



SUBMISSION

OFFICE OF THE HON. JOHN RUDDICK MLC
LEGISLATIVE COUNCIL OF NSW

16 August 2023

Dear Australian Communications and Media Authority (ACMA)

I write regarding the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

In summary, it is eerily similar to decrees handed down by the Soviet Union in 1918, Italy in 1923, Germany in 1933, Soviet controlled Eastern Europe in the late 1940s, China in 1955 (with the publication of State Council Instructions on How to Deal with Anti-revolutionary, Obscene, and Preposterous Books, Magazines, and Pictures), North Korea in 1956, North Vietnam in 1956, Cuba 1959, Vietnam in 1975, Iran in 1979, Zimbabwe in 2001 and Venezuela in 2009 ... plus every other dictatorship in history.

None of these dictatorships came to power with the promise of restricting speech. Often they claimed to be champions of free speech. When Benito Mussolini created a 'High Commission for the Press' in 1929 he claimed speech would remain free ... except for 'activity contrary to the national interest.' Every oppressive state has claimed the same thing: 'yeah, yeah we're pro-free speech except for one-off emergencies.'

The Commonwealth Government doesn't crave this power to suppress alternate views on COVID related matters - that hysteria has passed. The COVID experience however demonstrated that despite endless government and corporate narrative enforcement, the masses will stop listening to overhyped alarmism from the state and big business. The Commonwealth is still pleading with us to take a fifth COVID injection while the much-maligned sceptics urge caution ... and almost nil have taken the fifth shot. The state finally lost that narrative war. This legislation is about not losing the next one.

Let's cut to the chase: this Bill is about strengthening narrative enforcement around the ultimate big government crusade - the 'settled science' of 'global boiling.'

The Bill's Exposure Draft lists the various opinions to be classified as worthy of banning and includes, 'harm to the Australian environment.' The science of global boiling is so settled, the Commonwealth needs law to suppress alternate views. Rather than politicians, bureaucrats and CEOs doing some quiet soul-searching about the last time they censored alternate views, they are preoccupied with not losing control of the narrative again.

Free speech is moral. While it is true that many fringe ideas are best left on the fringe, it is undeniable that most forward leaps for mankind occurred because a fringe idea was given a platform and won the debate. Suppressing free speech will suppress good new ideas.



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Robert F Kennedy Jr. recently said, 'There was no time in history where the people censoring free speech were the good guys.'

Here are five examples:

SOCRATES

Today Socrates is remembered as the greatest of the great minds of Ancient Greece. In 399 BC, however, Socrates was put on trial for the crime of saying things the political class didn't like being said ... and in particular convincing young minds the Athenians gods were fictitious. No-one believes in those gods today, but insecure politicians considered mocking these non-gods to be a capital crime.

At the trial, Socrates' accusers outlined his wrong-think to the 500 jurors ... and then Socrates had the right of reply which his student Plato recorded in Apology (391 BC).

What do they say? That Socrates is a doer of evil and a corrupter of the youth, and he does not believe in the gods of the state and has other new divinities of his own and he teaches these doctrines to others?'

They told you to not to let yourselves be deceived by the force of my eloquence. They ought to have been ashamed of saying this unless by 'force of eloquence' they mean the force of truth; for then I do indeed admit that I am eloquent.

I went to one who had the reputation of wisdom. He was a politician. When I began to talk with him, I could not help thinking that he was not really wise, although he was thought wise by many, and wiser still by himself. I tried to explain to him that while he thought himself wise he was not really wise. The consequence was that he hated me and his enmity was shared by several who were present and heard me. Then I went to another, who had still higher philosophical pretensions. My conclusion was exactly the same and I made another enemy of him and of many others besides him.

And I swear to you, Athenians, for I must tell you the truth - I found that the men most in repute were all but the most foolish; and that some inferior men were really wiser and better.



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This investigation has led to my having many enemies of the worst and most dangerous kind, and has given occasion also to many slanders,

And this, O men of Athens, is the truth and the whole truth. Yet I know that this plainness of speech makes them hate me, and what is their hatred but a proof that I am speaking the truth?

And therefore if you pardon me, your sons will all be utterly ruined by listening to my words.

If you say to me, 'Socrates, this time we will let you off, but upon one condition, that you are not to inquire and speculate in this way anymore and that if you are caught doing this again you shall die.'

If this was the condition on which you let me go, I should reply: 'Men of Athens, I honour and love you; but I shall obey God rather than you. While I have life and strength I shall never cease from the practice and teaching of philosophy. I will exhort anyone whom I meet after my manner, and convincing him, saying: 'O my friend, why do you, who are a citizen of the great and mighty and wise city of Athens, care so much about laying up the greatest amount of money and honour and reputation, and so little about wisdom and truth and the greatest improvement of the soul, which you never regard or heed at all? Are you not ashamed of this?'

Wherefore, O men of Athens, I say to you, either acquit me or not; but whatever you do, know that I shall never alter my ways, not even if I have to die many times. I have something more to say, at which you may be inclined to cry out; but I beg that you will not do this. I would have you know that, if you kill such a one as I am, you will injure yourselves more than you will injure me. I would rather die having spoken after my manner, than speak in your manner and live.'

Socrates was found guilty and killed the following day.

Many of Plato's writings have been lost, so we should be grateful we have this ancient account to learn how vile the state can be when it censors.



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MARTIN LUTHER

In 1999, the History Channel ranked the 100 most influential figures of the second millennium AD. This obviously subjective list ranked Martin Luther third.

Luther started out as an obscure German priest. In 1517, Luther was 33 years old and he publicly released a statement containing 95 criticisms of his church. In summary Luther was urging ordinary people to think for themselves about religious matters and not blindly obey the church and its state enforcers. Luther's proclamation (the 95 Theses) quickly went viral across Europe.

The masses began questioning the authority of the church. The Pope sent Luther a demand that he retracts his claims ... so Luther mocked him by publicly burning it. Luther was excommunicated from the church, but his burgeoning movement could not be wished away ... so the Pope leaned on the German political authorities to silence this free thinker.

Three years into the upheaval, Luther was summoned to a heresy trial. Initially Luther went into hiding as other 'heretics' had attended similar trials and ended up burnt alive. A local prince, however, who was friendly with Luther guaranteed his safety and so Luther did attend the trial known as the Diet of Worms. The presiding officer at the trial was the Holy Roman Emperor, Charles V.

Luther was asked if he would renounce his heresy. He responded in part:

"The accusation consists in my writings against those who, by their wicked doctrines and precedents, have laid waste Christendom by doing harm to the souls and the bodies of men. No one can either deny or conceal this, for universal experience and world-wide grievances are witnesses to the fact that through the Pope's laws and through man-made teachings, the consciences of the faithful have been most pitifully ensnared, troubled, and racked in torment, and also that their goods and possessions have been devoured by unbelievable tyranny.

Your Imperial Majesty and Your Lordships demand a simple answer. Here it is, plain and unvarnished. Unless I am convinced of error by the testimony of Scripture or by manifest reasoning, I stand convinced by the Scriptures to which I have appealed, and my conscience is taken captive by God's word, I cannot and will not recant anything, for to act against our conscience is neither safe for us, nor open to us. On this I take my stand. I can do no other. God help me."



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The Emperor pronounced a sentence known as the Edict of Worms. The highlights are below:

It is our duty to help subdue the enemies of our faith and bring them to the obedience of the divine majesty and to keep the Christian religion pure from all heresy or suspicion of heresy.

For this reason, after having learned of the mistakes and heresies of Martin Luther who teaches iniquity, preaches false doctrines, and writes evil things against our Catholic faith and the Holy Roman and Universal Church, things which have already been spread throughout almost all of Christendom, greatly diminishing the honour of God and the Catholic faith, imperilling and endangering Christian souls, and bringing future confusion to all the public affairs of our Holy Mother Church. If we do not put an end to this contagious confusion, it could lead to the corrupting of all faithful nations and to their falling into abominable schisms.

The Pope declared his books would have to be burned and taken out of the people's memory forever. These books contain as much poison as they have words.

As far as the said Martin is concerned, if he would not admit that he was wrong and repent, recognizing his mistakes in a given period of time, he would be declared disobedient, child of iniquity, and heretic. As such, he would have to be arrested, and, consistent with the ordinance and the rights, he would have to be punished. Martin Luther has not only refused to repent, but this man of wickedness and furore against our faith and against our Mother Church wants to continue spreading the detestable and perverse doctrines of his wicked and pernicious spirit.

This man, Martin, is not a man but a demon in the appearance of a man, clothed in religious habit to be better able to deceive mankind, and wanting to gather the heresies of several heretics who have already been condemned, excommunicated, and buried in hell for a long time. He is an obstinate, schismatic heretic.

For this reason we forbid anyone from this time forward to dare, either by words or by deeds, to receive, defend, sustain, or favor the said Martin Luther. Those who will help in his capture will be rewarded generously for their good work. We want all of Luther's books to be universally prohibited and forbidden, and we also want them to be burned.

Luther dodged their efforts, and his legacy was the liberation of millions from a medieval mindset.



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GALILEO GALILEI

In the early 1500s Nicolaus Copernicus (in today's Poland) demonstrated that contrary to the 'settled science' the Earth rotated around the sun (not vice-versa). Copernicus calculated heliocentrism after decades of careful astronomical observations but was too frightened to publish his findings while he lived. Posthumously Copernicus' concept quietly spread amongst free-thinking intellectuals across Europe. The church and their mates, the state sponsored scientists, ridiculed and condemned the ideas of Copernicus.

Galileo Galilei was an Italian academic in the early to mid-1600s who had an irrepressible curiosity for science. When Galileo heard about the invention of the telescope in Holland, he built his own. Others were using telescopes to assist in hunting, sailing or other terrestrial pursuits. Galileo looked up.

Soon after Galileo excitedly told the world that Jupiter had four orbiting moons ... so if that large planet had orbiting bodies then the sun might too ... and so, Galileo thought, Copernicus might have been be right. The scientific establishment was dismissive so Galileo asked some 'experts' to look through his telescope ... but they claimed the telescope must be faulty because the science was so settled.

In 1615, the church and the scientific establishment formally investigated Galileo's claim and found them 'foolish and absurd in philosophy, and formally heretical since it explicitly contradicts in many places the sense of Holy Scripture.' Under threat of violence and incarceration, Galileo was forced to stop talking about a heliocentric world. His writings on this subject were banned.

Galileo's fortunes changed however seven years later in 1623 with the election of a more liberal minded pope. This new pope encouraged Galileo to write a comprehensive book on the subject of the Earth rotating around the sun. He was however given firm instructions to give a fair and balanced account of both sides.

Galileo's book, Dialogue Concerning the Two Chief World Systems, was published in 1632. He was however incapable of presenting fairy-tale science fairly and his book displeased the authorities. Galileo was put on trial again. His prosecutor declared:

"Whereas you, Galileo of Florence, aged seventy years, were denounced in 1615, by this Holy Office, for holding as true a false doctrine taught by many, namely, that the sun is immovable. Also, for having pupils whom you instructed in the same opinions...."



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"...Also, for maintaining a correspondence on the same with some German mathematicians. Also, for answering the objections which were continually produced from the Holy Scriptures. Also, it was produced a letter professedly written by you to a person (formerly your pupil), in which, following the hypothesis of Copernicus, you include several propositions contrary to the authority of the Holy Scriptures. The proposition that the sun is in the centre of the world and immovable from its place is absurd, philosophically false, and formally heretical because it is expressly contrary to Holy Scriptures.

We pronounce, judge, and declare, that you, the said Galileo . . . have rendered yourself vehemently suspected by this Holy Office of heresy and, consequently, that you have incurred all the censures and penalties enjoined and against delinquents of this description.

From which it is Our preference that you be absolved, provided that with a sincere heart and unfeigned faith, in Our presence, you abjure, curse, and detest, the said error and heresies.

We order the book of DIALOGUES OF GALILEO GALILEI be prohibited, and We condemn thee to the prison of this Holy Office during Our will and pleasure; and as a salutary penance We enjoin on thee that for the space of three years thou shalt recite once a week the Seven Penitential Psalms, reserving to Ourselves the faculty of moderating, changing, or taking from, all other or part of the above-mentioned pains and penalties."

Galileo was condemned but given a light sentence because he did publicly (but insincerely and unlike Socrates) renounce his views saying:

Nevertheless, wishing to remove from the minds of your Eminences and all faithful Christians this vehement suspicion reasonably conceived against me, I abjure with sincere heart and unfeigned faith, I curse and detest the said errors and heresies, and generally all and every error and sect contrary to the Holy Catholic Church. And I swear that for the future I will neither say nor assert in speaking or writing such things as may bring upon me similar suspicion. I also swear and promise to adopt and observe entirely all the penances which have been or may be by this Holy Office imposed on me."

Two centuries later the church removed the ban on Galileo's writings. In 1939 a pope declared Galileo to be one of science's greatest heroes and in 1992 Pope John Paul II admitted the church had erred in its persecution of Galileo.



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BERTRAND RUSSELL

Bertrand Russell was born into the liberal-minded wing of the British aristocracy in 1872. His grandfather had twice been Prime Minister.

Russell was prominent in academic and public affairs until his death in 1970. He was acclaimed across subjects as varied as mathematics, philosophy and literature.

World War One was a long, gruesome, pointless war that everyone lost and worst of all, it laid the foundation for a bigger, badder world war.

In late June 1914, a Serbian fanatic assassinated the Crown Prince of the Austro-Hungarian Empire. It was almost certain there was going to be yet another war in the Balkans. With wiser leadership, it would have been contained as such ... but in the following weeks one European great power after another mobilised for war.

Britain's entry into this abyss was far from certain. The nation was divided. The governing party was the left-leaning Liberal Party. That party's voters and members were firmly against war. The cabinet was initially against but, as events unfolded across the channel, it bitterly split and on 4 August 1914 asked the King to declare war.

Bertrand Russell was Britain's most outspoken anti-war campaigner. Maybe it would have been in the best interests of all for the British to have declared, 'We're sitting this war out but we will strive to facilitate peace talks.' That was what Russell was advocating and he should have been free to make his case.

Russell was a Cambridge academic but was dismissed for publicising his anti-war stance. He then spoke at a large public rally calling for an end to the war and was heavily fined. In 1918 he campaigned against the United States entering the war and for that he was jailed for six months. He was one of 6,000 British pacifists jailed.

Four years after the war, Russell was invited to give a keynote address on Free Thought and Propaganda. He said:

"It is clear the most elementary condition, if thought is to be free, is the absence of legal penalties for the expression of opinions...."



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"...The opinions which are still persecuted, strike the majority as so monstrous and immoral that the general principle of toleration cannot be held to apply to them. But this is exactly the same view as that which made possible the tortures of the Inquisition.

Legal penalties are, however, in the modern world, the least of the obstacles to freedom of thoughts.

The two great obstacles are economic penalties and distortion of evidence. It is clear that thought is not free if the profession of certain opinions makes it impossible to earn a living. It is clear also that thought is not free if all the arguments on one side of a controversy are perpetually presented as attractively as possible, while the arguments on the other side can only be discovered by diligent search.

We may say that thought is free when it is exposed to free competition among beliefs i.e., when all beliefs are able to state their case, and no legal or pecuniary advantages or disadvantages attach to beliefs. This is an ideal which, for various reasons, can never be fully attained. But it is possible to approach very much nearer to it than we do at present. None of our beliefs are quite true; all have at least a penumbra of vagueness and error. The methods of increasing the degree of truth in our beliefs are well known; they consist in hearing all sides, trying to ascertain all the relevant facts, controlling our own bias by discussion with people who have the opposite bias, and cultivating a readiness to discard any hypothesis which has proved inadequate. What is wanted is not the will to believe, but the wish to find out, which is its exact opposite.

The protection of minorities is vitally important; and even the most orthodox of us may find himself in a minority some day, so that we all have an interest in restraining the tyranny of majorities."



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ROBERT MENZIES, BANNING THE COMMUNIST PARTY

When Karl Marx died in 1883 he was so obscure only a dozen attended his funeral. Thirty-four years later, violent revolutionaries inspired by Marx seized power in Russia. Those Bolsheviks openly declared Russia was the first stop - they were hellbent on a world-wide Marxist revolution.

In 1949, Robert Menzies was elected Prime Minister of Australia. Marxists had by now taken over half of Europe and China had fallen to communism only weeks before Menzies' election. There were fierce communist insurgencies across the world and in particular in east Asia. Wherever communism went it was the same old story – privation/starvation, concentration camps and an all-encompassing police state.

The Communist Party of Australia (CPA) was formed in 1920 and wanted to replicate all that 'success' here. We now know that pro-Moscow communists informants had infiltrated trade unions, the Labor Party and even ASIO. There was always the fear that World War III would break out between the Soviet Union and the United States and so concern about Australian communists was more than understandable.

Throughout the 1940s, some campaigned in Australia for a law to ban the Communist Party. Menzies' coalition partner, the Country Party, campaigned on making communism illegal. Menzies had opposed that drastic step but by 1949 Menzies changed course and supported banning of the CPA.

Only five months after his election Prime Minister Menzies introduced the Communist Party Dissolution Bill. Menzies told Parliament:

"This is a bill to outlaw and dissolve the Australian Communist party, to pursue it into any new or associated forms, and to deal with the employment of Communists in certain offices and under certain circumstances. The bill is admittedly novel, and it is far-reaching. It is not an industrial law. It is not a law made under the conciliation and arbitration power. We are, therefore, not seeking by this bill to make any amendments to the Commonwealth Conciliation and Arbitration Act.

This proposed law is, in a most special and important sense, a law relating to the safety and defence of Australia. It is designed to deal with, and, in certain cases, to give the Government power to deal with, the King's enemies in this country. If it touches certain Communists in their industrial office, as it certainly does, that is merely an inevitable consequence of a self-defending attack upon treason and fifth-columnism wherever they may be found...."



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...Let me say at the outset that it will be without avail for any honourable member to point out, as can be done quite readily, that for some years I and other persons resisted the idea of a Communist ban on the ground that, in time of peace, doubts ought to be resolved in favour of free speech. True, that was my view after the war, and it was the view of many others.

But events have moved. We are not at peace to-day, except in a technical sense. The Soviet Union - and I say this with profound regret - has made perfect the technique of the 'cold-war' - it has accompanied it by the organization of peace demonstrations - peace demonstrations, save the mark - designed, not to promote true peace, but to prevent or impair defence preparations in the democracies. We in this House and in this country, and people all over the British world, have witnessed the most threatening events in eastern Europe, in Germany, in East Asia and in South-East Asia. If we have learned nothing from all these things then, in the famous phrase, there is so health in us.

The real and active Communists in Australia present us with our immediate problem - not the woolly-headed dupes, not the people who are pushed to the front in order to present a respectable appearance, but the real and active Communists. We have a clear choice, and we must make it clearly. We can attack these Communists frontally, or we can adopt inaction and justify it by accepting one or all of the arguments that are used currently to justify inaction."

The Bill sought to close the CPA, liquidate their assets and ban a communist from working for the public service or a union. Who was a communist? Under this Bill, government could declare anyone a 'communist' and it was then up to them to prove their innocence. Members of the CPA could be jailed for up to five years.

As the Bill was being debated communist North Korea invaded South Korea. Understandably, Australia was worried about the march of communism.

Many Labor MPs and a few Liberal MPs had misgivings, but after a few amendments it passed into legislation. The same day however, Labor's Deputy Leader, Herbert V Evatt acting as the lawyer for the CPA (and several pro-communist unions) took the matter to the High Court ... and the High Court found by a 6-1 majority that the legislation was unconstitutional, but not on free speech grounds. The law was found unconstitutional simply because the High Court rightly found that while the states could pass this law, the Commonwealth had no power to do so.

Menzies didn't give up, so proposed a constitutional amendment which would have given him the power to ban a political party. The ball was now in the court of the Australian people who voted in a referendum known as the '1951 Australian Communist Party Ban Referendum.



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It was not a question about whether the Australian people approved of communism – at the 1949 federal election less than 1% voted for the CPA. This was a decision about whether Australia was a free speech nation and 50.56% voted NO and so the CPA was not banned.

The CPA was dangerous, but the wise people of 1951 Australia knew it was better to deal with communism by giving it free and fair exposure to public debate. CPA made no impact on Australian elections. Had the CPA been banned they would have gone underground, become more militant and potentially violent. Menzies was, on balance, a good Prime Minister but on this occasion he was wrong and the Australian people were right. Communism was bad but banning an idea only fuels it.

The only opinion that should entirely be banned is the opinion of every politician and bureaucrat pushing this Bill. They should be sent to re-education camps and on release spend the rest of their lives on a watchlist.

Yours sincerely,



The Hon John Ruddick MLC
Member of the NSW Legislative Council