

**Submission re: Draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023**

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*'Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as to our democracy, society and economy'*

It seems almost churlish to argue with such an apparently harmless 'motherhood statement', however the implications of such a declaration and many of those that follow are anything but harmless and **acceptance of such a commonplace notion about misinformation does not mean that the public should support government measures ostensibly aimed at 'combatting' it.** This is because:

- (a) **what constitutes *misinformation* and *disinformation* is always contestable:** *contingent* in that ascertaining the truth in complex, fast-moving situations such as, for example, the Covid pandemic will (or at least should) involve frequent revision and even retraction as circumstances change; and *subjective* in that perceptions of truth will vary according to individual convictions and levels of knowledge and expertise;
- (b) **what constitutes a *threat to the safety and wellbeing of Australians* is likewise open to debate,** and many would argue that this goal would be better served by a public sphere untrammelled by the interventions of government, and that the optimal strategy for combatting harmful information, rather than censoring it, is to allow it to be published so that it can be rebutted publicly, with sufficient authority as to render it harmless;
- (c) **government and other official sources of information have demonstrated, particularly in recent years, a singular talent for promulgating information that soon turned out to be incorrect,** while suppressing as 'misinformation' contradictory material that ended up being true, thereby vitiating any claim to knowledge and expertise superior enough to be installed as a 'single source of truth', particularly given the generally mulish reluctance to admit even egregious errors, and
- (d) **many people, in light of their lived experience of their last few years, respectfully take leave to doubt that governments are primarily concerned with '*the safety and wellbeing of Australians*',** discerning in government actions (and inactions) a distinct tendency to accommodate agendas consonant with the goals of other, more powerful constituencies, rather than those of ordinary citizens.

The implied ascendancy of, indeed the *enforceable default preference* evident in this proposed legislation for information and opinion from government-approved sources over those available elsewhere, a distinction which lies at the heart of the statement above and the measures detailed in the Amendment, is potentially dangerous 'to our democracy,

society and economy'. Put another way, **the inbuilt assumption of the veracity of officially sanctioned information and opinion and the Amendments' empowering of it to override and even exterminate opposing viewpoints is, demonstrably, a grave error**, one which quite apart from insulting the core democratic concept of free speech and enabling the injustices involved in the suppression of informed dissent, may promote harms - another contestable term - more dangerous to the body politic than those the Amendment supposedly seeks to address. To paraphrase Talleyrand, this initiative may well be worse than a crime, it may be a *mistake*.

**The intrinsic value of a truly democratic system is its capacity for self-correction, through the utilisation and empowerment of ALL of its participants to express their beliefs and say what they want without fear of suppression or reprisal, a strategy that also has the benefit of militating against the build-up of group resentments that would delegitimise government and in time prove threatening to the body politic.** This 'big tent' philosophy stands in stark contrast to the sort of political monomania characteristic of many dictatorships and monarchies, which claim sole ownership of validity itself. Limiting concepts of truth to what is permitted by officially approved but often compromised or conflicted or simply incorrect sources, and enshrining such sources as unassailable authorities, runs the risk of fatally disabling democracy's unique advantage by installing a mechanism that encourages a preferred 'one size fits all' mentality more often associated with monarchical or totalitarian regimes.

Passage of the bill would give a significant leg-up and a veneer of legitimacy to the twin evils, more often associated with totalitarian regimes, of *official censorship* and *propaganda*, the latter's success largely dependent on the former; ie, **the stifling of dissent is required for the successful manufacture and dissemination of consent. The forced clearing of space for the imposition of an official narrative ought not to be the business of government in a democracy.**

It could even be argued that, so far from posing *a threat to the safety and wellbeing of Australians*, **the toleration of and critical engagement with what at any given time may be deemed 'misinformation and disinformation', so far from harming 'public order' or 'democratic processes' may in fact strengthen the democratic sinews of society** and, if the official narrative is worth its salt, help to solidify the 'centre', the sensible middle ground. The corollary here is that the suppression of informed dissent weakens those sinews, and encourages damaging speculation about the trustworthiness of the official line coming from the centre, regardless of its merit.

'Safety and wellbeing', 'public order', sound 'democratic processes' and even broader goals such as social progress and indeed justice can only be achieved when all viewpoints can be heard and assessed, so that the relative merits of each argument can be weighed by citizens. In such an environment, genuine mis- or disinformation will, along with other worthless contributions, be weeded out by the process of vigorous debate, of 'free and frank discussion'. **Truth does not fear examination, but falsehood does, so the question arises as to whether the impetus behind these amendments comes less from a desire to stamp out 'misinformation' as to suppress unwelcome truths.**

**For a growing number of people, it is not the fringes but the centre that is producing the most dangerous mis- and disinformation and, by virtue of being the centre, has the greatest power with which to promote and embed incorrect or misleading material in the minds of the population.** The last few years demonstrate this thesis beyond a reasonable doubt. If the centre had a sound recent record of telling us the truth, correcting their errors and generally acting in our best interests, it would have strong public support and could easily withstand challenge from the supposedly less trustworthy fringes. Indeed, it should appreciate the opportunity to further demonstrate its value and trustworthiness.

**The effort to suppress or silence fringe information and dissenting opinion seems therefore to be a tacit acknowledgement by the centre of its awareness of the growing lack of trust in its pronouncements and an index of its fear of contradictions which may prove its incompetence, or worse.** Implicit in the above is the existence on the fringes of correct or truthful information inconsistent with a sometimes faulty (or dishonest) official narrative. The term that has come to be used for such material is 'malinformation'; that is, not the alleged falsehoods of mis- or disinformation, but rather indisputable truths not welcome in the centre; 'inconvenient truths' if you like.

*'Journalists wrote expansively about "disinformation," but rarely got into specifics. They knew that they couldn't state with certainty that the vaccine worked, that there weren't side effects, etc., yet still denounced people who asked those questions. **This is because they agreed with the concept of "malinformation," i.e. there are things that may be true factually, but which may produce political results considered adverse....** This is total corruption of the news. We're supposed to be in the business of questioning officials, even if the questions are unpopular. That's our entire role! If we don't do that, we serve no purpose, maybe even a negative purpose.'*

Matt Taibbi, US journalist and Twitterfiles investigative lead

**In the whirlwind of crises as they unfold, it is impossible for any authority, government-approved or otherwise, to confidently distinguish between misinformation and malinformation** (again, recent history provides eloquent testimony of this), and so caution in the exercise of any censoring power is surely the prudent path to take. A reasonable person might ask where are the protections (and indeed recompense) for citizens harmed by misinformation originating with official sources? There are grounds for suspicion that this entire legislative effort, a complex architecture of intrusive governance and mandatory compliance, is geared more toward the suppression of awkward truths (ie, 'malinformation') than genuine falsehoods, or 'misinformation' and that it is not Joe Public's 'safety and wellbeing' which would be protected by it.

At present, each day seems to bring new revelations of an anti-democratic proximity of government in general and intelligence services in particular to the management structures of global information services - corporate media, Big Tech and social media - with many hundreds of senior positions in these companies in the US now filled by former intelligence professionals. **The stunning evidence of government interference in the functioning of the organs of free speech that came from first the Twitterfiles and now the Facebook hearings in the US Congress have distressing analogues in this country, especially in relation to matters of public health surrounding the flawed response to the Covid pandemic.**

**It is a dispiriting index of the health of our politics that it is left to the fringe parties to raise these (and several other) important matters in parliament, the major parties joining with the mainstream media in a conspiracy of silence, a spineless *omerta*.** Senators who can be dismissed as 'far right' and hence ignored have been asking pertinent questions about the conduct of the Covid response; e.g., government and public health interventions to Australian online platforms, the level of pharmaceutical industry funding to regulatory bodies, prior government knowledge of fraud in vaccine trials, evidence of vaccine adverse events and of excess deaths since 2021 not attributable to Covid; and (interrogating pharma industry representatives), the data used to justify claims about vaccine efficacy and safety, the scientific pathway that explains the link between vaccination and the incidence of myocarditis, and the terms of the contracts with the government which grant the vaccine suppliers indemnity and immunity from prosecution. Satisfactory answers to their queries were NOT forthcoming.

Though I have a reasonably well-informed circle of family and friends, the vast bulk of them are entirely innocent of all of these matters. This is due to the fact that their diet of information and opinion is drawn exclusively from the mainstream media. **It is in this context of the media's palpable failure to report vital information to the public and hold official 'feet to the fire' that the dangers of the measures proposed in this draft bill must be seen;** not only the stricter policing of non-mainstream but often reliable sources, but the installation of 'professional' outlets (exempt from the terms of the bill) as the fount of all wisdom, simply by dint of being deemed 'accredited' or 'professional'. The fact that the major media is ultimately owned by the same entities as the pharmaceutical companies, and indeed the weapons manufacturers profiting from the media's war-mongering, is also not news that's 'fit to print'.

**It is instructive to compare the present informational landscape with that obtaining at the time of the Iraq War.** The internet was comparatively young and social media still a few years away. The 'legacy media' of broadsheets and broadcast networks was still dominant, then as now setting the news and current affairs agenda. Although their power was already declining in relation to the web, the relative independence that the 'rivers of gold' of classified advertising and TV advertisements provided was not yet extinguished and the ownership of these enterprises was not yet concentrated in the hands of the five large corporations who own everything now.

**This meant that some measure of dissenting opinion was permitted to balance to corporate and government agendas.** Many millions of people from all walks of life protested against the lies so obviously minted to justify the illegal invasion of Iraq, precisely because there was sufficient coverage in the mainstream media for people to be aware of them. Twenty years ago, Australians with an interest in or concern for current affairs could tune into Lateline or the 7.30 Report and hear the likes of Kerry O'Brien or Tony Jones moderate often vigorous discussions between genuinely oppositional representatives of the various sides of this or that issue. The decline in relevance and reliability of erstwhile bastions of real journalism such as The Sydney Morning Herald and The Guardian, and even more distressingly, of 'Our ABC', describes an arc of compliance with official (really, elite)

agendas that reflects their loss of independence in the face of overwhelming financial pressure and political clout.

**The range of opinions and opinion-holders in 2003 was very much more reflective of the breadth of discussion within the community, and, in a virtuous circle of reinforcement, that breadth was itself fostered by that wider range of views.** Curmudgeonly columnists and commentators, often clearly anti-establishment or maverick in some way, seemed thicker on the ground then. The SMH even hosted Margo Kingston's pioneering Webdiary, which was so successful in providing an avenue for readers to have a say that it was shut down by management for reasons so spurious I can't even remember them. Several very good blogs and personal websites sprouted in the ground Webdiary had tilled. The point is that, despite the 'information superhighway' still being in short pants, the public square was informed enough to generate a significant (if ultimately unsuccessful) groundswell against the prosecution of a war the illegality and immorality of which Australia was a party to. It seems to me no accident that these 'salons' for discussion have been firmly boarded up.

**It is impossible to imagine something like that happening today; the media, so far from fostering a comprehensive and balanced information space, would form part of the corporate/government apparatus of information control.** The generally respectful or at least dispassionate treatment by the media, and indeed the police, of Iraq War protestors in the early 2000s stands in stark contrast to the ridicule, abuse and punishment meted out to those who marched against mandates and lockdowns in 2022. Both protests were on the right side of history, but only in the former can the media be said to have covered itself in, if not glory, then at least not the shameful ordure occasioned by its approach to the pandemic in general and in particular to expressions of public outrage at the calamitous official response to it. Rather than play a straight bat, the media became partisan gatekeepers; guardians of government and corporate narratives rather than the interests of their audience.

**The media used to protect the public from an unaccountable elite; they now protect that elite from the public.** Shorn by the internet of the editorial independence and wide range of ownership that the 'rivers of gold' allowed, the media, like the political and medical science establishments, toe a corporate line inimical to their previous ethos of public service because 'he who pays the piper calls the tune'. It has been truly said that the late Daniel Ellsberg, had he tried to publish the Pentagon Papers in these times, would have been, like Jack Teixeira, turned in by the media to the authorities rather than supported in his efforts to publicise the truth. The plight of Julian Assange, not to mention the role played in his persecution by the profession of journalism, especially its 'progressive' wing, is an eloquent and tragic testimony to the untrammelled power of elite interests nowadays, and the weakness of purportedly democratic institutions such as a 'free press' to limit it.

**This is not to say that good journalism and good journalists no longer exist in the 'accredited' or 'professional' media.** I doff my cap to some of the journos, particularly in the investigative sphere, who have in recent years done sterling work on various important issues, continuing a proud tradition. However, they are now a bit like star players in a losing team, diamonds in the rough like Schindler or Solzhenitsyn, islands of worth in a sea of mendacity and cowardice. They are limited too by their necessarily narrowed focus, and

encouraged no doubt to stay in their assigned lanes, or, like the few medical and scientific dissidents, face the prospect of professional disbarment and relative poverty.

**And for many journalists (and politicians, and medicoes, and scientists) words like 'mendacity' and 'cowardice' perhaps go rather too far. I'm sure most are not evil and many are not stupid. Rather, what their collective behaviour evinces is simply human weakness:** a willingness to go along to get along, a preference not to rock boats or to stand out in a crowd, to take the path of least resistance, to see their work as a career rather than a vocation, to be vulnerable to the 'groupthink' common to professions. They can hardly be blamed for these attributes, shared after all by most of the rest of us, and as the saying goes 'fish rot from the head' and they, like us, do not belong to that particular part of the piscine anatomy and like us are subject to and victims of its imperatives.

**However, it is impossible to overstate the importance of their failure, whatever its provenance. If the 'centre' cannot be trusted to provide accurate information and sound commentary, as it once did in the not-so-distant past, the newer platforms must be permitted to do so, for 'the safety and wellbeing of Australians, as well as to our democracy, society and economy'.** This bill seems designed to stop that potentiality in its tracks.

Should it become law, the possible penalties listed in the draft include jail time and fines that could run into millions of dollars; there are sharp teeth behind it. Owners and operators of all online venues - social media, mainstream news and opinion sites, independent journalists, blogs, etc - will think twice before publishing anything that could potentially land them in water as hot as that, and that 'anything' really means everything that doesn't align with the government's pronouncements and agenda. **This hesitancy, or fear, will drastically narrow the scope for important debates and will also impact negatively on artistic expression, where it intersects, as it so often does, with social or political comment.** A greyer, more fearful Australia would seem to be a by-product of such measures, but it is possible this outcome is part of the purpose or intent.

*The imagination, like certain wild animals, will not breed in captivity.*  
George Orwell

Resort to measures such as this bill and the government powers it seeks to enshrine, now rather suspiciously being implemented by governments across the West in a seemingly coordinated fashion with new legislation analogous to this Amendment (eg, the proposed Digital Consumer Protection Commission in the US, the Online Safety Bills in the UK and Canada, with similar efforts underway in Europe), indicates not democratic strength but a dangerous political weakness and a fear or mistrust of the people by those elected to act on their wishes and in their best interests. **Such schemes, rather than protecting and empowering citizens, seem to treat them as not especially intelligent and potentially dangerous children, from whom certain information and points of view must be withheld, for their own good.** At the risk of gender confusion, this sort of paternalism is the 'nanny state on steroids', but the wellsprings of measures such as these seem to derive less from a protective, parental instinct than an imperative to quash external narratives likely to compete with or challenge official ones.

**It is true that a protective impulse is at work here; the problem is that it seems the legislation will work to protect the authors of official narratives, rather than their audience, who, contrary to the message implicit in the bill, are quite capable of making up their own minds about the value of material they read on the internet.** Informed, intelligent people understand that information, both good and bad, can come from any source, both mainstream and fringe. The entire Amendment reads as if misinformation, whether honest error or calculated deception, can only come from outside the centre, which is, almost by definition, always right. This self-serving presumption is fatal to the integrity of the arguments presented to justify these measures.

Just as no reasonable person could deny that genuine misinformation and disinformation from any source in certain contexts could 'pose a threat to the safety and wellbeing of Australians, as well as to our democracy, society and economy', no-one would argue that government policies or social attitudes or economic theories should not change when circumstances or conditions warrant it. Indeed, **a capacity to make changes in light of new information is an essential element of good governance.** And government, being answerable to the public in a way that alternative sources of information are not, have a particular responsibility to get things right, and just as importantly, to make corrections promptly in light of new information.

For this reason, the Amendment's focus on embedding a 'single source of truth' in the online space on matters of vital national importance is a potentially dangerous development. **It is beyond argument that most of the progress made throughout history has been achieved through the eventual acceptance by the official centres of authority of information that originated outside of those centres.** Orthodoxies give way to new ideas encapsulating new truths, forming orthodoxies of their own, perhaps to be themselves toppled by future invasions of the centre by freshly unearthed truths from the fringe which more effectively accommodate changed circumstances. That's 'progress'.

In politics, this process is described by the concept of the 'Overton Window'. The window is the range of politically acceptable action at any given time, which can only be moved by ideas emerging from outside the window which, if over time are deemed worthwhile, will be incorporated into the acceptable range of possible action, thereby shifting the window this way or that. A perhaps unintended result of this legislation may be, via a damaging constriction of the free flow of information and opinion, to lock the window in one place, and to paint it shut. **This potential loss of political responsiveness to the need for necessary change is, or ought to be, a concern to policy-makers and leaders.** It certainly worries the hell out of me. Are our democratic processes and our public order so fragile, so weak that they require a praetorian guard of censors to keep them safe from harm? And isn't there a risk that the 'solution' proposed here is just as, if not more, likely than the supposed 'problem' it 'combats' to weaken our 'democratic processes'?

**Even a cursory glance back in time provides a wealth of examples of situations where the prevailing orthodoxies, often reflected in government policy, expert consensus or majority opinion, turned out to be ill-advised, disastrously wrong, and even immoral.** These include longstanding official support for South African apartheid, for destructive wars of choice in Vietnam and Iraq, indeed for our own White Australia Policy which only ended in 1966.

Likewise medical science once recommended lobotomies and the sterilisation of the mentally ill and solemnly assured us that DDT, thalidomide and Vioxx or indeed leaded paint and petrol were safe, until it was clear that they were not and the damage had been done. Doctors were, in the living memory of some of us, utilised to advertise cigarettes. Other examples abound. Had our current media landscape and this bill been in place at those times, the dissent or differing information vital to correcting or mitigating such catastrophic errors would have been outlawed, their expression subject to prosecution.

These terrible policies and decisions and theories were for a long time approved and sponsored by governments and the relevant institutions. Only determined and vocal opposition from sources outside of the citadel removed them, or at least forced a subsequent acknowledgement of error which prevented future occurrence. Hindsight provides countless examples of the real mis- and disinformation coming from the government-led 'centre' rather than a subsequently vindicated dissenting 'fringe'. **Only robust, inclusive debate can avert or at least mitigate such potential disasters. To characterise information or opinion that differs from 'the Authorised Version' as misinformation is therefore not only offensive and ridiculous, it is ahistorical, and it is dangerous.**

**We do not, however, need to raid the history books to find instances of official government and 'expert' narratives which upon further examination answer far more credibly to the charge of mis- or disinformation than the contentions of contemporary external critics, who may have been suppressed or even punished for the expression of their views.** The last few years alone could furnish examples for a substantial and comprehensive argument that official sources of authority – medical and scientific, geopolitical and military, economic and financial – have feet made exclusively of clay and should not be entrusted with 'laying down the law' in relation to their areas of expertise, or anywhere else. It remains an open question whether the inadequacies of the public health establishment since 2020 owe more to the massive funding it receives from industry than to mere incompetence, however, even non-captured, completely independent institutions can get it wrong, and often have in the past. Nonetheless, it is beyond argument that the information captured institutions deliver is not just unreliable but often outright lies; deliberate misinformation, in fact.

We read recently for example that US health authorities, their Australian equivalents quietly falling into line behind them, now pretend that they never banned the use of the much-reviled 'horse-paste' drug (Ivermectin) and that doctors have always been free to prescribe it. This is a bald-faced lie, one which obscures the fact that safe repurposed medications were, along with all early treatment, vigorously sidelined to permit Emergency Use Authorisations and therefore indemnity for the experimental vaccines. We were stridently assured that the vaccines would prevent viral transmission and when it became clear that they did not, we were told with equal vehemence that the shots were only ever marketed to 'prevent serious illness and death'. Then we had brazen assertions that 'no-one was forced to take a vaccine', a self-serving interpretation of events that is, or ought to be, beneath contempt. **Of course, these offensive falsehoods come in the wake of clear evidence that claims about the vaccines' safety and efficacy were, at the very least, culpably erroneous,**



and that those who weathered ridicule and abuse for wondering aloud about a possible lab origin for the Covid virus were in the end proven correct.

I wrote to the editor of the Sydney Morning Herald to register my concerns about the official Covid response, including my dissatisfaction with their coverage, making many of the points above and urging them to take some specific actions to help prevent the failures of government and public health agencies from making a bad situation worse. **That was in August 2021. I received no reply. The assertions and predictions and warnings contained in that letter stand up a helluva lot better two years down the track than the combined efforts of their medicine and science ‘journalists’.** My informational diet, which drew heavily from non-mainstream sources, was key to this level of understanding.

**Regardless of the provenance – ignorance, cowardice or knavery - of their collective dereliction, for the perpetrators in government, media and the institutions of such historic failure to be given the ‘keys to the castle’ in perpetuity by legislation such as this speaks not of any concern for the protection and well-being of Australians. Rather, it evinces a desire to limit the reputational damage wreaked by their own weakness and incompetence, and to ensure that the reaction to future mis-steps, or perhaps carefully calculated but not publicly acknowledged strategems, is muted, or silenced, so that agendas that might otherwise be seen as politically unpopular can gain sufficient traction to be implemented without serious opposition.**

The list above is a long way from being comprehensive, and is limited to the pandemic alone. We have also seen 4 years of ‘Russiagate’ lies promulgated by the corporate media, a co-ordinated cover-up of the truth regarding Hunter Biden’s laptop, a media-wide amnesia for two years relating to the previously well-reported corruption and Nazi influence in Ukraine, not to mention the years of Western provocations which led to the current war and the surge of Ukrainian government violence against the Russian-speaking east of the country which was the proximate cause of the invasion. **The lockstep uniformity of mainstream media in the coverage of these issues – the reports and op-eds and also the notable omissions tellingly shared and aligning seamlessly with their probable source at the US State Dept - is to some of us a terrifying development, made more terrifying still by the prospect of these entities being installed as the sole sources of accepted truth in a public square forcibly denuded of dissenting voices.**

**To my mind, free speech is - after life and limb, food and drink – the most important concern in all our lives.** None of the other major issues are essential for addressing all the others; that is, every issue you can think of: war, the economy, education, health, climate change, etc, absolutely relies on our ability to discuss it, openly and constructively. The role of the media, both mainstream and fringe, ‘professional’ and ‘independent’, online and off, is therefore to my mind crucial to how we negotiate an uncertain future. An antiseptic, bowdlerised public square is not the best way forward; an undisciplined, possibly offensive but most importantly comprehensive informational landscape is a far safer bet.

**That the future is more uncertain and dangerous than it has been for generations is not a contention that will meet with much opposition.** If however you imagine or simply hope that a ‘bright, sunlit upland’ is possible, that there is at least the potential for a safe haven

for our kids' future, picture it as being a place we can see that is on the other side of a deep chasm, and that a well-built bridge with solid supports is required to get us to that place. Well, this bill, so far from providing the firm pillars required, would, by limiting the freedom of expression vital to a functioning democracy, work like an army of termites to weaken and perhaps destroy those pillars.

Several aphorisms come to mind: *'Sunshine is the best disinfectant', 'I disagree with what you say but will defend to the death your right to say it', 'If liberty means anything at all, it means the right to tell people what they do not want to hear', 'You win a debate with a better argument, not by force', 'Those who would trade their liberty for security deserve neither'*. **These concise expressions of hard-won wisdom convey the essence of what is valuable in a well-founded democracy, and this proposed bill does not sit comfortably with any of them.**

**Perhaps thoughts like these can be pigeon-holed as a needlessly panicky reaction to what seem on the surface to be innocuous and rather anodyne bureaucratic measures that won't impact on the day to day lives of most Australians.** That may turn out to be true, but while the stolid, sensible inhabitants of an imagined 'middle-ground' are essential to democratic health by virtue of their reluctance to 'think the worst' of our leaders and institutions, so too are the 'worry-warts' who, often informed by an unusually thorough grasp of historical precedents, obsessively map what they perceive to be threats to their lives and those of their children which may be hiding in plain sight in the operating systems of our democracy.

**It is in the dynamic tension, the 'push and pull' of these opposites that democracy finds its 'sensible' centre.** This particular 'worry-wart' sees in the proposed bill threats to that necessary dynamic, the prospect that 'push' will be able, unobstructed by the usual 'pull', to have things all its own way. That is the road to authoritarianism. Some will scoff that 'It Can't Happen Here'. Well, of course it can. The only surefire way to make sure that it can't is to allow those who say that it can to say it as loudly and as often as they like. Shut them up and what exists as a possibility becomes a certainty.

Current US Presidential candidate Robert F. Kennedy jr - whose father and uncle, a sitting President and a Presidential candidate respectively, were likely assassinated by elements of the US state apparatus who feared their promised reforms - has been falsely accused of peddling 'misinformation' about a range of issues and has been severely censored and slandered by the US corporate media. Our media here in Australia, as is their practice nowadays, have dutifully followed suit. However, the visceral and factually threadbare hatred of the man by US elites is really a fear of his candidacy, because he too presents a clear and present danger to a corrupt ruling establishment. Mr Kennedy finished a recent speech with these statements:

- 1. Any power that government takes from the people, it will never return voluntarily**
- 2. Every power that government takes, it will ultimately be abused to the maximum extent possible**
- 3. Nobody ever complied their way out of totalitarianism**

These are wise words, and we would do well to heed them.

I feel certain that, despite my or anyone else's objections, the bill will be passed in some form, so I would like to offer a few suggestions (which are not referring to universally agreed exclusions such as obscenity, child pornography, incitement to violence, etc):

- that each and every intervention or alteration a platform makes to its content is clearly signposted so that users can clearly see the change; eg, a search result downranked should have a link left at the place its popularity initially assigned it so that users may view it in its new location if they wish,
- in the case of deletions, that an info box be presented to users noting the removal and stating the reason for it (eg, how it disrupts public order or undermines electoral integrity, or harms Australians' health, etc)
- better in these cases would be to leave the offending content intact but top or tail it with a large banner stating official objection to or disagreement with the post and providing a link for further info on an approved site
- while it is good that '*Digital platform rules made for the purposes of this clause must not require digital platform providers to make or retain records of the content of private messages*', why not expressly forbid it?
- ACMA makes clear that any automated deletions or demotions are universal; ie, that results will not be tailored to individual users
- that the minutes of all ACMA boards or committees charged with decisions relating to this legislation are published along with the names of the people involved
- the use of the terms 'data processing device' and 'kind of electronic submission' indicates that ACMA will encourage or even stipulate the use of algorithmic 'big data' techniques by platforms to scan databases for specified words and phrases; if true, ACMA must publish the list of terms mandated or simply recommended to be scanned

It seems likely, given the examples listed in the guidance note, that 5G will be among the inclusions. **I wouldn't mind betting that most if not all of all of the following will also be triggers for review, if not action:** vaccine, adverse event, excess death, bioweapon, gain of function, Ivermectin, Big Pharma, RFK jr, Anthony Fauci, WHO treaty, Israel, Iran, WEF, Klaus Schwab, Gates Foundation, CBDC, digital passport, de-banking, net zero, 15 minute cities, Putin, Russia, Ukraine, Nordstream, China, Taiwan, Hunter Biden laptop, Joe Biden impeachment, Burisma, 2020 election, BRICS, multipolarity... did I forget anything? Whose interests are served by the suppression of information on these topics?

**I am a little concerned too about the inclusion of 'content aggregation services' in the remit of the proposed amendment.** Would my daily visits to the links page at The Automatic Earth (based in Greece) or more occasionally Naked Capitalism (based in the US) - both of which gather and link stories from the four corners of the globe - be affected by this? Would for example the inclusion of a piece that investigated claims of corruption in the Ukrainian or indeed US leadership, or perhaps another that asserted WHO involvement in the planning of a future pandemic result in that particular piece being redacted for Australian audiences, or would the aggregation site and all of its content be blocked? If this were to happen, the first two questions that would occur to me would be 'How dare you?'

and ‘Who do you think you are?’, followed closely by ‘How in God’s name do you think you are *protecting* me with such an action?’ and ‘What right do you have to prevent me from reading whatever I want to read, so long as it’s not child porn, a bomb-making manual, etc?’

Likewise ‘media sharing services’ such as, I suppose, Youtube. That particular platform, a subset of Google, won’t trouble ACMA too much I expect, being a market leader in the de-platforming and de-monetising of channels which make a habit of dissenting from government narratives; ie, those enthusiastically embraced by the mainstream media. Thanks to Youtube’s customary obtuseness and servile pro-government approach to content, many people have taken to other platforms – Rumble, Odysee etc - which run the banned content without censorship. **What bothers me is that this clause may be a mechanism for the suppression of these last bastions of free expression in the media sharing space, thereby emptying the field of competition for the regimented, government-approved content of the likes of Youtube alone.** How exactly would this ‘protect’ me, or safeguard ‘public order’ in Australia?

Some commentators have expressed the fear that this sort of co-ordinated effort to restrict free expression in the West is driven not only by the need for retrospective cover for censorship ‘sins of omission’ already committed in relation to the Covid pandemic, or indeed to beef up state censorship apparatus in readiness for the next health scare, but is really intended as preparation to help enable a concerted push to embed the preferred narrative about climate change and the drastic measures recommended to tackle it. That may be true, but **I am more concerned that it is actually a clearing of the ground for the loss of freedoms that have always come with the conduct of a war, whether hot or cold.** For this reason, the note re: *Disinformation includes disinformation by or on behalf of a foreign power* and *‘amplification of objectively false user-generated material relating to an ongoing geopolitical conflict’* is most unsettling indeed. I have spent a great deal of time in the last 18 months informing myself about the roots of the Ukraine war and suffice to say my convictions differ significantly to those you hear from our politicians or will read in the major media, which is full of ‘objectively false’ information, misinformation, in fact, and *‘on behalf of a foreign power’* too. Is the availability of the information I have accessed to come to those dissenting conclusions to be denied to me?

**And while the denials that private emails and text messages are beyond the scope of this Amendment is welcome, I do wonder how long, under the pressure of involvement of a war with a major power, this noble undertaking will last.** Although we know that all our communiques are now archived they have always, like the mail in days gone by, been considered off limits for government agents unless high crimes or terrorism are involved. My feeling is that this current bill is the thin edge of a wedge that will rob us completely of our privacy, and therefore our freedom. The guidance note does after all ask for input on, inter alia, *‘how instant messaging services will be brought within the scope of the framework while safeguarding privacy’*. The very presence of such an assurance is not very reassuring.

**I would ask, where is the evidence that the world will soon end if we don’t pass legislation such as this? What is the urgency to embed measures so clearly injurious to our freedom of expression? Doesn’t existing legislation already do enough to prevent deliberate and dangerous dis/misinformation?** The examples of ‘serious harms’ provided in the guidance

note - vandalism of 5G infrastructure, hate crime incitement, impugning election integrity, recommending the use of, for pity's sake, bleach to treat a viral infection (it is telling that IVM or HCQ were not used) – are very weak tea indeed, if we are trying to justify this significant expansion of government (really corporato-governmental) power, complete with an administrative apparatus at who knows what cost to the Australian taxpayer. I can't help wondering what the result would be if we could have a referendum on this proposed amendment.

A final note, re this disclaimer:

*There are legal considerations relevant to what we can publish on our website. We will not publish submissions that include content that is offensive, discriminatory, illegal or defamatory to any third party and/or contains threatening or aggressive language.*

I understand that there would be a legal requirement to omit obscenities, incitements to violence and defamatory material, however the language above allows wide leeway for interpretation of what exactly is considered offensive, discriminatory, illegal or defamatory to any third party and/or contains threatening or aggressive language. **The issue is whether these possible hurdles to inclusion could, while ostensibly being deployed to remove offensive material, be used to screen out worthwhile food for thought and consideration which run counter to the interests of government, bureaucracy, corporations or other powerful elements.** The questions that come immediately to mind are 'who decides what constitutes an unacceptable submission?', and 'how transparent is this process?'

**It is ironic that an exercise intended to ensure public access to truthful information by the suppression of falsehoods (misinformation) might itself obscure unwelcome truths (malinformation) in the service of an official narrative which may or may not be trustworthy.** The evidence of the last few years provides ample ammunition for that suspicion.

**Unless rejected submissions are published somewhere how can we be sure they really were mere hate speech or personal calumnies?** How can we feel confident that rude or possibly even vituperative submissions, which nonetheless made pointed and even necessary but politically uncomfortable observations and criticisms, were not omitted because an unelected and politically appointed body decided they were not fit for purpose?

**In other words, how can we be confident that submissions to a survey of public attitudes to a change in the law relating to censorship wouldn't themselves be censored? If such contributions were suppressed, wouldn't that vitiate the exercise entirely?** Wouldn't it confirm the suspicions of critics like myself more eloquently and certainly more succinctly than I ever could?

At the risk of aphorism overload I will close with a few more:

*If the underlying philosophy of the war against disinformation can be expressed in a single claim, it is this: You cannot be trusted with your own mind.*

Jacob Siegel

*We have now sunk to a depth at which restatement of the obvious is the first duty of intelligent men.*

George Orwell

*The price of freedom is eternal vigilance.*

Thomas Jefferson

That vigilance can only be possible in an environment which permits genuine freedom of speech and expression; the ability to speak our own mind, even if it is just to restate the obvious, or rather, what should be obvious to all intelligent men, and women.

*The Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* in its present form is clearly detrimental to the maintenance of such an environment.

One last aphorism:

*You don't know what you've got til it's gone*

Joni Mitchell

Thank you for your attention.

Glenn Condell  
20 August 2023