

Submission addressing

New ACMA powers to combat misinformation and disinformation

1 Submission

This is yet another insult from government. It is antithetical to our system of governance, impossible to do properly, ethically and morally wrong and a further example of Australian governments working hard over decades to extinguish the light on the hill. Perhaps it isn't too surprising. I have spoken with sitting senators who couldn't describe Natural Rights, let alone articulate that Australia's Constitution was written by people who believed that there is a class of rights outside the purview of government. These authors believed this because they saw the only alternative as violence (Appendix A). Indeed, one of the primary arguments against the Constitution as written was that it did not recognise the Natural Rights of Indigenous Australians; allowing the government to make race based laws.

History is full of examples of governments believing they are acting in the best interests of their citizens by overriding their Natural Rights and this has always led to the biggest tragedies. Popularity alone cannot be used to determine whether something is within the scope of government to address. Even in Australia's history, the internment of citizens by government during the first and second world wars was popular, as were acts like the *Northern Territory Aboriginals ACT 1910*. While there isn't a great deal I'd agree with former Attorney General George Brandis about, he was absolutely correct when he said that people have a right to be bigots. To speak is to think, and thinking through the complexity of life is the only way to become a better person. It's always framed as for the greater good, but there has never been a time in history where the censors were the good guys. Censorship always drives bad ideas underground where they fester, and the inevitable mislabelling of truths as untruths only sows distrust and division. This has perhaps best been put by C.S. Lewis¹:

Of all tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience. They may be more likely to go to Heaven yet at the same time likelier to make a Hell of earth. This very kindness

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¹C.S. Lewis, *God in the Dock: Essays on Theology (Making of Modern Theology)*

stings with intolerable insult. To be "cured" against one's will and cured of states which we may not regard as disease is to be put on a level of those who have not yet reached the age of reason or those who never will; to be classed with infants, imbeciles, and domestic animals.

Even if it weren't an inherently repugnant position, and it were possible that the censorship of incorrect information could lead to good outcomes, how would the government be able to divine what is true? Science, which is the best means we have of evaluating truth, is still in the midst of a replication crisis and we know most published research is wrong². In some fields, subsequent replication studies have found that as few as 36% of published papers can be reproduced. This includes researchers working on dishonesty³ and research published at Australian universities⁴. There doesn't even have to be malicious intent; laziness and carelessness are also inherent to the human condition. Then consider the profit motive and how difficult it is to get a man to understand something when his salary depends on him not understanding it. Government has repeatedly demonstrated its incompetence and maliciousness; it is a certainty that these powers would be used to censor correct information, or information that is damaging to the regime that would affect the governing party's popularity. There is no safe way to wield this power, and no way for government to actually rule on what is true, especially for novel scenarios.

Australian governments have worked hard over several decades to demonstrate they are the largest source of misinformation and disinformation, and do not care about truth. From claims that Iraq had weapons of Mass Destruction (Appendix B), to children overboard to No Carbon Tax Under The Government I lead. It isn't as if even spying on a neighbour to exploit resources is beneath them⁵. It has allowed an Australian citizen to be tortured by a supposed ally for over a decade; a man whose only crime was actual journalism. Only now that this man is no longer capable of being a threat, do we hear weak noises that maybe it is time to bring him home. So weak a statement that it was dismissed out of hand by our "ally". We know that government is already engaging in censorship (Appendix C), and, as usual, it is done in the most incompetent way possible. We know the left hand of government won't let the right hand

²John Ioannidis, 2005, <https://pubmed.ncbi.nlm.nih.gov/16060722/>

³<https://www.vox.com/future-perfect/2023/6/29/23777337/harvard-dishonesty-research-fraud-francesca-gino-dan-ariely>

⁴<https://www.abc.net.au/news/2022-01-31/on-the-trail-of-dodgy-academic-research/100788052>

⁵<https://www.smh.com.au/politics/federal/secretcy-on-east-timor-spy-case-undermines-trust-in-the-court-system-20211006-p58xtd.html>

know how extensive the censorship is (Appendix D). We know the government oversold the benefits of the COVID-19 vaccine, even before it became available in the country (Appendix E), yet that didn't stop it enabling one of the most reprehensible schemes in Australia's history; a system to monitor which citizens complied with mandated medical procedures in order to participate in society⁶. A complete violation of informed consent, something we as a species decided 70 years was a crime against humanity and a capital crime. Next thing we know, the government will be telling us that consulting firms won't use their knowledge to defraud taxpayers⁷.

Of course, that's not what this is really about. Like most things, this is a values argument masquerading as a fact argument. Ultimately, facts don't really matter. That's not how people make decisions. Values come first and then facts are selected to support those values. If we want to accomplish some goal, science will tell you how best to accomplish it, but it says nothing about whether the goal itself is a good one to have or not. The USSR tried to cross smallpox and ebola as part of their biological weapons program. Science helped them work towards that goal, but this is a goal that most people would realise is completely insane.

When it is something that harms ordinary Australians, like the theft of millions of quality-adjusted life years, the erosion of financial security of millions of Australians (with the worst still to come), the destruction of the emotional, physical and social health of the population or continued excess deaths⁸, no one in government cares. If there is political capital to be made, whether pink bats, Robodebt or soon the Australian Securities And Investment Commission, only then something will be seen to be done. Even in that case, no one ever really faces punishment. "It is hard to imagine a more stupid or more dangerous way of making decisions than by putting those decisions in the hands of people who pay no price for being wrong"⁹.

What is really necessary is for government to show humility after all the damage it has already done. This is a time for restitution, not to compound on previous mistakes. In the end, the trust and power of a government can

⁶The computers the vaccine passport system are hosted on should be destroyed, the building containing them demolished, and the ground on which they stand, salted.

⁷<https://www.theguardian.com/australia-news/2023/may/31/pwc-australia-scandal-what-actually-happened-and-will-it-be-fatal-for-the-advisory-firm>

⁸<https://www.abs.gov.au/statistics/health/causes-death/provisional-mortality-statistics/latest-release>

⁹Thomas Sowell

be measured by the liberty of its people and the trust the government extends them. A trustworthy government simply has no need to tighten its grip. ACMA should not be given additional powers. Indeed, this is a time to wind back government overreach and rebuild trust.

A Natural Rights

Justice Andrew Inglis Clark, the man many consider the primary architect of the Constitution, wrote¹⁰:

If human nature has not any natural or inherent rights which can claim recognition to restrain a preponderance of physical force or the arbitrary will of majorities, then the weak and all minorities are without verifiable authority or justification for resisting oppression. Might is the ultimate foundation and criterion of right and the highest political ideal men can safely cherish is the rule of the benevolent despot. Are we prepared to accept this conclusion as the final goal of all the efforts and struggles which humanity has made and endured to reach the best possible conditions of human well being?

¹⁰Natural Rights, Publications Of The American Academy Of Political And Social Science, July 24, 1900

B Iraq

Excerpt from Howard's Statement To Parliament On Iraq¹¹

The other point of agreement shared by members in this House, by our community and by the community of nations is that Iraq must not be allowed to possess weapons of mass destruction – for the security and stability of our world, it must be disarmed.

For years the nations of the world have sought to persuade Iraq to abandon these most offensive of weapons. The Iraqi President, Saddam Hussein, has refused to comply and now the weight of the world's attention has fallen on him. Only one nation can determine whether force will be necessary or not. Only one nation, acting alone, can make the choice for peace. That nation is Iraq.

Full disclosure by Iraq of its chemical, biological and nuclear weapons programmes and immediate and total cooperation by Iraq with the provisions of resolution 1441 of the Security Council will remove the need for military action.

In his report to the Security Council, Dr Hans Blix, the head of the United Nations weapons inspection body for Iraq, made it clear where he believed that the responsibility for the current terrible impasse lay, and I quote:

“Iraq appears not to have come to a genuine acceptance – not even today – of the disarmament, which was demanded of it and which it needs to carry out to win the confidence of the world and to live in peace”.

Of at least one thing we can all be absolutely certain – if the world turns its back on the threat posed by Iraq; if the community of nations gives up because it is all too hard, then Saddam Hussein will not reward us with benign behaviour.

Such weakness, such an abject failure of international will, will – as in the past – be treated with contempt.

Iraq will not only keep her current weapons but will add to them. Saddam Hussein will not abandon his chemical and biological weapons programmes. He will keep striving to build a nuclear capacity. And he will almost certainly, at some time in the future, use these weapons to fulfil his ambition to dominate his region.

¹¹<https://www.smh.com.au/world/middle-east/howards-statement-to-parliament-on-iraq-20030204-gdg7v5.html>

C Censorship

Excerpts from Twitter Files Extra: The Covid Censorship Requests of Australia's Department of Home Affairs¹²

In the #TwitterFiles, Racket found 18 DHA emails, collectively requesting 222 tweets be taken down. Jokes and information that later turned out to be true were frequently included in the censorship requests, which came from something called the “Social Cohesion Division” of the DHA’s “Extremism Insights and Communication” office, not that DHA staffers were entirely sure of their spelling in every case:

J [REDACTED] s

Senior Analyst | Extremism Insights and Communication

Social Cohesion Division

Department of Home Affairs

P: 02 [REDACTED]

E: j[REDACTED]s@homeaffairs.gov.au

This is anti-disinformation 101: a group that can't spell-check becoming the “fact-checking” authority for an entire nation, and as we'll later learn, globally. The same level of care was seemingly paid to requests and the value of free speech more broadly.

...

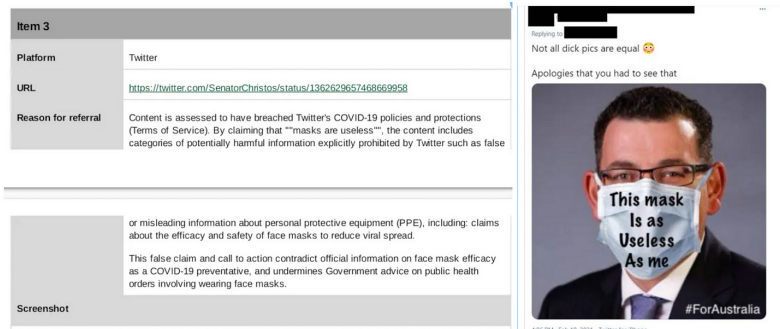
Whether or not any staff had public health expertise remains unknown. The DHA rarely provided evidence for their counter-claims and where they do, they rely on “fact-checking” organizations like Yahoo! and USA Today, rather than on Australia's own scientists.

...

These “hefty lists” included jokes, accounts with as few as 20 followers, claims that turned out to be true, and non-Australians “circulating a claim in Australia's digital information environment.”

¹²<https://www.racket.news/p/twitter-files-extra-the-covid-censorship>

Even a humorous commentary on masks was deemed too much for the fun police. In one case, a mere reply to a tweet claiming “masks are useless” was considered to have contradicted “official information,” making it “potentially harmful”:



While it is simple fact that there is no robust evidence that masks are effective at stopping respiratory infections (Appendix C.1), it is a matter of opinion whether Daniel Andrews is useless. A right to freedom of political speech has been read into the Constitution, so this is yet another example of government being either incompetent or malicious.

DHA called upon Twitter’s own policy that penalized questioning the efficacy of masks. This is ironic, considering a recent 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.” Cochrane is considered the gold standard in medical meta-analysis.[...]

Regardless, the conclusion of DHA and Twitter was that “government officials” should never be challenged, and that discussing contested topics requires banishment to digital Siberia, to say nothing of what used to be a time-honored Australian tradition of poking fun at authority. (The account in question has been suspended).

...

The DHA went well beyond even pretending to police mis- and disinformation. In one case, they argued a post should be removed because a user claimed the government — specifically the Minister for Health — had used “emotionally manipulative language.” The

tweet in question (below) garnered just 8 likes and 2 retweets, and again escaped the micro-managers.



...

During the Covid-19 crisis, the Australian government appears to have taken the same approach as its Five Eye cousins, freely mixing concepts of violent extremism and “social cohesion” with legitimate concerns of citizens regarding government panic, lack of expertise, and overreach. From our review, little to none of the content that was flagged came from “extremists.” Rather it was and is from everyday Australians and foreigners who disagreed with government policy. Some of their claims are indeed far-out and/or at least esoteric, but “characters” are part of life, and being unusual doesn’t justify a dragnet approach to censorship.

C.1 Masks

Extract from the 2020 Cochrane Library Review¹³

There is uncertainty about the effects of face masks. The low-moderate certainty of the evidence means our confidence in the effect estimate is limited, and that the true effect may be different from the observed estimate of the effect. The pooled results of randomised trials did not show a clear reduction in respiratory viral infection with the use of medical/surgical masks during seasonal influenza. There were no clear differences between the use of medical/surgical masks compared with N95/P2 respirators in healthcare workers when used in routine care to reduce respiratory viral infection.

Extract from the 2023 Cochrane Library Review¹⁴

¹³<https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD006207.pub5/full>

¹⁴<https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD006207.pub6/full>

There is uncertainty about the effects of face masks. The low to moderate certainty of evidence means our confidence in the effect estimate is limited, and that the true effect may be different from the observed estimate of the effect. The pooled results of RCTs did not show a clear reduction in respiratory viral infection with the use of medical/surgical masks. There were no clear differences between the use of medical/surgical masks compared with N95/P2 respirators in healthcare workers when used in routine care to reduce respiratory viral infection.

...

Harms associated with physical interventions were under-investigated.

Of course, twenty years ago, Australian governments were so sure that masks were useless, they were fining people \$110,000 if they tried to claim otherwise. Extract from Sydney Morning Herald, April 27, 2003, Farce Mask: it's safe for only 20 minutes¹⁵

Retailers who cash in on community fears about SARS by exaggerating the health benefits of surgical masks could face fines of up to \$110,000.

NSW Fair Trading Minister Reba Meagher yesterday warned that distributors and traders could be prosecuted if it was suggested the masks offered unrealistic levels of protection from the disease.

"I'm sure everyone would agree that it is un-Australian to profiteer from people's fears and anxieties," Ms Meagher said.

Apparently, government thinks it is now the Australian Way to profit off people's fears and anxieties.

¹⁵<https://www.smh.com.au/national/farce-mask-its-safe-for-only-20-minutes-20030427-gdgnyo.html>

D Censorship of Censorship

Excerpt from Archive of The Australian¹⁶, Antic probe reveals Canberra silenced 4213 Covid posts¹⁷

Senator Antic made the FOI application in December and received a review this month. He is now in possession of the Department of Home Affairs Online Content Incident Arrangement Procedural Guideline, which details how the government works with digital platforms such as Facebook, Meta, Twitter, Instagram and Google to monitor and intervene on content.

The document is subheaded “Australia’s domestic crisis response protocol for online terrorist and extreme violent content” designated as version 1.3 from November 2022. It runs to 28 pages but aside from the title, every page has been fully redacted.

¹⁶<https://www.theaustralian.com.au/nation/antic-probe-reveals-canberra-silenced-4213-covid-posts/news-story/9afc4362197af63454bd3fa89285c282>

¹⁷<https://archive.md/ZTS11>

E mRNA

Given that there has never been a successful vaccine for a respiratory coronavirus, it is difficult to imagine that anyone in government truly believed that the holy grail of science had been achieved exactly when needed. Indeed, we know the existing flu vaccine isn't that great, and over a decade ago went through the Tamiflu controversy which we just repeated with Paxlovid. Now we know that the government knew, before any of the SARS-COV-2 vaccines were made available to Australians, details about the vaccines that can only mean it was overselling expectations. It is also apparent that the government knew there were significant adverse reactions within short order. At best, it is clear the government did not have enough information to claim the vaccines were "safe and effective", and that they were both less effective and had more side effects than they led the public to believe.

E.1 Nonclinical Evaluation Report

Extracts from the Nonclinical Evaluation Report by The Therapeutic Goods Administration, January 2021¹⁸

There are no distribution and degradation data on the S antigen-encoding mRNA.

The government knew that there was no evidence on where the spike protein went throughout a body.

Antibodies and T cells in monkeys declined quickly over 5 weeks after the second dose of BNT162b2 (V9), raising concerns over long term immunity, which will be assessed by clinical studies according to the Sponsor.

...

Short term protection studies, lack of pharmacokinetic data for the S antigen-encoding mRNA (BNT162b2 V9), suboptimal dosing interval in the repeat dose study, lack of repeat dose toxicity studies in a second species and genotoxicity studies with the novel excipients, and lack of studies investigating potential for autoimmune diseases were noted.

...

BNT162b2 immunisation also induced proinflammatory cytokines

¹⁸<https://www.tga.gov.au/sites/default/files/foi-2389-06.pdf>

The government knew that it was likely these vaccines did not provide long term immunity, and that there was a strong possibility of undesirable side effects that had not been studied.

One study found that among people who had recovered from COVID-19, 100% had S protein-specific CD4+ T cells in the circulation and 70% had S protein-specific CD8+ T cells in the circulation.

The government knew that natural immunity was extremely effective.

No genotoxicity studies were conducted for the vaccine.

...

Carcinogenicity studies were not conducted.

...

No dedicated immunotoxicity study was conducted.

Given the novel nature of the delivery mechanism, the government not requiring any long term harm studies is extremely concerning, given how quickly it became aware of side effects (Appendix [E.2](#)).

The distribution of LNP-BNT162b2 (V9) mRNA or expressed S protein was not studied.

...

The tissue distribution pattern was similar in 100 μ g mRNA/animal dose group as noted above for 50 μ g mRNA/animal dose, with highest distribution into liver, adrenal glands and spleen.

...

Slow but significant distribution of lipid nanoparticles from the site of injection with major uptake into liver.

The government knew it did not understand dosing, and that the vaccine went all over the body (Table 4-2). Given the government knew that lipid nanoparticles remained in high concentration in certain organs after 48 hours, it isn't clear why longer term testing was not required. Surely we'd want to know how long it takes the liver to clear them out, or why the concentration in the ovaries kept growing?

In several of the sections describing tests done, the government relies on historical controls despite this being a radically new delivery mechanism. This

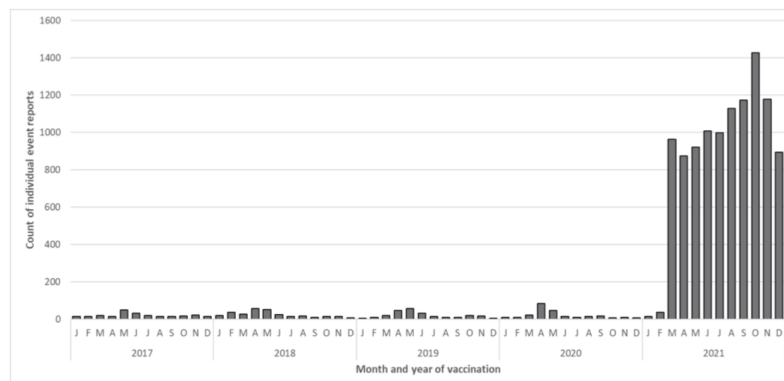
is insanely bad scientific procedure. There is no reason to assume historical data can be applied.

And, of course, large parts of this report are still inexplicably redacted.

E.2 Vaccine Safety Surveillance

Extracts from the Western Australian Vaccine Safety Surveillance - Annual Report 2021¹⁹

The number of AEFI reported to WAVSS was significantly higher in 2021 than in previous years (10,726 compared with an average of 276 per year for the 2017-2020 period) due to the introduction of the COVID-19 vaccination program. To allow comparison of AEFI numbers to previous years, Figure 2 presents all AEFI reported to WAVSS for persons vaccinated in 2021, and Figure 3 excludes adverse events following COVID-19 vaccination. The high number of reports in 2021 following COVID-19 vaccination reflects higher uptake of COVID-19 vaccination, and high engagement from the public and health care providers with the monitoring of vaccine safety.



A summary of the number of vaccines administered in 2021, the number of adverse events reported, and the rates of adverse events is provided in Table 14.

¹⁹<https://www.health.wa.gov.au/~media/Corp/Documents/Health-for/Immunisation/Western-Australia-Vaccine-Safety-Surveillance-Annual-Report-2021.pdf>

Vaccine type	Number of vaccines administered in 2021	Number of adverse events reported to WAVSS	Rate of adverse events per 100,000 doses
Non COVID-19	1,808,050	200	11.1
COVID-19	3,948,673	10,428	264.1