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Submission on exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

Please accept the following submission on the above draft Bill.

Lies, in any form, pose a threat to the safety and wellbeing of Australians, democracy and society. However, the methods proposed in the draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (the draft Bill) are unable to address this challenge in any way. Moreover, they may increase lies and mistrust of government in Australian society

Several proposals in this draft bill are either unobtainable or undemocratic. All of them enable a shift towards giving power to private companies to arbitrate in their own favour on controversial matters with far reaching consequences for the Australian public. Government responsibility in these matters is being abrogated and dissenting voices are being silenced. Democracy is at risk. The main issues leading towards this risk are described below.

A. Section 7 How will Misinformation and disinformation be determined?

For any government body or expert committee to be able to determine what is misinformation or disinformation, 4 things need to be in place:

1. Science needs to know all truths about everything
2. The committee needs the knowledge and resources to access all scientific knowledge on all topics
3. The committee needs the expertise to be able to interpret the science in all areas
4. The committee needs to be free of all pressures from industry, the military or politics in its deliberations and decision making.

It is self-evident that the first 3 points are unobtainable by any committee on earth. Point 4 is unobtainable due to ACMA's own conflicts of Interest. ACMA's income is dependent on the flourishing of the telecommunication industry, while at the same time, the draft bill has been established to protect industry interests. This means that ACMA will be necessarily biased towards protecting industry interests over and above other issues, so as to protect its own interests.

The definition of 'harm' is conflicted: Within the draft Clause 2, the definitions of 'harm' includes 'economic or financial harm', as well as harm to people and to the environment. History shows us that these three dimensions are often antithetical to one another. For example, while coal mining may provide electricity to warm homes and profits for industry, coal mining degrades the landscape, destroys rivers and wildlife and creates black lung disease in workers. History also shows us that when industry interests are harmed (written into the draft bill as 'economic harm') then all other interests take second place, or worse, are not given a voice.

Conflicts in outcomes to different sectors of society from any given technology create what is known as a 'wicked problems'. Such problems require a great deal of investigation, deliberation and wisdom to arrive at balanced solutions, with input from community, science and medical experts, and all stakeholders, with the allowed input from industry tempered by their conflicts of interest. Such is the job of democratically run senate committees. It is not in the remit (or the capability) of an industry-linked committee such as an ACMA committee to carry out such duties, that are not merely administrative.

ACMA is a statutory body overseeing telecommunications licensing. ACMA personnel are not scientists, academics, researchers or medical professionals. Therefore, on the issue of the biological and health effects of wireless radiation (including 5G) ACMA staff are not qualified to arbitrate. Currently, ACMA defers to ARPANSA, which uses the guidelines of the industry linked non-government body ICNIRP. Similar guidelines are used by the Federal Communications Commission

(FCC) in the US. In this matter, the US Court of Appeals for the District of Columbia Circuit has concluded that the Federal Communications Commission has failed in its responsibilities to protect the public and the environment by ignoring long-term 24/7 exposures, the extra harm done to children, pregnant women and the vulnerable, and the negative effects on the environment. The court found the FCC has ignored evidence and advice from many organisations, scientists and medical doctors who had appealed to the FCC to update limits. Independent scientists have repeatedly presented substantial evidence regarding harm to humans, animals, plants, birds bees and insects, that has been [ignored by governments in deference to economic interests](#).

A government organisation's position on a controversial topic will be a political one, not a scientific one. Government advisory bodies such as ARPANSA or the IEEE are not independent from industry interests and therefore, they not able to give objective counsel.

Agencies such as ARPANSA cannot be relied upon to provide independent expertise into any debates. ARPANSA has been seen in the past as having relationships too close to industry (where ARPANSA use of industry equipment for measurement and monitoring meant building of friendships with industry personnel that made it less likely that ARPANSA would impose required regulations on that industry). Even at the highest levels, organizations cannot be relied upon. Members of the IEEE standards committee cannot be consulted, as they are industry loyalists. Organisations within the United Nations and the WHO have in the past, been compromised by the tobacco industry. Similar tactics seem to be in place to compromise [WHO ability to scrutinize biological effects](#) of wireless radiation. The WHO therefore cannot be the final arbiter on truth regarding 5G.

AI cannot provide truth, because AI answers to queries are based on the information available in the public domain, weighted by frequency. Thus, AI spits out answers that mirror the published statements of 'truth' and end up in the same biased loop as above.

Cases from recent history illustrate how accepted medical knowledge and government definitions of fact manipulated by industry, have resulted in harm to many.

- **Changes in scientific understanding:** Two decades ago, any practitioner who suggested that depression could be helped by changing diet and supporting a better gut biome would have been labelled a 'quack'. Pharmaceutical industry interests lobbied with the AMA to the government for these practitioners to be silenced and their herbal medicines to be outlawed. However, today both mainstream and alternative medicine agree that poor gut biome is a cause of many inflammatory-based conditions, such as heart disease and depression. If a 'disinformation' clause had existed back then, such progress in understanding could not have been made. Alternative practitioners would have had their advisory videos gagged online by the ACMA. Today, the science is clear that wireless radiation and toxic chemical causes oxidative stress which leads to inflammation. Online discussions regarding the link between environmental toxins and depression (mediated by gut dysbiosis) could be gagged by this proposed bill. Prevention of harm to the economy would thus lead to further harm to teenagers.
- **The Australian government participated in misinformation:** During the inquiry into Agent Orange used in Vietnam, experts called into the case were not independent. Two major contributors were the R.A.A.F. and Monsanto (the producer) whose opinions were copied almost word for word into the government final report. The true independent expert scientist in the case, had his evidence misquoted and lies added to it by the Monsanto scientist. The Australian government report concluded no harm, contrary to the IARC working group of the WHO, that declared TCCD (a contaminant in Agent Orange) to be a group 1 carcinogen. In addition, a parallel US inquiry found harm from Agent Orange and set up a fund to support those injured from the Vietnam war. The disinformation in this matter peddled by industry with the help of the Australian government has meant continued suffering of Australian Vietnam war veterans even since. The current proposed bill could gag any discussion about

this topic online in Australia, e.g. by preventing returned soldiers from telling their stories on an interactive site.

However, these cases show how industry and military interests have trumped human health and truth in the past, at the highest levels of government and health regulation. There is no legislation in place to prevent the same priorities determining what is 'truth' in the future.

This proposed bill would just enshrine such activity rather than prevent it.

B: Prioritising of industry voices in the drafting of the bill

The prioritising of industry interests can be seen in the report feeding into the draft bill. The consumer researcher inquired of members of the Australian mobile industry, who reported harm to their profits, which became the justification for the need to dampen 'misinformation' regarding 5G. The consumer research made no similar inquiry with independent scientists and doctors reporting on the harm from wireless emissions. Thus, harm to 'the economy' i.e., reduction in Australian mobile industry profits, has already been shown to dominate interpretation of what is true and what is not, and what is important and what is not. When money talks, damaged humans, plants, animals, birds and bees have no voice.

The 'facts' contained within the fact sheet supporting the draft bill lack clarity as to how 'misinformation' and 'disinformation' were defined during the consumer research. There appears to be a blending of a truth with a lie, in order to justify the need for this bill. Statements to the effect that the virus was caused by 5G are misinformation. However, related debates about (i) the safety of 5G technology and (ii) the safety of the Covid19 vaccination program are not misinformation. They are in fact two currently *controversial* topics, with many scientists and doctors speaking into these topics from several differing perspectives. Defining these topics as 'misinformation', because a questioning public may reduce uptake e.g., of 5G devices, and therefore harm industry interests, is in itself a lie. More honest is to call these topics 'controversial' or 'undecided', The lack of uptake is then understood to be a result of public uncertainty regarding safety, which is indeed not guaranteed. Controversial or undecided topics do not need to be censored in a democracy.

Furthermore, the fact sheet repeated the accusation of the Australian mobile industry that harm caused to telecommunications property was a result of the public debates, or persons involved in these debates. This accusation is unsubstantiated and should not have been included as a 'fact'. For example, the Northern Rivers for Safe Technology were [blamed with no evidence](#) for their own local tower fire because they had previously been protesting against an upgrade to the tower based on health concerns. In fact, this group reported the fire and condemned vandalism. Moreover, towers are vulnerable to many factors such as arsonists, [fire due to lightning strikes](#) during storms, electrical issues, [hazardous equipment](#), and birds nests. It has yet to be shown that these factors were not the cause of incidents involving towers in Australia (rather than irate 5G protest groups). There is also a current lack of [certainty about investment in towers](#) threatening telecommunication industry profits that is independent of public debates about vaccinations.

C: Industry given the power to determine laws

In a democracy, a code of rule and related actions should not be given to an industry body to determine (Section 64). This is paramount to the parliament handing the keys to decision making on very serious matters over to private industry, or asking the wolves to guard the henhouse. Goodbye to democracy, welcome to corporocracy.

Administrative burden on professional voices: It is the professional obligation of scientists and health professionals to speak out on issues in order to protect humans and the environment, even if those statements disagree with the government's position. This proposed bill makes it less likely that this will be done in the future, due to (i) fear of an administrative burden of proof of 'fact' that scientists and health professionals do not have the resources for, and (ii) fear of being fined.

The future of democracy in Australia is at a crossroads. I implore government officials to hold onto the keys to democracy by refusing to grant ACMA or any 'expert' committee the power to gag public debate on any topic in any form. Any small step in that direction is another step towards totalitarianism and the demise of freedom in Australia.

Yours sincerely
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