

17/08/2023

Department of Infrastructure, Transport, Regional Development, Communications and the Arts  
GPO Box 594  
Canberra, ACT 2601

(Submitted via online submission)

**Subject: Submission on the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023**

Dear Sir/Madam,

I am writing to express my profound concern and outrage regarding the proposed Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023. As an Australian citizen, I strongly believe that this Bill poses a significant threat to the freedom of speech and democratic values that are fundamental to our society. I therefore oppose all aspects of this proposed Bill.

Freedom of expression, opinions and ideas are the keystone and lifeblood of democracy. Where such freedom is curtailed, democracy can no longer prevail as all other democratic rights rely on the robust existence of this foundation.

The United Nations in their Universal Declaration of Human Rights recognised the importance of free speech by declaring: *“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”*

The Parliamentary Education Office (PMO) when exploring the key principles of democracy, state: *“Democracy means rule by the people.... A democracy relies on the participation of citizens”*. Specifically, *“A democratic society is one that works towards the ideals of democracy (including):*

- *Respect for individuals, and their right to make their own choices.*
- *Tolerance of differences and opposing ideas.*
- *Each person has freedom of speech, association, movement and freedom of belief....”*

In complete contrast to these democratic principles, the proposed Bill is illiberal and introduces dangerous double standards whereby information and opinions espoused by the government, those in academia, and legacy media such as the ABC and SBS are exempt from the restrictions.

Appointing any government or government body as an arbitrator of truth is frightening both in concept and in application. This is evidenced through countless recent and historical examples of falsehoods being perpetrated by those in government and their associated departments, academia and legacy media.

Benjamin Franklin described the importance of Freedom of speech as follows: *“Without Freedom of Thought, there can be no such thing as Wisdom; and no such thing as public Liberty, without Freedom of Speech.”*

Truth can always withstand even the most intense scrutiny. Conversely, when falsehoods are openly discussed they ultimately fall asunder.

The principle of *“I disapprove of what you say, but I will defend to the death your right to say it”* as written by S.G. Tallentyre (often misattributed to Voltaire), is an important and foundational ethic within the context of democracy and freedom of speech. This Bill seeks to eradicate this principle.

Truth can seldom be ascertained without rigorous, respectful and informed debate where differing opinions, ideas, hypotheses and expertise can be shared and tested. Truth is often illuminated and revealed directly as a result of such debate.

Consequently, by stifling differing opinions, debate and dissent; truth will be stifled. In seeking to quash this truth seeking process through the proposed Bill, you are not seeking truth, you are seeking power and control through repression and censorship. As Harry Truman stated in his Special Message to the Congress on the Internal Security of the United States, August 8, 1950: *"Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear."*

The proposed Bill clearly demonstrates that the Government does not respect the freedom of speech of Australian citizens. Nor does the Government respect or recognise the ability of Australian citizens to think critically - to be able to assimilate a variety of facts, opinions, hypotheses and to rigorously and astutely weigh the merits of each as part of their own 'truth seeking' process.

Instead, the proposed Bill seeks to unfairly restrict the voices and opinions of regular citizens - many of whom may have greater expertise in specific areas than ACMA and all those who are in the exempt categories - and all of whom have a right to their opinions even if they are on occasion, disagreeable to others or indeed if what is said is subjectively (or objectively) deemed to be incorrect.

Truth is an evolving feast - as new information or data become available, what is perceived as true may change. Truth is therefore often difficult to precisely define. The Bill's focus on truth rather than criminality is for this reason, highly problematic. Additionally, Australia already has laws dealing with hate speech and incitement to violence. We do not require additional laws to address this.

Due to the prohibitive and excessive fines (plus a range of other punitive measures) for both individuals and companies, the Bill will create an environment of significant self-censorship whilst simultaneously promoting actual censorship:

1. Individuals who do not have the resources of government may reasonably become very wary of voicing their opinions - no matter how objective and balanced - for fear of being unjustly penalised. While the story of David and Goliath is compelling, few individuals have the courage of David, while governments unquestionably have the might of Goliath.
2. As evidenced through the Twitter Files and documents obtained by Senator Antic under FOI, that laid bare the requests made by the Australian Department of Home Affairs (DHA) in requesting the censoring of more than 4,200 COVID related social media posts by Australian citizens - social media and other content companies will err on the side of caution and censor posts and de-platform individual accounts, often without due cause. Through so doing they become an extension of government moving our society away from democracy towards technocracy and tyranny.
3. Smaller content creation platforms, independent media, journalists and bloggers will potentially face unreasonable and complex compliance and reporting associated costs - resulting in their eradication. This limits consumer choice and risks further amplifying the 'voice' and censorship capacity of already dominant digital platforms.
4. The proposed extraterritorial reach of the Bill poses a host of legal and compliance burdens on international digital content providers. The consequences of this need very careful consideration.

The definitions for 'misinformation', 'disinformation', 'harm' and 'serious harm' in the Bill are extremely broad, vague and circular and therefore wholly inadequate. For example, the definition of serious harm uses the word 'harm'.

If enacted, the Bill will allow the weaponisation of almost all political criticism and discussion. It will also further stifle debate and discourse relating to all matters pertaining to science, technology, environment, faith, medicine, etc.

Examples of instances when the 'accepted truth' subscribed to by the majority, was in time discovered to be false are multitudinous. For example:

1. In 1663 Galileo was ordered to turn himself in to the Holy Office to begin trial for holding the belief that the Earth revolves around the sun, which was deemed heretical by the Catholic Church.
2. Twenty years after the invasion of Iraq, controversy still rages over the existence of the "weapons of mass destruction" (WMDs) which provided the UK's justification for taking part.
3. In September 2014, the then Victorian state opposition leader, Daniel Andrews said that scrapping the East-West Link project would not cost taxpayers a cent: *"The contracts are not worth the paper they're written on."* However, this was at best incorrect, and at worst an outright untruth as taxpayers ended up paying \$1.3 billion for a tunnel that was never built.
4. The Iran contra scandal, Watergate scandal, The LBJ Pentagon Papers, Clinton/Lewinsky scandal, Hunter Biden laptop cover-up, etc. are all examples of government representatives even at the highest level, abjectly failing to tell the truth. There are also multiple examples of senior Australian politicians from all political spectrums telling countless lies, misinformation and disinformation.
5. The ABC amongst others, judged Bruce Lehrmann guilty prior to trial and enthusiastically publicised this opinion far and wide. This approach suspended the legal principle of 'innocent until proven guilty' and caused untold damage to his reputation and opportunity for a fair trial. Shane Drumgold, the former ACT DPP who led the prosecution effort has been highly criticised, and as recently reported by the ABC: *"The inquiry into Mr Lehrmann's prosecution, led by former Queensland judge Walter Sofronoff, was damning off Mr Drumgold's actions."*
6. During the COVID pandemic both the state and federal governments and the legacy media relentlessly pursued a 'single narrative' especially with regards to masks, lockdowns and vaccines. No dissenting opinions were tolerated irrespective of the potential validity and veracity of those opinions and the data by which it was supported. It has over the course of time, become unequivocally clear that much of this 'narrative' was false. For example:
  - The Infection Fatality Rate (IFR) was skewed due to factors such as 'died with vs died of' COVID; a high proportion of false positive PCR test results due to inappropriately high cycles thresholds; the lack of clear explanations of the higher risks associated with advanced age, co-morbidities, etc. In 2020, John Ioannidis at Stanford University flagged that the IFR was much lower than the 3-5% IFR being claimed by W.H.O and CDC, etc. Subsequent systematic review by Meta-Research Innovation Center at Stanford (METRICS) at Stanford University published in January 2023, found that *"Across 31 systematically identified national seroprevalence studies in the pre-vaccination era, the median infection fatality rate of Covid-19 was estimated to be 0.034% for people aged 0–59 years people and 0.095% for those aged 0–69 years"*.
  - Vaccines were promoted as preventing both transmission and infection when in fact they did neither effectively as has subsequently been demonstrated. This fact should have been (and assumedly was) known at the time by ATAGI and TGA as they were privy to all relevant trial information as part of their authorisation process. ██████ recently admitted to the European Parliament that transmission was never tested as an outcome in the initial trials and this information is also clear from the trial documentation.
  - Everyone - irrespective of age, health, personal choice and personal risk/benefit analysis - was bullied, coerced and mandated to be vaccinated or face loss of income and ostracism from friends, family and indeed society. However, the underpinning principle of mandating - to stop transmission and infection - was not delivered and thus the mandates on that basis alone were both unethical and ineffective.
  - Informed consent did not occur which is in breach of the Australian Immunisation Handbook (refer to Valid Consent and Criteria for Valid Consent sections of the handbook).
  - The sanctity of the doctor/patient relationship was trashed.
  - Doctors who expressed legitimate concerns about the vaccines, were censored by AHPRA.
  - Studies such as the Cleveland Study in both 2022 and 2023 have clearly demonstrated negative vaccine efficacy whereby the more vaccine doses an individual had, the greater the chance of COVID infection.
  - Vaccines were touted as being both safe and effective and apart from an initial admission by Greg Hunt (Federal Minister for Health and Ageing) that: *"The world is engaged in the largest"*

*clinical trial, the largest global vaccination trial ever...*" this fact and the experimental nature of the vaccines and mRNA delivery technology was then downplayed and silenced. Worse still, the vast numbers of temporally associated adverse events being reported in every highly vaccinated nation are in the main being ignored instead of being actively investigated. The same is true of excess deaths - during the pandemic 1 death was 1 death too many, post pandemic 15% excess deaths are met with a deafening silence. Both government and most mainstream media have failed to actively discuss the [REDACTED] clinical trial documents that were released via FOIA in the USA, even though these documents demonstrate that the safety and efficacy claims were at best highly questionable and potentially fraudulent.

- Lockdowns and mask mandates have been shown by numerous studies to have harmed the development of children, the economy, the mental health and wellbeing of many while having limited impacts on reducing infections and deaths. For example, the study released by the Institute of Economic Affairs UK (IEA) Perspectives - Did lockdowns work? June 2023
- While masks were mandated and lauded by government at all levels and mainstream media, their effectiveness is at best questionable. The Cochrane Review meta-study of masks concluded *"The pooled results of RCTs [randomized control trials] did not show a clear reduction in respiratory viral infection with the use of medical/surgical masks."*
- Protest rights were eroded (and in some states such as Victoria, the right to protest was essentially suspended) during the pandemic and excessive force was also utilised by police both during protests and in general across all states in Australia. Protests by their very nature, cause some level of public disruption. The Bill seeks to eliminate such public disruption and one can therefore only assume that the right to protest will be abolished, should the Bill be enacted.

In conclusion, I vigorously oppose the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

I implore you to have the courage and decency to consign this Bill to the dustheap as it can only act as the bluntest of tools and if enacted, will undermine and irreparably erode democracy, diversity of viewpoints and free speech within this great country.

Sincerely,

[REDACTED]