
SUBMISSION ON THE MISINFORMATION AND DISINFORMATION BILL

"Power is not a means; it is an end." - George Orwell, 1984

Thank you for considering my submission on the proposed Misinformation and Disinformation Bill. Like many, I am motivated to respond to the proposal in the hope that I can prevent the further imposition of Orwellian style thought control in Australia, where the government prescribes the truth and considers any deviation from the stated 'truth' to be dangerous misinformation/disinformation.

ANONYMOUS CONTRIBUTION

*"without anonymity in discourse, free speech is impossible, and hence also democracy." - Nick Harkaway,
The Blind Giant*

I have chosen to remain anonymous because I work for an organisation best described as left leaning and pro-Labor party. In contemporary Australia, without the veil of anonymity I am unable to express an honest opinion, without the fear of losing my job and perhaps even my profession¹. This is extremely relevant when we discuss the proposed further encroachment upon the already dwindling rights of Australian citizens².

Anonymity is of course an essential element of free speech, especially in a society like Australia, which is trending further towards totalitarianism and an intolerance of ideas or discussions that do not accord to the official state sanctioned "truth" – something that is particularly relevant to the current discussion.

¹ Comcare v Banerji [2019] HCA 23 (7 August 2019)

² LibertyWorks Inc v Commonwealth of Australia [2021] HCA 18

MISINFORMATION AND DISINFORMATION

“Democracies die behind closed doors. . . . When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation.” – Damon Keith

The *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023* (*‘the Bill’*) defines misinformation and disinformation in this way:

7 Misinformation and disinformation

(1) For the purposes of this Schedule, dissemination of content using a digital service is misinformation on the digital service if:

(a) the content contains information that is false, misleading or deceptive; and

(b) the content is not excluded content for misinformation purposes; and

(c) the content is provided on the digital service to one or more end-users in Australia; and

(d) the provision of the content on the digital service is reasonably likely to cause or contribute to serious harm.

(2) For the purposes of this Schedule, dissemination of content using a digital service is disinformation on the digital service if:

(a) the content contains information that is false, misleading or deceptive; and

(b) the content is not excluded content for misinformation purposes; and

(c) the content is provided on the digital service to one or more end-users in Australia; and

(d) the provision of the content on the digital service is reasonably likely to cause or contribute to serious harm; and

(e) the person disseminating, or causing the dissemination of, the content intends that the content deceive another person.

Note: Disinformation includes disinformation by or on behalf of a foreign power.

The reader would have to be living in a vacuum to ignore the applicability of the above definition of misinformation/disinformation to recent events, such as:

1. the response to the COVID Pandemic that the world has endured over the last few years; and
2. the American election controversy during that same time period.

Unfortunately, both of those recent events serve to illustrate the serious risks associated with classifying something as misinformation that is potentially harmful. I will not go into specifics, because both topics remain subject to highly partisan and emotional viewpoints, with few people being able to rationally discuss objective facts without displaying Pavlovian responses. Needless to say, the narrative around COVID vaccinations and election interference has evolved and changed significantly as more information has emerged over time.

In particular, the effectiveness of the vaccine at preventing transmission was overestimated in the early stages, a fact now widely acknowledged in countries that value freedom of speech such as the United States of America. Initially, social media companies, including Facebook and Twitter strictly censored any discussion which departed from the official state sanctioned narrative, eventually relaxing censorship as it became apparent the official state narrative was incorrect and could not be supported by scientific fact. However, by the time censorship was relaxed, many genuine scientists had their voices silenced because of a political agenda with some losing their jobs or resigning in disgust.

The changing state of knowledge is true of many situations, especially novel situations where the science and political understanding has not matured. To label a contrary position around a scientific discussion as misinformation when the official government position is based upon poorly understood or developing science, is to play a partisan political game and has no scientific validity at all.

Censorship gets even worse when the topic is labelled misinformation/disinformation solely to protect one political side from embarrassment, as was the case when the Hunter Biden laptop scandal was labelled Russian disinformation by the US Government, referencing a letter by 51 former intelligence officials. The letter was an outright partisan lie, which is now being investigated by the US House Judiciary Committee³. Once again, discussion of the Hunter Biden Laptop was considered dangerous Russian disinformation that was prohibited from

³ <https://judiciary.house.gov/media/in-the-news/biden-campaign-blinken-orchestrated-intel-letter-discredit-hunter-biden-laptop>

discussion on social media sites. Ironically, the story claiming the laptop was disinformation was itself disinformation distributed by a political party to intentionally mislead the public.

The demonstrated ability for a sitting government to mistakenly or intentionally falsely label something as misinformation/disinformation has proven to be too great a temptation to resist. It is expedient for a political party to label information as misinformation/disinformation, especially, when there is no penalty on that party when the lie or mistake is discovered.

THE PREVIOUS LABOR GOVERNMENT'S ATTEMPT AT INTERNET CENSORSHIP

"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." – Harry S. Truman

In 2009, the previous Labor government attempted to introduce an internet censorship regime by way of mandatory Internet Service Provider level filtering. Although the government at the time claimed the mandatory censorship regime was to prevent child abuse material, the release of the blacklist by Wikileaks proved extremely inconvenient to then communications minister Stephen Conroy.

Wikileaks said in an editorial⁴:

"...the blacklist for Australia contains an anti-abortion site, fringe religions, a dentist clinic, gay sites, gambling sites, islamist sites, euthanasia activist sites, an astrologer's blog, misclassified material, and, like Thailand, Wikileaks itself. Even the Australian government's "Minister for censorship", Senator Stephen Conroy, has admitted that fully half of the sites on the secret list are unrelated to child pornography."

Although the use of a secret blacklist to block sites outside of the publicly stated scope of the ban is a disturbing abuse of power, it is hardly surprising. Without oversight, guaranteed

⁴ https://wikileaks.org/wiki/Leaked_Australian_blacklist_reveals_banned_sites

freedoms and penalties, the temptation for those in power to abuse censorship for their own purposes is too great.

The mandatory filtering was eventually shelved, but not before the largest ISPs in Australia agreed to implement the filter, effectively censoring to this day what Australians are permitted to view. A fact that very few Australians are aware of.

In a poll conducted by the Australian Broadcasting Corporation's Hungry Beast⁵, 70% of respondents indicated that they were concerned that if a mandatory internet filter were put in place, a future government would use it to restrict free speech or block websites they do not approve of. It must be remembered that ABC audiences tend to trend left leaning and towards increased authoritarianism. A more representative poll of the Australian people would likely demonstrate an even higher level of concern, especially in the current climate where citizens are becoming aware of government overreach.

THOSE WITH THE MOST POWER TO SPREAD MISINFORMATION/DISINFORMATION ARE EXEMPT FROM PENALTY

*"Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech." -
Benjamin Franklin*

It is a sad fact that we live in a world where it surprises no one that the Government has expressly excluded itself and the mainstream media from any accountability⁶, despite the government being the entity most capable of spreading dangerous misinformation/disinformation, which has historically produced the most harm. For instance, the danger of disinformation by the Western governments and the mainstream media became horrifyingly real when the Weapons of Mass Destruction lies were perpetrated by Western governments and spread by the press. It is difficult to quantify how many soldiers and civilians have lost their lives or been permanently maimed and disfigured as a result of that lie.

⁵https://web.archive.org/web/20110308145456/http://hungrybeast.abc.net.au/sites/default/files/documents/Internet%20Regulation%20Survey%20-%20Report_FINAL.pdf

⁶ Section 2, The Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

If anyone should face severe consequences for spreading misinformation/disinformation it is those in trusted positions of power who would use lies to incite war. However, the Bill ensures this will not be the case and those most capable of doing harm are exempt from penalty.

CONSENSUS IS NOT THE SAME AS FACT

"I regard consensus science as an extremely pernicious development that ought to be stopped cold in its tracks. Historically, the claim of consensus has been the first refuge of scoundrels; it is a way to avoid debate by claiming that the matter is already settled." – Michael Crichton

There is a ridiculous notion being adopted by governments and media outlets around the world that a consensus of scientific opinion creates an objective truth. This is simply untrue and likely to lead to a stalling or even degradation of science.

Australia should be keenly aware that a highly skilled and knowledgeable individual can disagree with an overwhelming consensus and be correct, forever changing scientific knowledge and making the world a better place. Australians should be aware of it, because one of our best and brightest did just that.

Barry James Marshall argued against decades of medical consensus on the cause and treatment of peptic stomach ulcers. The overwhelming consensus was that stomach ulcers were caused by stress, spicy foods and too much acid. Mr Marshall argued that the consensus was incorrect and that the bacterium *H. pylori* was the primary cause of stomach ulcers. Of course, his research was ridiculed, with his research being rated in the bottom 10% of the research that year. Still trusting in his own knowledge and research, Mr Marshall drank a broth containing *H. pylori*, which caused him to develop stomach ulcers within three days.

Due to Mr Marshall's unwavering resolve in the face of medical and scientific consensus, we can now treat stomach ulcers by targeting *H. pylori* and in 2005, he was awarded the Nobel Prize in Physiology or Medicine.

If his research had been declared misinformation because it did not accord with the scientific consensus, medicine would not have been advanced. The danger of censorship of ideas cannot be overstated.

CENSORSHIP IS VIOLENCE

“The state calls its own violence law, but that of the individual, crime.” - Max Stirner

Disagreements between groups of people have existed for all human history and will continue to exist for all time. There are only two ways to settle a disagreement:

1. By discussing and debating your viewpoint and arriving at a considered position; or
2. By way of physical violence.

Unfortunately for most of history, the default position has been to resort to violence to settle disagreements. However, we as a species reached a point of enlightenment where the option of debating a topic became a legitimate alternative to physically harming the other side.

As a result of enlightenment and introspection, the overwhelming majority of Western nations have now recognised the importance of free and open discourse as a natural right and as an alternative to violence; enshrining the right to free speech in either their constitution or their bill of rights. Unfortunately, Australian politicians have chosen a different approach - denying their citizens a guaranteed freedom of speech and restricting speech as much as possible; going so far as to use tax-payer money to run court cases specifically to erode the implied constitutional freedom of political commentary⁷.

Censorship not only leads to violence but is an act of violence in and of itself: Any law that restricts a person’s right to free speech must culminate in a threat backed by a willingness to resort to violence. For instance, the Bill contains various financial and custodial penalties for breaches. It would be concerning if the reader is not literate enough in jurisprudence to understand that a custodial sentence is an act of violence by the state against an individual,

⁷ Comcare v Banerji [2019] HCA 23 (7 August 2019)

forcefully removing their liberty. However, a financial penalty also involves violence - a government can only enforce a fine by threat or act of violence (physically seizing property and/or overpowering/arresting anyone who resists).

The ability and willingness to exercise violence is necessary for the enforcement of all laws, including the censorship against the Australian people that you are considering.

YOU DON'T HAVE TO BE THE VILLAIN

*"A concern with 'public morality' is - if not the last refuge of a scoundrel - the first foray of the fascist." -
Erica Jong*

There are three general categories of people who will read this submission:

1. The coward – this is a person who is very aware of their limitations and that they have no way of successfully arguing a point or achieving a political goal without the enforced suppression of contrary points of view. This submission is not written for the coward, who I suspect would not have read this far anyway – good riddance to such a person, they have no value in society.
2. Deep thinkers who have carefully considered their moral stance. This submission is likely to be of little value to someone who has already carefully considered their position and the immorality about further degrading the rights of Australian citizens. I thank you for your careful consideration and wish you success in everything you do, we need more of you, especially in positions of power.
3. The average person – This is someone who hasn't fully considered the moral and societal impact that further laws eroding speech in Australia will have. This submission is aimed at the average person, and I implore them to do the right thing once they have finished reading and considered what kind of person they want to be – Remember, right now there are people in the future, including your ancestors and your future self, who are watching, reviewing and judging your actions.

Please consider how you want history to remember you. Try to think of a politician or a figure in history who has censored and restricted the rights of their citizenry and is recalled as anything but an evil and tyrannical ruler who was despised.

Citizens of other Western nations are right now posting on social media about the Bill and the erosion of Australian rights in general as an example of what happens if people don't carefully safeguard their rights and freedoms. Australians are no longer counted amongst the free nations of the world, instead being viewed alongside the people of Communist dictatorships. Unfortunately, the social media posts made by the people of Western nations with guaranteed free speech are not only factual but ironically, are the kind of social media posts that the Australian government will remove as dangerous disinformation, once they have the power under the Bill.

If you are a politician contemplating the Bill, do you really want to be viewed by the citizens of Australia and other Western nations as a tyrant? Have you even considered this possibility before? Or will you be content to be a coward, spending your remaining years on Earth ordering social media companies to remove posts critical of you because you have no way of otherwise justifying your actions?

How do you want posterity to recall you?

Will your ancestors be ashamed of their relation to you?

Will your ancestors change their name, so they are not associated with the dark point in Australia's history when you participated in creating an Orwellian nightmare?

This may seem like hyperbole, but once again I say look to history, look to those who censor and infringe upon the rights of their citizens and try to find one example where a person in your position right now is not considered to be the villain.

Finally, I refer to a now famous sketch, where British comedians David Mitchell and Robert Webb dressed as Nazis ponder if they are the bad guys⁸ – this sketch perfectly highlights the ignorance that people can experience in the moment when they are doing wrong.

⁸ That Mitchell and Webb Look – “are we the bad guys?”

YOU CAN BE THE HERO

"Nurture your minds with great thoughts. To believe in the heroic makes heroes." - Benjamin Disraeli

If you are in a position to decide this matter, this is an opportunity for you. You have been entrusted by the people of Australia to do the right thing and to make Australia a better place. Choosing freedom over tyranny and voting against the Bill is a positive first step, you will have taken a stand and voted against the further erosion of the rights of Australia's citizens. It will be a good feeling and will be something you can be proud of, loudly boasting of how you couldn't allow such a thing to happen.

But is that enough? Why not continue down the path of the hero and choose to be remembered for more than just voting against the Bill? Why not give Australians rights, rather than take them away? Why not be remembered as the author or amongst the authors of a historic bill of rights for the Australian people, which includes an absolute freedom of expression? You don't have to waste your career and life mired in mediocrity, you can choose a path of greatness and make your ancestors and even your future-self proud of your achievements - knowing that posterity will recall you amongst the pantheon of heroes rather than villains.

THE AUSTRALIAN PEOPLE ARE TRUSTING YOU – EARN IT.