Review Committee Chair, DVRPA/OVRR. BioNTech Manufacturing GmbH in partnership with Pfizer, Inc. “COMIRNATY (BNT162b2): Active immunization to prevent coronavirus disease 2019 (COVID-19) caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in individuals 16 years of age and older” *FDA Approval of the Biological License Application (BLA) for BNT162b2/COMIRNATY*; Submitted May 18, 2021. Reviewed November 8, 2021. <https://www.fda.gov/media/151733/download>
5. Zaks Tal, ModernaTX, Inc. initial new drug (IND) application. “A Phase 3, Randomized, Stratified, Observer-Blind, Placebo-Controlled Study to Evaluate the Efficacy, Safety, and Immunogenicity of mRNA-1273 SARS-CoV-2 Vaccine in Adults Aged 18 Years and Older, mRNA-1273-P301” Aug 20, 2020. <https://covid19crc.org/wp-content/uploads/2020/09/mRNA-1273-P301-Protocol-2020.pdf>
6. Agnihothram Sudhakar, PhD, Review Committee Chair, DVRPA/OVRR. ModernaTX Inc. “SPIKEVAX (mRNA-1273): Active immunization to prevent coronavirus disease 2019 (COVID-19) caused

by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in individuals 18 years of age and older” *FDA Approval of the Biological License Application (BLA) for COVID-19 Vaccine, mRNA*; January 30, 2023. <https://www.fda.gov/media/155931/download>

7. ModernaTX, Inc. “FDA Briefing Document Moderna COVID-19 Vaccine” Vaccines and Related Biological Products Advisory Committee (VRBPAC) Meeting. *Emergency Use Authorization (EUA)*; December 17, 2020. <https://www.fda.gov/media/144434/download>

8. <https://youtu.be/mnxlzxzoZx0>

9. It seems that governments in Australia are not only operating in lockstep but are trying to outdo each other, given the Queensland Government’s proposed Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023 is even more draconian than the legislation subject to the above submission, as it could lead to Australians being jailed for up to three years for posting "offensive" content on social media.

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