

Thank you for the opportunity to comment on the extension of ACMA's role, power and oversight. This bill should be scrapped in its entirety.

My concerns are with the principle of policing lawful speech in a democratic nation; the inability of regulatory bodies to determine 'misinformation' and non-immediate 'harms'; and the risk of allowing government message control instead of public discussion when decided it is for 'the good' of the people.

1. ACMA's self-interested recommendations and lack of justification for further powers

The proposed new ACMA powers to combat 'misinformation and disinformation' stem directly from a report from ACMA itself. The government has asked a regulatory body whether it needs more power for itself, and unsurprisingly they have concluded that they do.

The ACMA report advises that some "weaknesses of the code" are:

"The definition of 'harm' in the code is too narrow, with signatories only required to take action against content if it is reasonably likely to result in 'serious' and 'imminent' harm."

"The harm threshold should be lowered to accommodate serious chronic harms."

"Private messaging services should be included within the scope of the code as these are known vectors of disinformation and misinformation."

These statements are alarming in the scope of the power they want to accrue to themselves and how blithely they think they can accurately assess chronic harms. Additionally, ACMA is excluded from policing government and governmental body information, so this is entirely targeted at private citizens and corporations.

The current ACMA board consists of public servants, media executives and policy advisors. Presumably they will be requiring outside expert advice to adjudicate misinformation and risk of harm in any given field. Will they be asking the government experts to determine what the public is allowed to discuss among themselves?

In principle, it is offensive to appoint an elitist body of regulators over the general public to decide what we can and cannot discuss within the bounds of lawful speech. In reality it has already been shown to be flawed. 'Experts' and government bodies have been unapologetically wrong on many recent important issues, causing significant public harm, while attempting to censor those who disagree with them.

There are alternative methods of combatting wrong information – fact checking bodies, open debate, crowd-based fact-checking with controls for group capture like Twitter's 'Community Notes'. This top-down censorship approach will only lead to further distrust from the public as we are again treated like children by those for whom we pay the salary.

2. The unreliability and hubris of 'experts' on what is misinformation and harm

Below I have attached a small sampling of official pronouncements that were later discredited. Each of these were disputed by private citizens at the time, some of whom were heavily censored or

ridiculed. Presumably these objections would have fallen within ACMA's proposed powers to censor Australians in the understanding ACMA was preventing 'harm'.

1. No evidence of human-to-human transmission of COVID

"Preliminary investigations conducted by the Chinese authorities have found no clear evidence of human-to-human transmission of the novel coronavirus (2019-nCoV) identified in Wuhan, China."

World Health Organization Jan 14, 2020

2. No evidence of link between vaccines and changes in women's menstruation

"There is no evidence showing a link between menstrual irregularities, fertility and the vaccines." Politifact

"In an opinion piece published by the New York Times, reproductive immunologist Alice Lu-Culligan and medical writer in residence Randi Hutter Epstein, from Yale University's School of Medicine, reported there was no data pointing to a link between vaccines and changes in women's menstruation." CoronaCheck #63 RMIT ABC Fact Check 30 April 2021

"No data" linking Covid vaccines to menstrual changes, US experts say." The Guardian, 24 April 2021

3. No transmission of COVID amongst the vaccinated

"Vaccinated people do not carry the virus — they don't get sick. That's not just in the clinical trials, but it's also in real-world data." Dr Rochelle Walensky, CDC Director, March 2021

"When you get vaccinated... you become a dead end to the virus. And when there are a lot of dead ends around, the virus is not going to go anywhere." Anthony Fauci May 2021

"You're not going to get COVID if you have these vaccinations." US President Joe Biden July 2021

4. No one credible believes Covid could have emerged from a laboratory leak

"How likely is it that the virus escaped from that Chinese lab? In short, it's not. ...We also think that Markson should have told readers that almost every virus expert had dismissed the lab escape theory." Paul Barry, Mediawatch, 4 May 2020

These are only some of the egregious errors public bodies made during the pandemic when all of the world's attention and efforts was focused on it. A lot of what was cast as 'misinformation' has been repeatedly shown to be accurate. Honest and open debate is the only way to assess the merits of incoming data and difficult situations. ACMA would rather silence opposition rather than permitting citizens freedom to debate and contradict the authorities.

3. "Noble Lies": The temptation of those in power to choose Control over Truth, in pursuit of morally ambiguous "greater goods".

How do we know that public health officials have lied to us, to seek a specific policy outcome rather than trust the public with data and evidence? Because they keep telling us.

What protection will the public have against ACMA shutting down the opposite side, being that they will also need to rely on experts overlapping or beholden to governmental bodies, to determine what is misinformation and harm.

Qld Chief Health Officer Jeannette Young shut down schools for “the messaging.”

Dr Young told Ms Palaszczuk to shut down schools on March 26.

She says while evidence showed schools were not a high-risk environment for the spread of the virus, closing them down would help people understand the gravity of the situation.

"If you go out to the community and say, 'this is so bad, we can't even have schools, all schools have got to be closed', you are really getting to people," Dr Young says.

"So sometimes it's more than just the science and the health, it's about the messaging.
Jeannette Young, Brisbane Times, April 30, 2020

Dr Anthony Fauci changed the assessment of what numbers would achieve herd immunity because “I can nudge this up a bit.”

Later in 2020, Fauci participated in a second noble lie. In December, he explained in a phone interview with then–New York Times reporter Donald McNeil that he had been moving the target estimate for herd immunity based in part on emerging studies. But he also said:

When polls said only about half of all Americans would take a vaccine, I was saying herd immunity would take 70 to 75 percent. Then, when newer surveys said 60 percent or more would take it, I thought, “I can nudge this up a bit,” so I went to 80, 85.
Interview with Donald McNeil, New York Times magazine 2022.

Vaccine mandates on manipulated data have wrecked the public’s trust in the broader vaccination program. School shutdowns have caused immense harm to the youth’s mental wellbeing and educational progress.

So called “Noble Lies” destroy the public’s trust in health advice and cause immense harm. ACMA risks chilling the private speech of those who would stand up against it by shutting down ‘misinformation’ and fuel public skepticism.

I find this entire exercise in expanding the control of lawful speech to be anti-science, anti-citizen and anti-democratic.

Dr A Appleton