

19/08/2023

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

[And online](#)

Re: Submission in response to new ACMA powers to combat misinformation and disinformation (the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023*)

What threatens the safety and wellbeing of Australians, democracy, society and the economy the most is the stifling of free speech. Although this Bill states it is providing protections for privacy and freedom of speech, in reality this is not the case – by its very existence it will do the opposite.

The very concept of freedom of speech requires a feeling a safety. In fearing that speech could be labelled as disinformation or misinformation, this will have the effect of shutting down freedom of speech.

Freedom of speech is essential to be able to debate important issues. Debate is often not a comfortable process. Hearing a different point of view feels uncomfortable and yet it is imperative in order to be able to effectively problem solve and for our society evolve. Measures that induce fear stifle debate and lead to a society that stagnates.

Free speech enables a society to explore openly what is true and what is not, what is helpful and what is not, what is beneficial and what is not. Circumstances change over time and there is the need to revisit decisions and attitudes formed at an earlier time. Freedom of speech needs to be an established norm that is ongoing so past decisions and understandings can be reviewed and improved upon.

Censorship on the other hand shuts down the ability to have open discussion and to find the best solutions to the many challenges that confront society. Stifling freedom of speech creates a climate of fear. History has shown that stifling of freedom of speech has been a tool that allowed tyrants to establish authoritarian regimes. This was the context for the writing of the United Nations Universal Declaration of Human Rights in 1948 to protect the people of this world (1). People having experienced the Bolshevik revolution and the rise of totalitarianism in Germany were acutely aware of the barbarity that can arise once freedom of speech is lost.

The very action of a central body defining what is disinformation and misinformation shuts down the ability to have robust conversations. We need the ability to have robust conversations, not robust systems to stifle and suppress freedom of speech.

The very notion of democracy is the acknowledgement that there is more than one way to view any situation and any given problem. Different groups in our Australian communities have different needs, priorities, and points of view. Different political parties, action groups, faiths, social groups etc are created on the basis of representing these different interests. The process of democracy and respectful decision making requires platforms and methods to communicate information that supports the lives of people with differing needs. It is a given that the view of one group might not be popular with another. This present *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023* has great potential to be misused by the party who have the most power and influence to shut down, stifle and harm others in our country who have a different view. It is imperative to understand that different views to our own can be none-the-less valid, are necessary to meet the different needs of people living in our community, are potentially correct and potentially beneficial, and thus freedom of speech needs to be inherent part of a modern diverse society.

The very progress of science requires the ability to put forward a hypothesis and scientific data that will inevitably contradict and challenge previously held views. A Bill that allows a governing body and mainstream media to define what is disinformation and misinformation is a danger to scientific progress.

Indeed, it seems this present Bill begins with the unproven and illogical claims that

“Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as our democracy, society and economy.”

“Misinformation and disinformation spread via digital platform services is a major issue worldwide.”(2)

This is based on a further assumption made by ACMA that the information available on platforms like Parler, Telegram, Gab and Rumble is misinformation simply because it contradicts the government, mainstream media and government aligned authoritative sources. In particular, the assumptions are made that information on these channels in relation to Covid-19 constitute misinformation and disinformation. (3)

If something is truthful and factual surely it can withstand being challenged and critiqued. In a democracy, we look at all the information available and we develop a response. This was not what took place over the Covid-19 era.

What I observed during the months of February and March 2020 amounted to hysteria from government spokespeople and mainstream media sources who selectively chose authority figures, words and actions to ignite public fear, resulting in the imposition of unprecedented lockdowns. The response was unreasonable at the time, and certainly proved to be unreasonable as events played out. People with more reasonable responses were shut down and censored. Concerned medical professionals had their websites shut down. This is not how a democracy is meant to work. Those with more reasonable views and factual science-based information were obliged to find alternative means to reach the public so the voice of reason could be heard and the people of Australia could be protected from appeared to be government overreach and mishandling of the Covid situation. People who were asking reasonable questions were made to look foolish. Their valid scientific evidence was censored and silenced. In any given group, the most fear based, risk aversive response was given the greatest weight regardless of whatever factual information was presented. According to the definitions of misinformation and disinformation in this Bill, it could be argued that the

government and mainstream media and selected authoritative sources shared information that resulted in massive harm to the people of Australia, our democracy, our economy and society and so this information could be deemed by the Bill's own definition as misinformation and disinformation. I am not saying this is the case. I will present facts and let these speak for themselves.

When mask wearing became mandated, I looked at the official government websites to determine mask wearing effectiveness. The government official website showed a picture that demonstrated the ability for surgical face masks to block droplets, and supposedly viruses, from going through the mask. On the basis of such information mandatory masking was introduced. The Australian Government Fact Sheet uploaded 1 June 2022 still insists that surgical masks provide protection from coronaviruses (4). This information was published by the Infection Prevention and Control Expert Group (ICEG) and was described as, "expert advice and information to support best practice for infection prevention and control in community, hospital and institutional settings." The University of Western Sydney, presumably an example of an authoritative source, advises even now, "If correctly fitted, these surgical masks will block the majority of coronavirus and adenovirus particles." (5)

Yet the manufacturers of the masks themselves make it quite clear on the box when you make a purchase that surgical masks and P2 masks do not prevent coronavirus transmission. I note now that NSW Health no longer states that P2 masks block the transmission of viruses but only "very fine particles," such as smoke (6). N95 hospital grade respirator masks can block certain bacteria (7) and yet viruses are much smaller again. It is highly questionable just looking at the factual data that any face mask can block a virus.

"Bacteria are also much [bigger](#) than viruses. The diameter of a typical virus is about 20- 300nano meters (1 nm = 10 to the power of -9). This is considerably smaller than a typical *E. coli* bacterium, which has a diameter of roughly 1000 nm! Tens of millions of viruses could fit on the head of a pin."(8)

Public mandates and all subsequent measures therefore were effectively based on incorrect information that was promoted by government,

authoritative sources and mainstream media. If we had freedom of speech to discuss the effectiveness of masking we would not have had to endure the unnecessary mandates that were imposed. Potentially people were exposed to a harmful virus thinking they were protected by wearing a mask. Yet if I had shared factual data on social media then and now I would be accused on misinformation. This is nonsense.

However, the Government and authoritative sources did not stop with mandatory masking. A series of coercive measures were put in place such as lockdowns, social distancing and complex mandates which appeared to have one goal in mind which was to coerce the Australian people to take the experimental Covid-19 vaccinations.

Under the Nurenberg Code is it a breach of human rights to coerce individuals to undergo experimental medical treatment (9). As the Covid-19 vaccine had been rapidly developed it was still in experimental stages of development. The mandating of the Covid-19 vaccinations was coercive and in breach of basic human rights. Furthermore, all medical interventions require the informed consent of the patient. This informed consent was not provided as full disclosure about the efficacy and safety of the vaccines was not provided. People were not even informed that the vaccines were experimental, although a simple understanding that it normally takes 10 years to develop a vaccine should have alerted thinking individuals to danger. But the Australian people were manipulated by deceptive information from the government, from the media and from hand-picked authorities, and through a barrage of coercive measures, causing them to subject themselves to an experimental vaccine without question, and without knowing their rights, believing they were protecting themselves and others.

As an Australian I experienced considerable concern and distress hearing the coercive message from the Prime Minister at the time Scott Morrison, that the vaccine would be “as mandatory as possible.” This was in August 2020 while I was still working in my role as a Drug and Alcohol Counsellor. I then heard the confusing counter statement from the Prime Minister that it was not mandatory to have the Covid-19 vaccine (even though it was being mandated by State governments in order to work in certain sectors and in order to have freedom of movement), as Australia is a democracy and, that if we subject

ourselves to “the jab,” we individually must take responsibility for any side effects that may occur. This was then followed by State Governments mandating not just one but multiple Covid-19 vaccines in order to be able to work in certain professions. I was directly impacted by these mandates and continue to experience loss of income as a result. I have been denied the ability to continue to work in my profession as a [REDACTED] [REDACTED] due to the mandates and the ongoing fear that has been created in our community.

The Australian people aware of the coercion and deception have been waiting for the government, mainstream media and authorities to respond to the data that has come forward about the harm that the all the Covid-19 measures caused, especially the harm that has resulted from vaccine including death and lasting side effects. To recover from these measures our nation needs full and open discussion, and for leaders to be held accountable as is meant to occur under a democracy. There has not been reparations to the Australian people, even though these vaccines were experimental, were not “safe and effective” as we were led to believe, and have proven dangerous. Instead, what we see now is this Bill seeking to silence the voices of those speaking truth.

The tables below show the actual data that has been collected by government authorities in various countries showing the harm that has been caused by the Covid-19 vaccines. The information has been made available to the Australian people by concerned medical professionals from the Australian Medical Professional Society (10). This is a group who it seems the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* would seek to silence completely from social media as they are making available to the Australian people factual evidence of the harm caused by the vaccines that those who promoted the vaccine do not want to known. This evidence comes from over 1000 peer reviewed studies and the statistical data from government agencies relating to Adverse Event Reports and Deaths from the Covid-19 vaccinations. Indeed, the government, mainstream media and so-called authorities continue to promote the vaccine despite this data. It is diabolical.

The Australian Medical Professional Society, is a society of medical professionals who want to provide an alternate voice to the AMA, and who are currently silenced by AHPRA. The following is from their website (10):

One of the chief concerns of our membership is that of medical free speech. Contingent to a joint statement received from AHPRA and the National Boards on 9 March 2021¹, Australian Health Professionals numbering over 825,000 were essentially forbidden from publicly questioning the science underlying the emerging COVID-19 injectables, let alone questioning any government messaging urging Australians to be vaccinated because these products were deemed 'safe and effective'. The effect of this unilateral action was to undermine professional independence and, in so doing, strip away years of training, academic achievements, qualifications, awards and expertise. However well intentioned, this gagging by bureaucratic decree inserted AHPRA and the National Boards between the Clinician and their Patient, in addition to counteracting normal robust interprofessional dialogue, as more data emerged.

Indeed, now 17 months later and after numerous forms of pressure to take up the COVID-19 injectables in various age categories, a tremendous amount of data is available to more fully and accurately inform clinicians about these products. This literature includes over one thousand² peer reviewed studies reporting of the harms being seen around the world, up to December 2021. In addition, it has become clear that the risk of serious illness and death attributable to COVID-19 disease is heavily weighted to the elderly and those with known co-morbidities, while in contrast, younger Australians are relatively resistant. Also, since the advent of the Delta and Omicron variants, it is highly questionable whether the vaccines are preventing transmission or illness.

In any event, the implied and intended outcome of the gagging was to see Doctors and Health Professionals effectively mandated to support the government campaign to have the Australian population injected with drugs for which there was no adequate short-, medium-, or long-term safety or efficacy data. Indeed, the rush to market and Provisional Approval occurred despite the absence of the usual pre-clinical studies, including testing for Carcinogenicity and Genotoxicity. In this regard, it should be of serious interest that a peer-reviewed investigation³ has demonstrated that mRNA-derived Spike proteins enter the cell nucleus and interfere with DNA. However, many critical facts like these became forbidden subjects for Health Professionals and Doctors to raise with their patients, let alone in public forums. Thus, we contend that the joint statement of 9 March 2021 has compromised proper and informed consent in Australia."

To date, none of the makers of the COVID-19 injectables have been able to stringently show their products to be Safe or properly Effective. To date, Adverse Events flowing from these products are at historically unprecedented levels globally and continue to rise. And again, to date, no other drugs in human history have reported more deaths, illnesses, injuries, and disabilities, which number as follows (to 28 June 2022):

Covid-19 Injectables	Adverse Event Reports	Deaths
European Medicines Agency ¹	1,845,179 ⁵	45,982
US VAERS ⁶	835,062 ⁷	13,388
Australia TGA ⁸	132,155 ⁹	889
UK Yellow Card ¹⁰	458,463 ¹¹	2,191
Total	3,270,859	62,450

It is widely acknowledged that all Adverse Event reporting systems suffer from under-reporting¹², an inherent challenge for passive reporting systems and their interpretation. For US VAERS reporting in respect of the COVID-19 injectables, the Under-Reporting Factor (URF) has been estimated to be between 40-49x¹³. If a conservative URF of 10x is applied, the above figures begin to more realistically represent the likely true effects of the Covid-19 injectables:

	Adverse Event Reports	Deaths
	EU, US, AU, UK	
Total	32,708,590	624,500

To be clear, the TGA has received more Adverse Event reports in 2021 through June 2022 for the COVID-19 vaccines, than they have been seen for all other vaccines in the preceding 50-year period. A similar explosion in Adverse Event reports for the COVID-19 injectables has occurred in all other countries that chose to deploy them¹⁴, but in Australia, comparing the period from 1971¹⁵ until the start of 2021 in respect of traditional protein-based vaccines, to the period from 1 February 2021 through 8 June 2022 in respect of the COVID-19 injectables, we observe the following:

Number of Adverse Event Reports non-COVID vaccines (50yrs):	19,330
Number of Adverse Event Reports COVID-19 injectables (18mths):	132,668
Number of Reaction Types non-COVID vaccines (50yrs):	1,492
Number of Reaction Types COVID -19 injectables (18mths):	3,660
Number of Adverse Reactions non-COVID vaccines (50yrs):	43,878
Number of Adverse Reactions COVID-19 injectables (18mths):	433,669
# Adverse Reactions per Adverse Event report non-COVID vaccines (50yrs):	2.27
# Adverse Reactions per Adverse Event report COVID-19 injectables (18mths):	3.27

I am immensely grateful for the health professionals who took a stand, spoke out in truth of conscience, and spoke against the enormous pressure coming from the government, mainstream media and the government-controlled authorities coercing Australians take the experimental Covid-19 vaccine. I applaud their courage and have deep gratitude to them for speaking against the enormous tsunami of pressure coming down at them.

To be honest, I question if Australia has a democratic government anymore having lived through all these events and now having to respond to the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* which is attempting to further contain, and in fact end, freedom of speech on complex issues that affect the health and welfare of Australians deeming such discussion misinformation and disinformation. It is quite concerning.

The Australian Government continues to recommend and promote vaccination as the number one measure in “Protecting yourself and others from COVID-19.”(11) The government in their arrogance is refusing to acknowledge the data and listen to the concerned medical professionals who are speaking out. Instead, this Bill has been developed seeking to discredit and silence health professionals further. It could be argued from the above factual information, and other evidence that can be gathered, that the government, mainstream media and controlled authorities have caused harm to the people of Australia through the plethora of measures under Covid-19,

through coercing an experimental vaccine, and then not subsequently warning the people of Australia about the harmful effects and limitations of the vaccine. Yet this Bill gives protection to these very bodies exempting them from scrutiny.

This Bill states that it is concerned about harm to the Australian people and hate speech.

“Misinformation about a group of Australians inciting other persons to commit hate crimes against that group”

I have been subjected to hate speech and ostracized because I shared factual information and valid concerns with friends, family and acquaintances regarding Covid measures and the government mandated experimental Covid-19 vaccine. The behaviour of the individuals who abused me was based on the information they were receiving from the government, mainstream media and authoritative spokespeople. The government, media and selected authoritative spokespeople actively encouraged the persecution of people like myself who were unable to take the Covid-19 vaccine or chose not to (for instance encouraging families to exclude their unvaccinated family members from Christmas family celebrations). Hate speech and segregation along the lines a medical apartheid was encouraged. Where can I go please to seek compensation and hold the government, the media and authorities accountable?

In addition, many punitive and unlawful measures were put in place removing my basic human rights to work, move around and be part of society because I was unvaccinated and these are due to these policies that were made by the governments of this country, and pushed via mainstream media and selectively chosen authorities. I understand this to be in breach of the Nuremberg Code which requires informed consent and no element of force for experiments (12). The removal of the right to work in my profession and move around I understand to be also in breach of the United Nations Universal Declaration of Human Rights which I discuss more generally later in this submission. (13) I can guarantee that the Australian community has not benefited from pushing an experienced [REDACTED] [REDACTED] out of the workforce.

I have included here point Number 1 of the Nuremberg Code in relation to experimental medical interventions:

The voluntary consent of the human subject is absolutely essential.

This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision. This latter element requires that, before the acceptance of an affirmative decision by the experimental subject, there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person, which may possibly come from his participation in the experiment.

As stated coercive measures are strictly in violation of the Nuremberg Code. The subject must have free power of choice and also have informed consent. There is most certainly a case to state the Australian population was coerced and not informed of the side effects and limitations of the Covid-19 vaccine.

Given what has been described here about the experiences in the country through the Covid-19 era, it is most concerning that the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* seeks to shut down the ability for Australians to speak openly on social media and in online group chats.

“The content of group chats that are open to the public or public “channels” on instant messaging services are intended to be within scope of the ACMA powers. This is also the case for posts in a forum or message board. In these cases, digital platform services will be responsible for ensuring they prevent and respond to misinformation and disinformation on their services.”

I find this statement very concerning. I note that this Bill is based on assumptions that made by ACMA that the information available on platforms like Parler, Telegram, Gab and Rumble is misinformation simply because it contradicts the government and “authoritative sources.” Yet what are

authoritative sources? Aren't authoritative sources meant to be subject to ongoing review based on the new available information? Shutting down free speech in Australia is tantamount to ending democracy, and as discussed above, this has potentially already to a large degree taken place having substantial impacts of the wellbeing of all in this country. The concerns of health professionals speaking on these platforms have been proven to be valid. **Indeed, even if the information is not true, then open discussion is the best method to expose that is the case.**

The following statement from this Bill is highly inappropriate and cause for concern that it is being discussed in a democratic country:

“To strengthen their ability to combat misinformation and disinformation, providers of digital platform services may choose to have systems and processes in place such as user reporting tools, complaints handling and educative programs to empower users.”

I read this as a directive for digital platforms rather than a choice. The criminal enforcement measures in this Bill place responsibility on the digital platform to police free speech or face substantial fines. To be succinct and clear, monitoring, censorship and “education” are the hallmarks of totalitarianism.

I find the following statement in the Bill concerning and confusing.

“While the content of private messages will be exempt from the scope of the powers, the ACMA would be able to use its information-gathering and recording keeping powers.”

Are private messages private under this Bill or not?

“The ACMA would have no role in determining truthfulness;.... focus on ensuring digital platform providers have systems and measures in place to combat misinformation and disinformation on their services which pose a risk of serious harm.”

Effectively I understand this part of the Bill, and the overall meaning of the Bill in general, is to make the digital platforms responsible for the content shared on their platforms. It will be their responsibility to determine if information shared on their platform is acceptable according to the guidelines in the Bill. Somehow the digital platforms and users will need to know what

defines misinformation and what defines disinformation. They will have to obtain this information from somewhere. Whoever determines which information is allowed, and which information is not allowed, has a disproportionate amount of power over the population of users and ultimately the people of Australia as a whole.

Free speech is a protective mechanism to safeguard democracies from sliding into a repressive style of government. This is essentially why we must have free speech and why digital platforms, nor any one entity, should not be responsible for censoring speech or fact checking.

Assume for a moment that the present Bill is reasonable and that digital platforms will attempt to “do the right thing” and conform to this legislation realising this is actually an impossible goal. If the digital platforms silence factual information labelling it incorrectly as misinformation or disinformation, they will have made an error of judgement which could prove harmful; indeed, as has been stated, the silencing of free speech is a harmful action as it destroys the basis of democracy. Nevertheless, we are imagining for a moment that it might be possible for the digital platforms to adhere to this Bill. Whatever content they allow to remain on their platform is open to being judged by the external arbitrator as having not complied with the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* and they are risking hefty fines and adverse publicity. At any given time, the definition of misinformation or disinformation under this scenario is directly related to government agenda of the day and thus can change. What is considered acceptable one day may be deemed misinformation the next. Thus, in this environment of confusion, repression and fear, **basically all speech becomes suppressed except for that which is allowed by the governing body at any particular point in time.** This is a feature of totalitarianism and thus this Bill could arguably place Australia at risk of falling into totalitarianism. This is exactly the reason that democratic nations avoid this type of legislation, and free speech is required as the basis of a civil productive society.

Some relevant quotes on the topic of freedom are included at this point sourced from Academy of Ideas (14). There are innumerable sources of information on this topic, but this is an introductory sample to facilitate open

minded contemplation. The question of how much freedom to allow in human society has been debated and explored since time immemorial. When humanity has repressed free speech there have been dire consequences such as the rise of totalitarian governments and outcomes such as the holocaust when one group of humanity attempts to silence another.

“Throughout history orators and poets have extolled liberty, but no one has told us why liberty is so important. Our attitude towards such matters should depend on whether we consider civilization as fixed or as advancing. . . In an advancing society, any restriction on liberty reduces the number of things tried and so reduces the rate of progress. In such a society freedom of action is granted to the individual, not because it gives him greater satisfaction but because if allowed to go his own way he will on the average serve the rest of us better than under any orders we know how to give.” (HB Phillips)

“If we proceed on the assumption that only the exercises of freedom that the majority will practice are important, we would be certain to create a stagnant society with all the characteristic of unfreedom.” (Friedrich Hayek, The Constitution of Liberty)

“Nowhere is freedom more important than where our ignorance is greatest – at the boundaries of knowledge, in other words, where nobody can predict what lies a step ahead. Though freedom has been threatened even there, it is still the field where we can count on most men rallying to its defense when they recognize the threat. If in this book we have been concerned mainly with freedom in other fields, it is because we so often forget today that intellectual freedom rests on a much wider foundation of freedom and cannot exist without it. But the ultimate aim of freedom is the enlargement of those capacities in which man surpasses his ancestors and to which each generation must endeavor to add its share – its share of the growth of knowledge and the gradual advance of moral and aesthetic beliefs, where no superior must be allowed to enforce one set of views of what is right or good and where only further experience can decide what should prevail.” (Friedrich Hayek, The Constitution of Liberty)

“We have seen that the opportunities of learning about new possibilities that the growth of civilization constantly offers provide one of the main arguments for freedom; it would therefore make nonsense of the whole case for freedom if, because of the envy of others or because of their dislike of anything that disturbs their ingrained habits of thought, we should be restrained from pursuing certain activities. ”
(Friedrich Hayek, *The Constitution of Liberty*)

As modern people in this stable nation of Australia we have potentially become complacent and ignorant in terms of understanding how to maintain a healthy democracy. Those people who survived World War II and who had witnessed the rise of totalitarianism in Western nations were aware of the necessity to analyse the factors that lead to totalitarianism and to ensure to maintain vigilance to protect the people of free nations. The following quotes are from an article written in 1955 entitled “The Study of Man: Totalitarianism: A Disease of Modernism?” (15) From the article,

*“At a conference of scholars in 1953, under the auspices of the American Academy of Arts and Sciences (whose proceedings have been published by Harvard University Press in the volume *Totalitarianism*, edited by Carl J. Friedrich), it was emphasized by virtually all the participants that “totalitarianism” is not just the old “despotism” writ large, but a new disease peculiar to modern culture.”*

“..we feel that we are confronted with a disease unique to Western culture of the 20th century and that we need to understand a contagion to which all present-day nations may be vulnerable.”

“no one before 1914 . . . none of the outstanding scholars in history, law, and the social sciences . . . sensed the trend which culminated in totalitarianism.”

“...totalitarianism is unique because “it could only have arisen in the kind of context created by Christianity, democracy, and modern technology.””

“Democracy provides the political idealism and the high literacy rate which make ideology, the party, and mass appeal possible. Technology provides the means for total control of the society.”

“Thus Mr. Friedrich describes totalitarian societies as “exaggerations, but nonetheless logical exaggerations, of inherent implications of the technological state in which we find ourselves.””

“Luckily for us all, only a few societies have ‘gone totalitarian’ in the total sense, but we must recognize that a latent tendency to totalitarianism exists in all modern states, not excepting the United States today.””

“This tendency is, according to George F. Kennan, our former ambassador to Russia, the tendency toward “symmetry and order.” Mr. Kennan warns in his paper against the modern tendency to allow “our sectional diversities, our checks and balances, and our deference to the vital interests of competing minorities . . . to yield to the leveling influences of the perfectionists, to Utopian dreams of progress and equality, to the glorification of conformity in tongue and outlook.” In other words, it is precisely our idealism which endangers us. “All totalitarianism,” says Mr. Kennan, “is only a matter of degree; but it is precisely in this fact that its mortal danger lies.” The lesson we can learn from the relation of totalitarianism to modern democratic and technological culture is that “anything carried to its logical conclusion becomes a menacing caricature of itself.””

“...the peculiarity of totalitarian crimes is that they are committed for different reasons and in a different framework which has a ‘morality’ of its own. The morality is contained in the ideology, or rather in what totalitarianism has made of the respective ideologies... the totalitarian makes his own morality, and by its standards he is virtuous.”

“The reflection we see of ourselves in the totalitarian mirror is distorted because totalitarianism, in following to its conclusion the logic of our position, ignores its life, meaning, and moral intention. Yet the exaggeration and distortion of the caricature does show, as only caricatures can, the character of our position by showing its characteristic dangers, the disease we are liable to fall prey to.”

“Modern culture displays all these symptoms, but they are still tendencies. They have not been carried to their logical conclusions; they have not been pushed to a total ideology. They are tempered and counteracted by the virtues inherited from the past, as well as by the distinctively modern or liberal virtues—by humanitarianism with its empathic conscience, by the still strong respect for autonomy in matters of conscience and intellect, and even, in a society which is fast becoming one of job holders rather than property holders, by the still lingering respect for private property as the basis for moral and intellectual autonomy.”

“We have every reason, both moral and practical, to go on insisting that there is a constant in human nature which we can count on to be outraged by totalitarian atrocities.”

Protective factors in democracies include: “political restraint, social conscience, and individual self-realization, all of which should accompany a technological culture.”

The risk of succumbing to totalitarianism is summarised: “In the sense that totalitarianism accompanies the movement for modernization and exploits technology and democratic idealism to exercise control, it is the specifically modern political disease.”

It is my sincere hope that in considering this submission that those reading it listen to the lessons of history and contemplate these insights and warnings as to how it is possible for democracy to slide into totalitarianism through seeking total control, using technology, and pursuing a perfected moral ideal that ultimately destroys the very values it holds. As it is stated in the above text, it happens slowly by degree.

My honest response to the following quote from the Bill was fear for the future of this country. As already outlined above, the censorship and repression of freedom of speech has already potentially harmed every single Australian. The *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* seeks to extend the present

censorship, and not only that, to be able to increase its own powers subject to its own discretion.

“Should the ACMA determine that stronger action is needed to protect Australians, it could request that a section of the industry put in place a new and more effective code of practice (than the existing DIGI voluntary code of practice, for example). Once the ACMA is satisfied a draft code presented to it by industry meets a number of criteria, it may register it which makes compliance with it compulsory for all digital services providers in the relevant segment of the industry. This would include those providers who chose not to sign up to a voluntary code.”

For all the reasons outline above, I find this very concerning.

The Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 ultimately threatens free speech and thus everything we hold dear in Australia as the democratic free country we have known. Freedom of speech expression is protected under the United Nations Universal Declaration of Human Rights written in 1948. In particular it was recognised during the writing of this Declaration that free speech and all human rights listed in the Declaration are essential to protect humanity from fear and want, promote friendly relations, promote social progress, promote better standards of life, ensure universal respect, and ensure observance of fundamental freedoms.

Freedom of expression is a fundamental human right, enshrined in Article 19 of the Universal Declaration of Human Rights. The following are copied directly from the Universal Declaration of Human Rights.

“The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages. The UDHR is widely recognized as having inspired, and paved the way for, the adoption of more than seventy human rights treaties,

applied today on a permanent basis at global and regional levels (all containing references to it in their preambles).

The Preamble

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. “



Article 19

“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.”



Article 30

“Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.”

Pictures sourced from the illustrated version of the Declaration of Human Rights (16)

To conclude:

Free speech and free expression are essential for critical inquiry and civil discourse, to sustain and safeguard democracy, to protect living men, women and children from harm, to prevent stagnation, and to prevent the rise of perfectionistic ideologies that ultimately harm society and destroy the very ideals they espouse. Previous generations were very aware of the need for free speech in order to protect the democratic nations from the dangers of totalitarianism.

Australia already has laws in place to protect people from hate speech or threats. We do not need this Bill.

Neither ACMA, nor any other government agency, nor the media, nor any digital platform, nor controlled authorities, nor any interest group should be the arbiters of what is designated as misinformation or disinformation. It is very concerning that the government has already demonstrated a high level of controlling influence behind the media, authorities and technology, and is now seeking to extend its control further. Instead in a democracy, free speech, open debate and accountability are essential protective mechanisms. When we rely upon our human values of empathic conscience, respect for autonomy in matters of conscience and intellect, and free and open communication and debate, then truth will reveal itself. Our democracy, society, economy and the rights of the Australians will be protected.

The answer to scientific or political controversies is not more censorship and control, but respectful communication and debate.

I oppose any laws which would empower ACMA or any other Australian or International body to restrict in any way our right to communicate freely and openly on any issue whatsoever.

Sincerely

Michelle Richards



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