

?? 'Misinformation' ?? 'Information' ??
All shades of grey. Which we do not see.



Exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023¹

The material presented herein addresses the current federal Government's (Labor's) draft Bill (title above) and was compiled and submitted by:

Mr. Dean S. Brooks
Citizen and resident of Australia
20 August 2023

I consent to this submission being made public, minus my contact details.

Upon first learning of this Bill, I had an initial and significant 'gut reaction' which compelled me to participate. However, as I delved into its details, I chose to consciously constrain emotion and instead apply rationality. Exploring, risk-assessment style, the likes of *'plausible and possible'* irrespective of *'likelihood'*, I attempted my approach per what I am trained to do, impartial, objective, open-minded 'hyper-critical' analysis and assessment. I hope those who explore, consider and debate with others what is shared here will consider the examples and lines of reasoning similarly. Though this approach took me far from the path that had initially sprung to mind, for me it has proven immeasurably superior and revelatory. It has revealed profound insights. They have triggered life-changingly deep introspection. For me, those insights are gratifying, unexpected, paradigm-shifting, and deeply unsettling. Core human belief systems, regarding knowledge, facts, opinion, science, religion, media, the judiciary, etc., when exposed and dissected, were shattered.

This submission addresses 'only' the *'Part 1—Introduction'* of the draft Bill. That part constitutes a summary inclusive of what I refer to as 'the bases' of the Bill. The remainder of the Bill is not given treatment herein. That remainder (for example, *'Part 2—Information'*, outlining instruments by which the Bill, through ACMA, might be implemented in practice) assumes the Bill has sufficient legal merit (court-case interpretability) to warrant being enacted. This submission questions and tests 'the very bases' of the Bill.

"Presented with someone else's argument, we're quite adept at spotting weaknesses. Almost invariably, the positions we're blind about are our own." (Kolbert, 2017, *Why Facts Don't Change Our Minds*, <https://www.newyorker.com/magazine/2017/02/27/why-facts-dont-change-our-minds>). Mindful of my own blindness, humbly presented here is a compilation based on assessing both historic human (in)ability to distinguish 'information' from so-called 'misinformation', and; the 'credibility' of *institutions*, in terms of whether any may be justifiably held to be more credible than others. Whereas many subject-specific publications (text books and peer-reviewed journal articles) reviewed as part of this assessment offered definitions of terms such as 'information' and 'misinformation', none of them examined a critically important component toward deep and necessary understanding: how we process information. This analysis attempted to do this, and may encourage readers to do so also.

¹ Source of the proposed legislation, and pertinent extracts regarding submissions:

Department of Infrastructure, Transport, Regional Development, Communications and the Arts (2023) *New ACMA powers to combat misinformation and disinformation*
<https://www.infrastructure.gov.au/have-your-say/new-acma-powers-combat-misinformation-and-disinformation>

Email your completed template submission to:
information.integrity@infrastructure.gov.au

Submissions close on 6 August 2023 AEST.

Participate

24 Jun 2023 23:00 AEST

06 Aug 2023 23:59 AEST

Open

days remaining 18 of 43

Original submission deadline above, amended deadline below.

Participate

24 Jun 2023 23:00 AEST

20 Aug 2023 23:59 AEST

Open

days remaining 6 of 57

A. The focus items ('the bases') of this submission are as highlighted below, namely, key 'definitions' within the draft Bill.

Part 1.7(1) of the Bill defines '**misinformation**' as: "*information that is false, misleading or deceptive*" and that is; not "*excluded content*" (both this term, and '*content*' are defined in the Definitions section), and; "*is reasonably likely to cause or contribute to serious harm*".

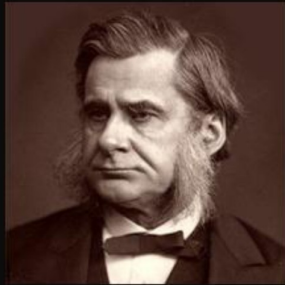
Part 1.7(2) of the Bill defines '**disinformation**' as per 'misinformation', except with the addendum "*that the person disseminating, or causing the dissemination of, the content intends that the content deceive another person.*" [emphasis added; extracts copied below]

| | |
|----|--|
| 4 | 7 Misinformation and disinformation |
| 5 | (1) For the purposes of this Schedule, dissemination of content using a |
| 6 | digital service is <u>misinformation</u> on the digital service if: |
| 7 | (a) <u>the content contains information that is false, misleading or</u> |
| 8 | <u>deceptive; and</u> |
| 9 | (b) the content is not excluded content for misinformation |
| 10 | purposes; and |
| 11 | (c) the content is provided on the digital service to one or more |
| 12 | end-users in Australia; and |
| 13 | (d) <u>the provision of the content on the digital service is</u> |
| 14 | <u>reasonably likely to cause or contribute to serious harm.</u> |
| 15 | (2) For the purposes of this Schedule, dissemination of content using a |
| 16 | digital service is <u>disinformation</u> on the digital service if: |
| 17 | (a) the content contains information that is false, misleading or |
| 18 | deceptive; and |
| 19 | (b) the content is not excluded content for misinformation |
| 20 | purposes; and |
| 21 | (c) the content is provided on the digital service to one or more |
| 22 | end-users in Australia; and |
| 23 | (d) the provision of the content on the digital service is |
| 24 | reasonably likely to cause or contribute to serious harm; and |
| 25 | (e) <u>the person disseminating, or causing the dissemination of, the</u> |
| 26 | <u>content intends that the content deceive another person.</u> |
| 27 | Note: Disinformation includes disinformation by or on behalf of a foreign |
| 28 | power. |

| | |
|----|---|
| 11 | 2 Definitions |
| 11 | <u>excluded content for misinformation purposes</u> means any of the |
| 12 | following: |

Content produced: (a) "in good faith for the purposes of entertainment, parody or satire"; (b) as professional news; by or for a (c) nationally- or (d) internationally- government-accredited educational institution; (e) by a national, state, territory or local Australian government entity.

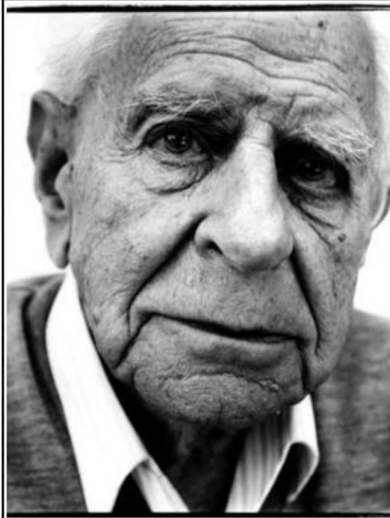
1. Preface



The great tragedy of science -
the slaying of a beautiful
hypothesis by an ugly fact.

~ Thomas Huxley

AZ QUOTES



No number of sightings of white
swans can prove the theory that all
swans are white. The sighting of just
one black one may disprove it.

— Karl Popper —

AZ QUOTES

The essence of these quotes is that: *countless* ‘confirmations’ of an ‘hypothesis’ or ‘theory’, such as through observations, may *appear* to reinforce its believability and *apparent* validity. But it takes only a *single* contrary observation, ‘**an ugly fact**’ to render it either invalid or at least in need of refinement. After all, an *hypothesis*, is just a ‘guess’, or an approximation, and should never be elevated to the status of ‘truth’ or ‘belief’, though many, unjustifiably, are.

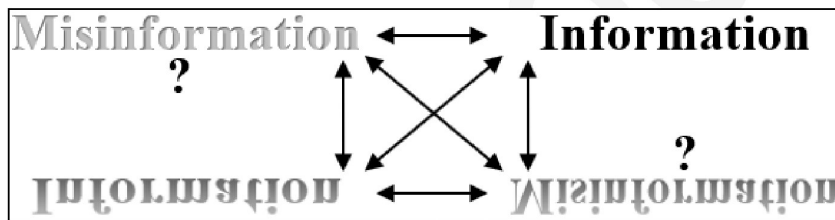
The Earth may once have been thought of and described as being ‘flat’, or a ‘sphere’, or an ‘oblate spheroid’. It is none of these. All are merely misleading *approximations* of the reality.

This submission explores whether: any ‘information’ may be regarded as ‘misinformation’, and any institution or individual as ‘authoritative’ and therefore (by inference) ‘credible’. Though just *one* Ugly Fact suffices, for completeness, emphasis, and toward eliciting personal rational and emotional resonance from at least some, conveyed here are many.

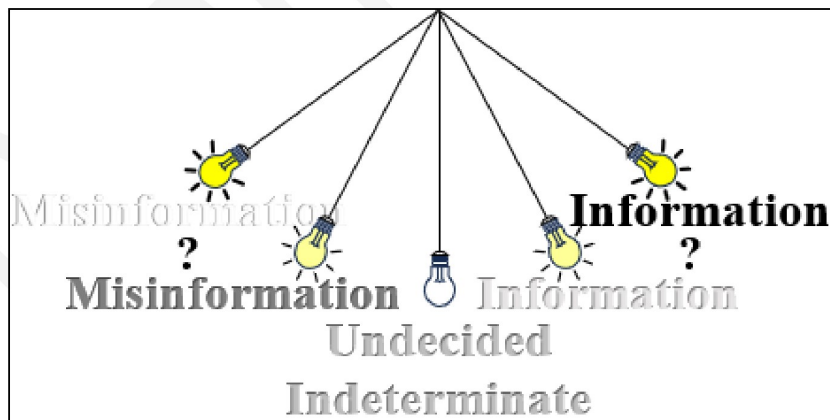
2a. Ugly Fact? Perceptions of 'Information'/'Misinformation' may
 (1) be Steadfast or (2) Flip-Flop or (3) Oscillate ...



(1) One's 'misinformation' can be another's truth; even one's own (former) 'truth'!



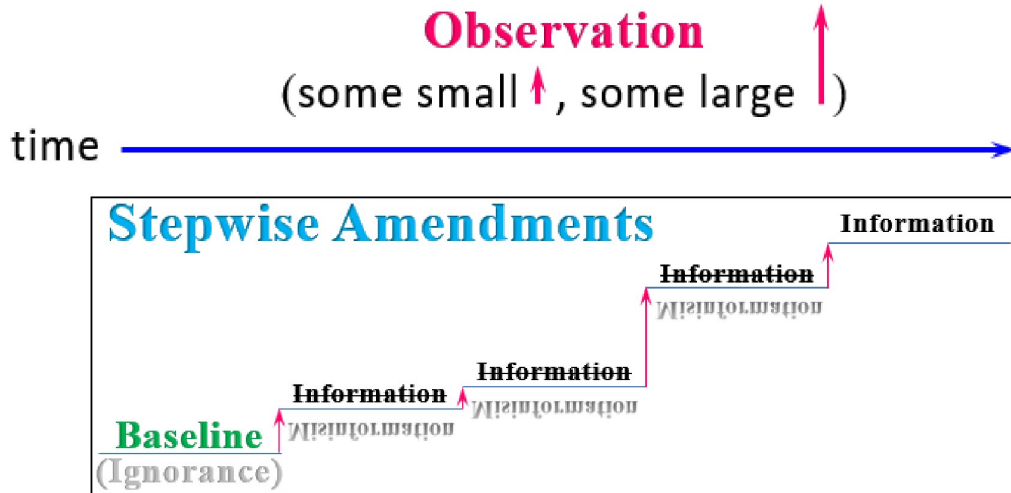
(2) 'Misinformation' can flip to 'Information', and vice-versa, based on a **single ugly fact**.



(3) To what extent something may be regarded as 'true' or 'false', 'information' or 'misinformation', and to what extent, *depends*.

Ugly Fact? 'Misinformation' is abstract, variable, arbitrary, transient. If not a firm belief, it shifts, like a switch black-to-white, or, through shades of grey. It is intrinsically intangible.

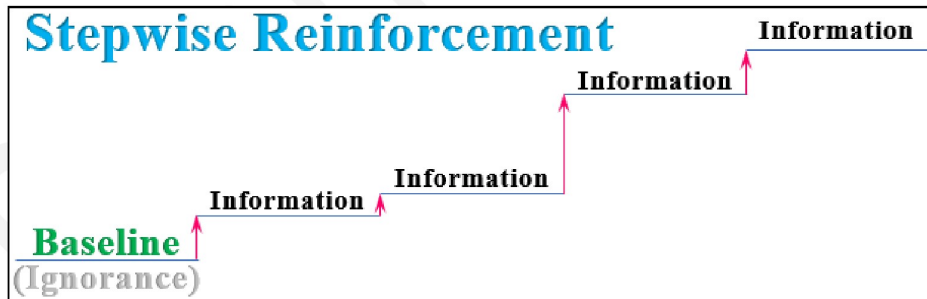
2b. Ugly Fact? Perceptions of 'Information'/'Misinformation' may
(4) Evolve (Incrementally, Stepwise)



(4a) *Contrary or divergent observations/information dictate iterative amendments.*

Each new observation necessitates revision of pre-existing information/beliefs. Those superseded become 'misinformation'. (Such evolutions cause significant '**legacy confusion**'.)

Example1 – Which cholesterol, (if any), matters? Total < LDL ('bad') < sdLDL < OxLDL?



(4b) *Confirmatory observations/information add to/reinforce existing information, and belief.*

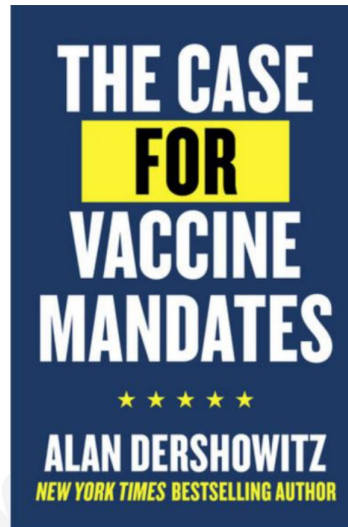
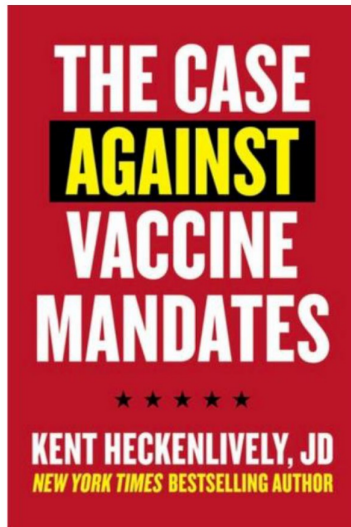
Example1 - Climate Change: Temperatures + CO₂ levels + Polar Ice + Ice Cores + Coral Bleaching + Permafrost + Sea Level + Bushfires + Storm Frequency and Intensity, etc.

Example2 - Societal views of same-sex relationships: reprehensible > tolerated > supported.

Ugly Fact? Irrespective of the shakiness or strength of 'mere belief' that may arise via an information evolution pathway, or the number of steps involved (down to just one initial observation), a **Single** (new) **Ugly Fact** can flip all previous Information to 'Misinformation'.

2c. Ugly Fact? Perceptions of 'Information'/'Misinformation' Depend.
(On one's knowledge-base, context, events, observations, biases, etc...)

Opposite perspectives, from opposing or at least different information/knowledge bases:



(Both books published in 2021 by Hot Books)

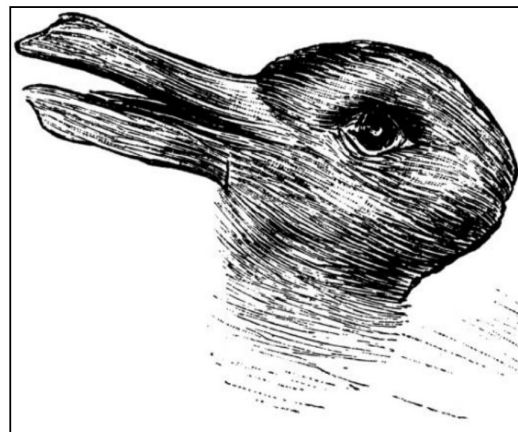
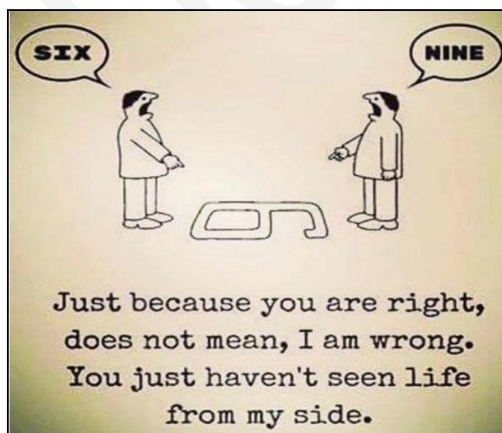
(Both books by New York Times best-selling authors)

(Both authors attorneys)

(Dershowitz's biases assume past US Court rulings as 'inviolable' precedents, and that vaccines are both safe and effective)

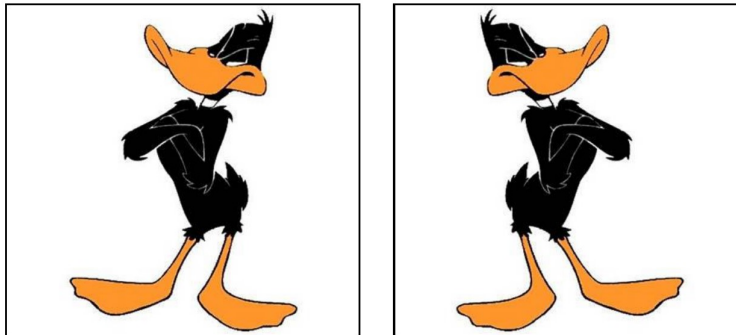
(Heckenlively's biases assume international, 'inviolable' Nuremberg-based 'Human Rights', and that many past 'medicines' have had horrendous risks:benefits profiles).

Opposite interpretations, from identical information, but different 'perspectives':



Ugly Fact? Being '**misinformed**' may arise from simply being '**uninformed**', i.e., ignorant. One or more sides may be **informed** on one position, **uninformed** on others, and not know!

**2d. Ugly Fact? Perceptions of 'Information'/'Misinformation' Depend.
(On methodology, the *more* compelling ('believed') evidence, etc...)**



Meta-Analysis > Ann Neurol. 2004 Apr;55(4):512-21. doi: 10.1002/ana.20017.

UCHL1 is a Parkinson's disease susceptibility gene

Demetrius M Maraganore¹, Timothy G Lesnick, Alexis Elbaz, Marie-Christine Chartier-Harlin, Thomas Gasser, Rejko Krüger, Nobutaka Hattori, George D Mellick, Aldo Quattrone, Jun-Ichi Satoh, Tatsushi Toda, Jian Wang, John P A Ioannidis, Mariza de Andrade, Walter A Rocca;
UCHL1 Global Genetics Consortium

Source: <https://pubmed.ncbi.nlm.nih.gov/15048890/>

Same journal, same gene, same disease, different research teams, and diametrically-opposite conclusions.

Comparative Study > Ann Neurol. 2006 Apr;59(4):627-33. doi: 10.1002/ana.20757.

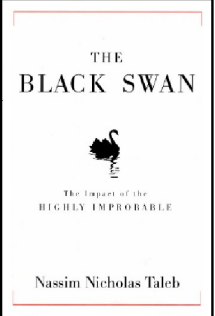
UCHL-1 is not a Parkinson's disease susceptibility gene

Daniel G Healy¹, Patrick M Abou-Sleiman, Juan P Casas, Kourosh R Ahmadi, Timothy Lynch, Sonia Gandhi, Miratul M K Muqit, Thomas Foltynie, Roger Barker, Kailash P Bhatia, Niall P Quinn, Andrew J Lees, J Mark Gibson, Janice L Holton, Tamas Revesz, David B Goldstein, Nicholas W Wood

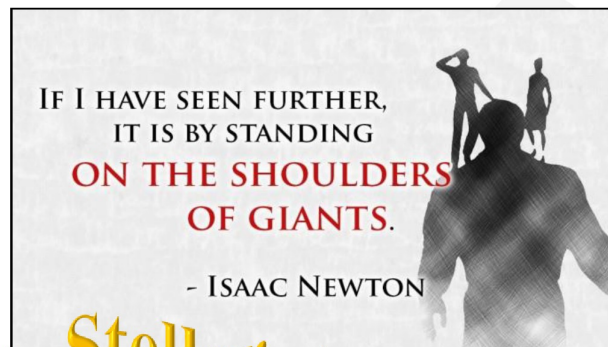
Source: <https://pubmed.ncbi.nlm.nih.gov/16450370/>

2e. Ugly Fact? Perceptions of 'Information'/'Misinformation' Depend.
(On its presentation, interpretation, and translation)

There is evidence of no cancer.
There is no evidence of cancer.



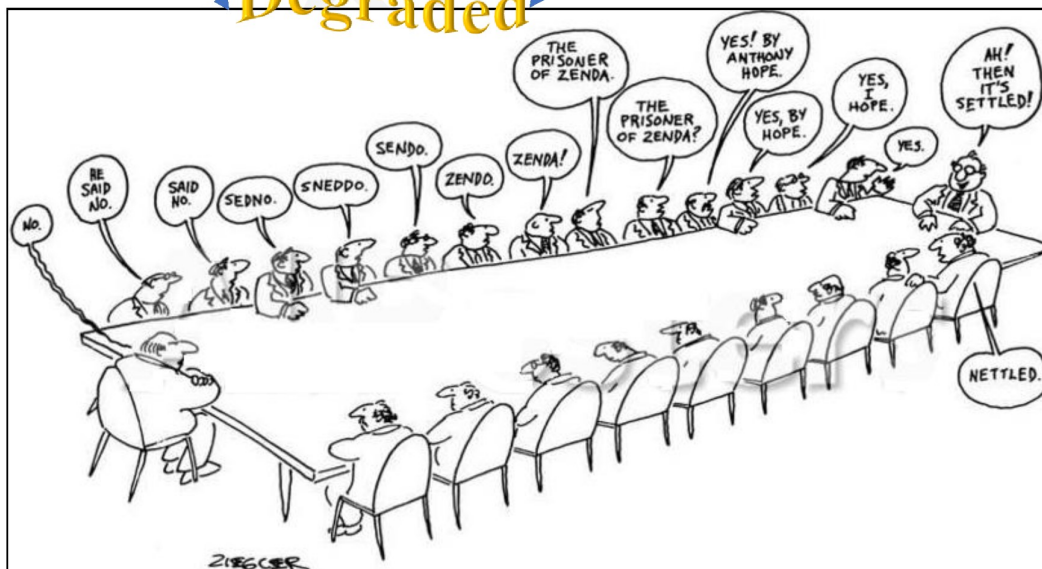
The subtlety of word choices, and/or of how words are strung together in a sentence, i.e., the 'simple' communication of information, can change meaning entirely. 'Information' may be transformed to 'misinformation' or vice-versa. And this may happen, and/or go unnoticed, at every step. When an *observation* is made. When it is *reported*. When a *report* is *interpreted*. When *interpretations* are *translated* or *shared*. Then *re-shared*. And *re-shared*...



Stellar

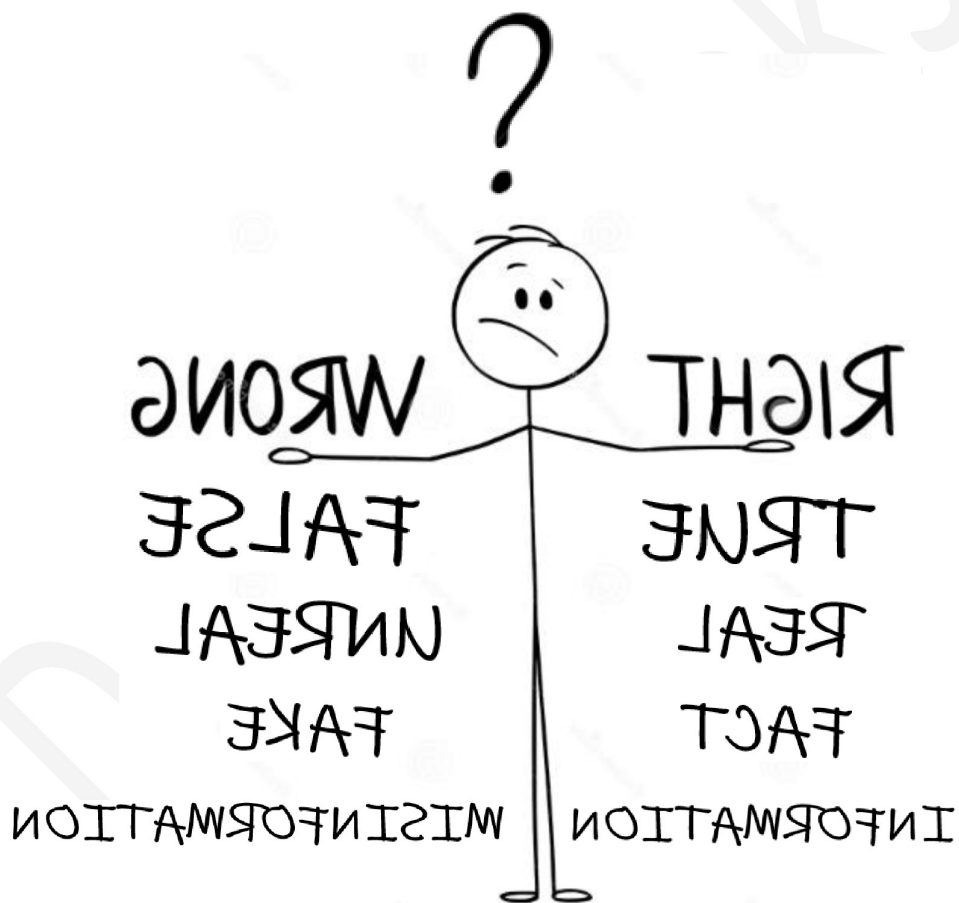
Hence even **stellar** information may transform/**degrade**, at any or every communication step.

Degraded



Ugly Fact? Humans are intrinsically, easily, and typically *imprecise* in their communications.

2f. Ugly Fact? Perceptions of 'Information'/'Misinformation' Depend.
(On what we accept and believe, or resist and disbelieve)



Ugly Fact? We have a record of getting things right *some* times (flukes?!?), or terribly wrong, backwards, *many* times, until, eventually, smashed in the face with realisation or epiphany.

3a. Is what we 'believe' (i.e. what we merely *think* we know) far more often 'misinformed' or 'informed'?

Initial Belief ('misinformation')

Revised/Corrected Belief ('information')

Swans are only *white*.

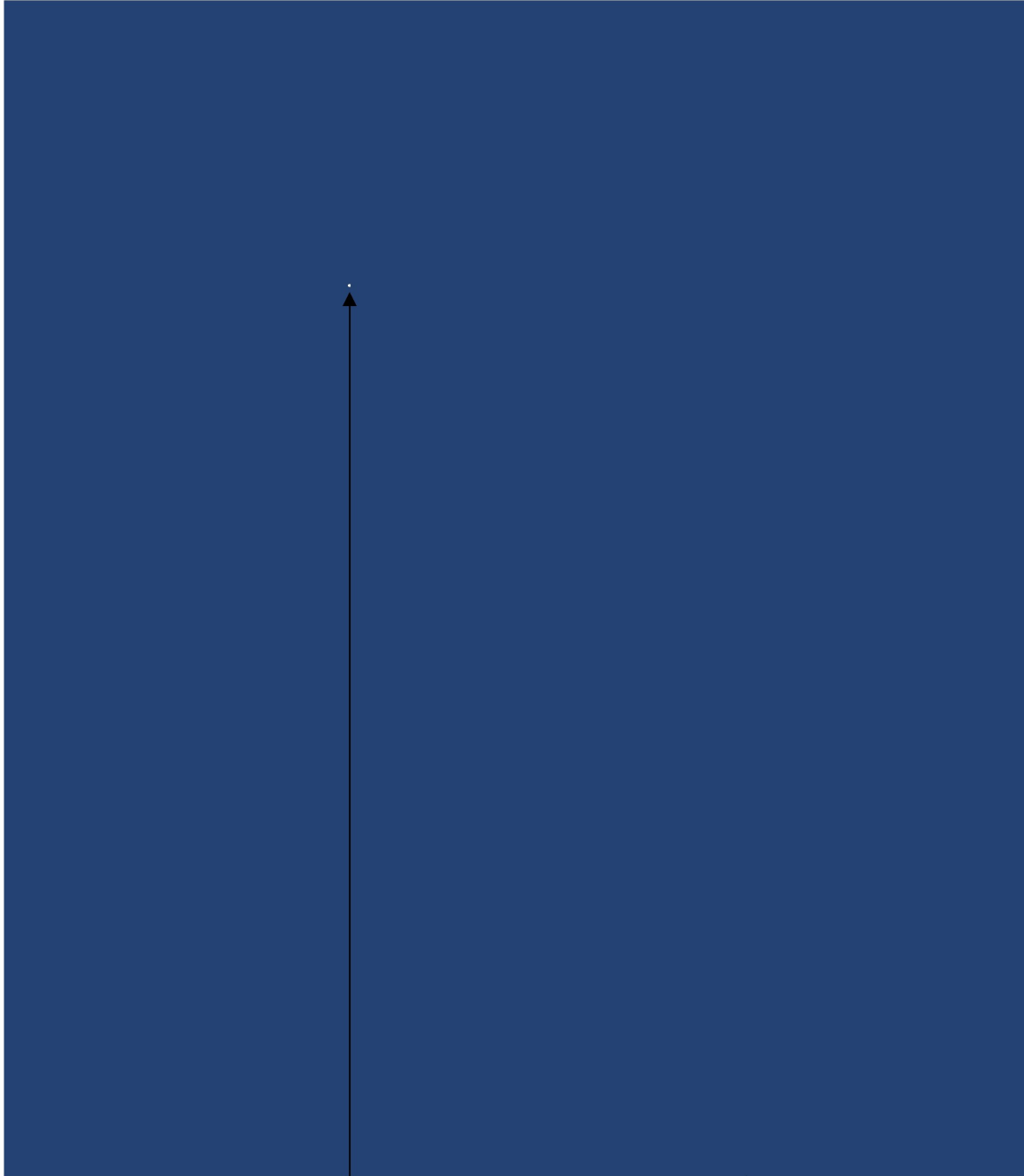
They also come in black!

Guilty 'beyond reasonable doubt'.

Not Guilty. (sorry 'bout that)

Impossible. Inconceivable. Nonsense. Never!

Oops! I was wrong. (again)



Ugly Fact? What we *think* we know, is eclipsed by far by what we don't. 'And then some.'

Ugly Fact? We keep **forgetting** this. And (worse) that we don't know what we don't know.

3b. How much of all human knowledge might any individual know?



(Arguably) we can only truly 'know' what *we ourself have observed*.

and *remember!*

Correctly!!

All other 'knowledge' acquired by an individual may be regarded literally, as *hearsay*.

The only witnesses to a crime are the perpetrator(s), victim(s) and other 'eye-witnesses'.

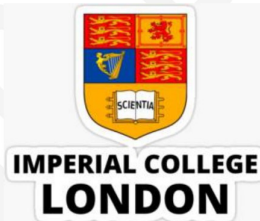
The only ones who can attest to any event, discovery, observation, are those actually present.

Ugly Fact? Individuals, 'know' (from *personal* observation, and relative to *all* knowledge) next to nothing, and, much of that is misremembered. All other personal 'knowledge' derives from others, hence is in effect hearsay, and the accuracy and integrity of that 'information' or 'misinformation' either *assumed* or *dismissed*, based on our pre-existing biases.

Ugly Fact? What we *think* we know, is eclipsed by far by what we don't. And then some.

Ugly Fact? We **keep forgetting** this! And (worse) that **we don't know what we don't know**.

3c. Sources of 'misinformation' do not exclude any. They include:
Governments, Professional News, Accredited Education Institutions



Irrespective of whether any institutions 'get it right' more often than others, *none do always*.

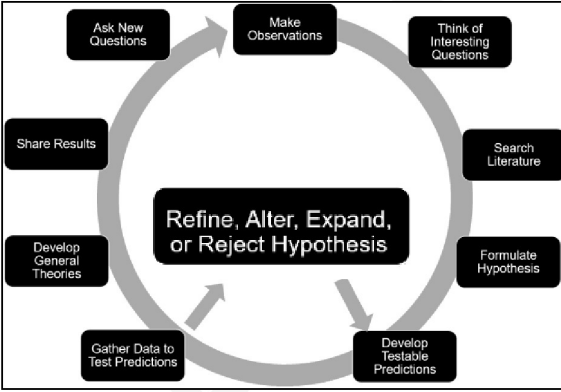
Irrespective of their hierarchic level within society, ultimately, institutions are compromised of *humans*.

Irrespective of the 'qualifications', 'professionalism', 'expertise' or experience of individuals, they are *humans*. So-called 'experts' get things wrong, (and, 'non-experts' get things right)!

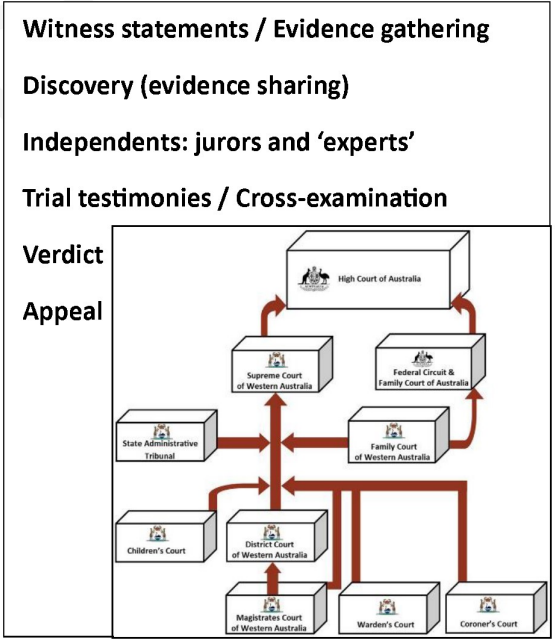
Ugly Fact? Humans are fallible. (Therefore, if not also already Common Knowledge ...)

Ugly Fact? Sources of information (all humans) are also intrinsically all sources of misinformation and disinformation.

3d. Modern society's *pinnacles* of information 'truth'-seeking, 'The Scientific Method' and 'The Judicial System'?



The Scientific Method



The Judicial System

Ugly Fact? Self-evident from the examples presented hereafter, even the formal processes used by each of these truth-seeking 'pinnacles' demonstrably fail to identify 'misinformation'.

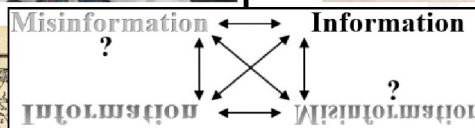
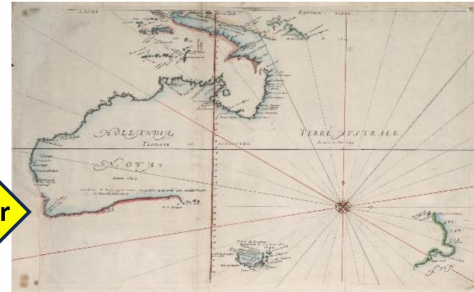
4. Context behind the Huxley and Popper quotes:
 'Misinformation' for Millenia, becomes Fact (i.e. 'Information') ...

Belief: Swans are only white.

Suggestion otherwise was '**Misinformation**'.



Australia discovered.



Black swans also!



Excerpt from Australian Geographic:

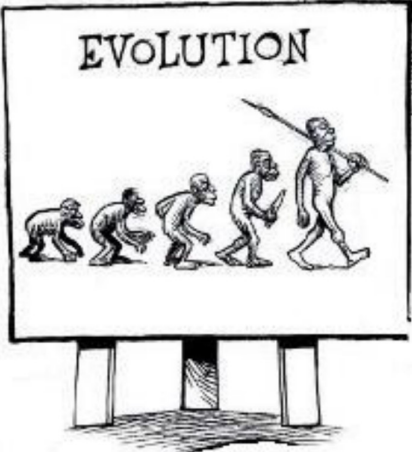
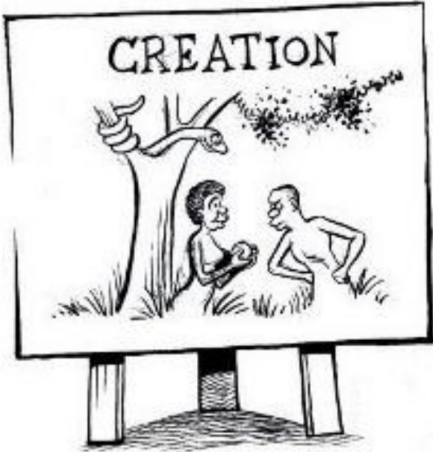
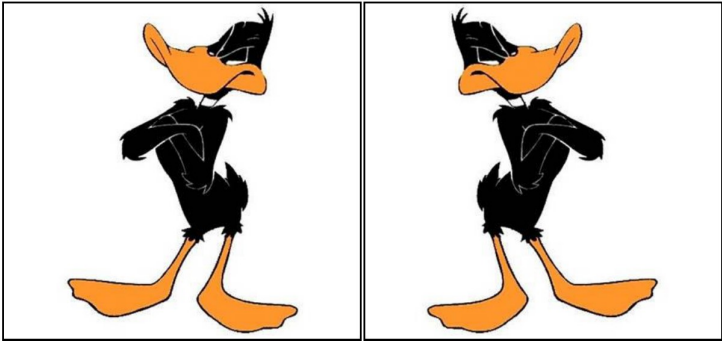
[B]elief in Europe, dating back 2000 years to Roman poet Juvenal, [was] that swans are invariably white. Like purple cows and flying pigs, the black swan was a symbol of what was impossible. In medieval Europe, unicorns had more credibility¹. [emphasis added]

¹Low, T. (2016, Jul 11) *Black swan: the impossible bird*.
<https://www.australiangeographic.com.au/topics/wildlife/2016/07/black-swan-the-impossible-bird/>

Lest we forget: A 'Black Swan' event is one with three characteristic attributes: (1) it is unprecedented, '**an outlier**', and therefore, right up until it happens, regarded as nonsense, inconceivable, impossible, (i.e., as '**misinformation**'); (2) it makes an **extreme impact**; (3) only *after* the fact, we **attempt to rationalise** that it *was* possible, conceivable, predictable².

²Hassim, N. T. (2007) *The Black Swan: The Impact of the Highly Improbable*. Random House

5. Ugly Fact? One side's 'Information' may be steadfastly regarded by the other side as 'Misinformation'.



Is one of these 'Information' and the other 'Misinformation'

???

or both 'Misinformation'

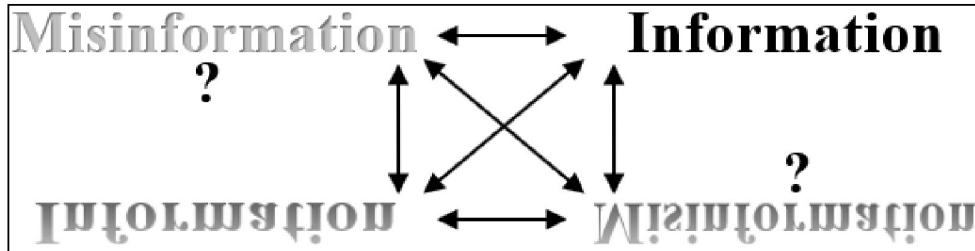
???

or both simply 'Information'

Ugly Fact? The proposed Bill demands that decisions would need to be made on such examples. And enforced. Historically, different cultural, e.g., ideological beliefs, have led to 'serious harm', (including war), avoidance of which is an expressed intent of the draft Bill.

Ugly Fact? By extension, making *wrong* decisions, e.g., based upon data merely *perceived* or *deemed* to be 'misinformation', may also (lead to serious harm).

6. Ugly Fact? One party's 'Information' may be dismissed as 'Inconceivable' 'Misinformation'. But such stance flip in an instant.



Inconceivable, 'Misinformation'

Reality, 'Information'

"What the CIA knew before 9/11: New details

Bin Laden Determined to Strike in U.S. The CIA's famous Presidential Daily Brief, presented to George W. Bush on August 6, 2001, has always been Exhibit A in the case that his administration shrugged off warnings of an Al Qaeda attack. But months earlier, starting in the spring of 2001, the CIA repeatedly and urgently began to warn the White House that an attack was coming."

Quote Source: Whipple, C. (2015, Nov 13) *What the CIA knew before 9/11: New details. An exclusive look at how the Bush administration ignored warnings, including some that were far more detailed than previously revealed.* <https://www.politico.eu/article/attacks-will-be-spectacular-cia-war-on-terror-bush-bin-laden/>

Ugly Fact? So-called 'misinformation' can flip to information (reality), in an instant.

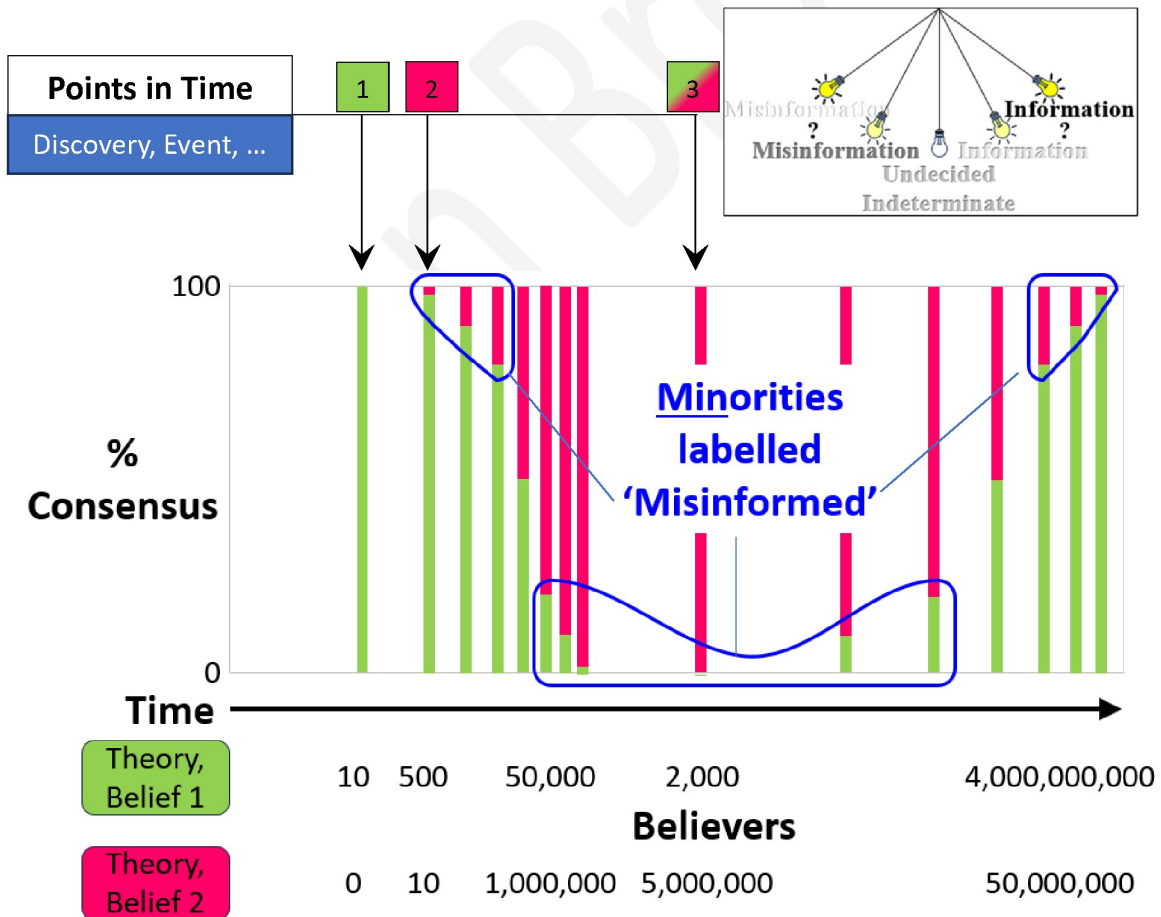
7. Ugly Fact? Perceptions of what is or is not 'misinformation' *oscillate*.

The diagram below approximates how Huxley's and Popper's insights unfold as oscillations.

Initially, observations, (a discovery or event, etc.) inspires a Theory/Belief 1 (green below). Later, a contrary finding inspires an alternative Theory/Belief 2 (red below), and support ('Consensus') for it may increase as observations unfold. Yet later, a new finding disproves Theory/Belief 2 and/or reinstates if not reinforces Theory/Belief 1, and support for it.

Neither theory *changes*, only the respective degrees of evidence for each. But belief in each does. Believers are shifted, from among the 'consensus'*- to, the 'minority'-group, merely by new events/facts. During periods when in the 'minority', each group may be respectively classified as 'misinformed', and pronouncements from them labelled as 'misinformation'.

Note: As time proceeds, awareness of each theory may grow, and therefore also '**opinion inertia**'. In other words, it becomes increasingly difficult to shift beliefs since there are so many who may be aware of and perpetuate existing dogmas, unaware of or resistant to new.



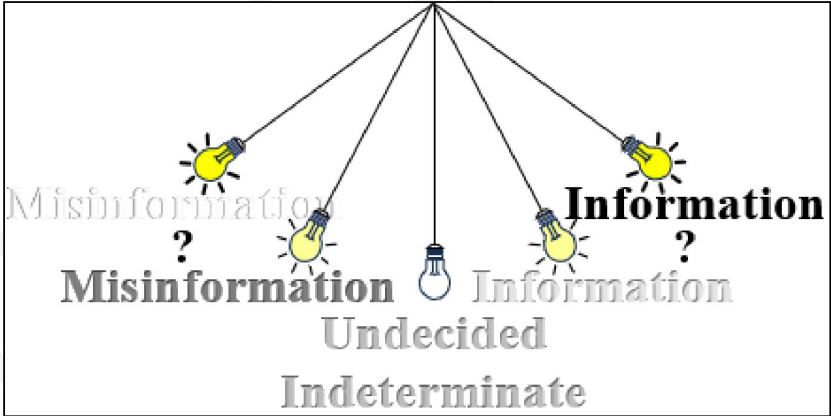
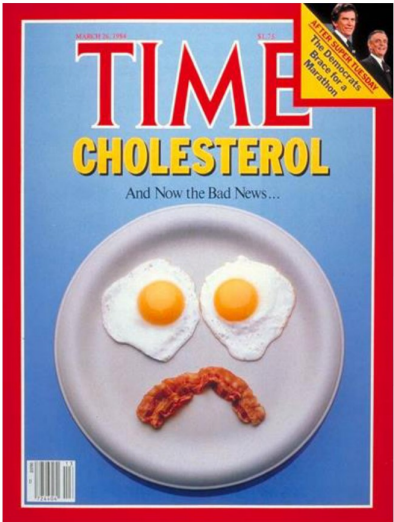
*Ugly Fact? 'Consensus' is a political construct, not a scientific concept.

**8. Ugly Fact? Perceptions of what is/is not 'misinformation' *oscillate*.
Do saturated fat, or cholesterol or any of its variants, matter?**

1961 – Hypothesis (only)

1984 – Alarmism (unjustified?)

2014 – Retraction



Ugly Fact? After more than 60 years, ‘the jury is still out’ (at least for some), as to whether or not either - saturated fat, or cholesterol (or any of its variants that continue to be rolled out as progressive studies fail to support prior hypotheses) - matter in relation to heart disease. ‘Legacy confusion’ abounds. ‘Opinion inertia’ remains.

9. Is it possible to categorise ‘beyond reasonable doubt’, information as: *false, misleading or deceptive*, i.e., as ‘misinformation’?

Parents' 32-year ordeal over baby death
Australians Lindy Chamberlain-Creighton and Michael Chamberlain finally win official recognition that a dingo killed their daughter 32 years ago

- August 17, 1980
Nine-week-old baby Azaria disappears from a tent at a campsite. Initial inquest backed the parents' explanation that a dingo took the baby.
- 1982
Mother Lindy Chamberlain convicted of murder, father Michael guilty as accessory.
- 1988
Convictions overturned after scrap of Azaria's clothing found near a dingo lair.
- 1995
Third inquest records an open finding.
- 2012
Inquest reopened with new findings about dingoes - including the killing of a nine-year-old boy in 2001 and a two-year-old girl in 2005.
- June 12, 2012
Coroner rules that a dingo took Azaria, saying the evidence was "adequate, clear, cogent and exact".

Dingo
A unique wild dog-breed introduced to Australia from Indonesia about 5,000 years ago.

Not Guilty?
Indeterminate
Guilty ('Misinformation')
Not Guilty?

“In the bulk of popular, media and scholarly discourse on Azaria Chamberlain’s disappearance there is **overwhelming consensus** that the **sensationalist reporting** of the event convicted parents Michael and Lindy of their daughter’s murder outside official court processes”, that in effect, the case was a “trial by media”¹. [emphasis added]

An insider perspective, from Lindy’s current partner, is that the media releases, even if not ‘sensationalist’ *per se*, were heavily biased (hence, *in effect*, ‘misleading’*) in reporting the prosecution as against the defence case, for different respective reasons, (as may be typical with high-profile cases):

[V]ery often the only ones giving out interviews [] was the Northern Territory government, even though **the ‘news’ was Crown point of view** – that Lindy had murdered her daughter. Because of the way the Crown ran the case after the first inquest, the Chamberlain’s defence had very little idea what the Crown would say, or what witnesses the Crown would call until they saw it happen in the courtroom. **The defence did not give interviews, because doing so would give the Crown a further unfair advantage**². [emphases added; Ultimately, **not doing so** seemed to.]

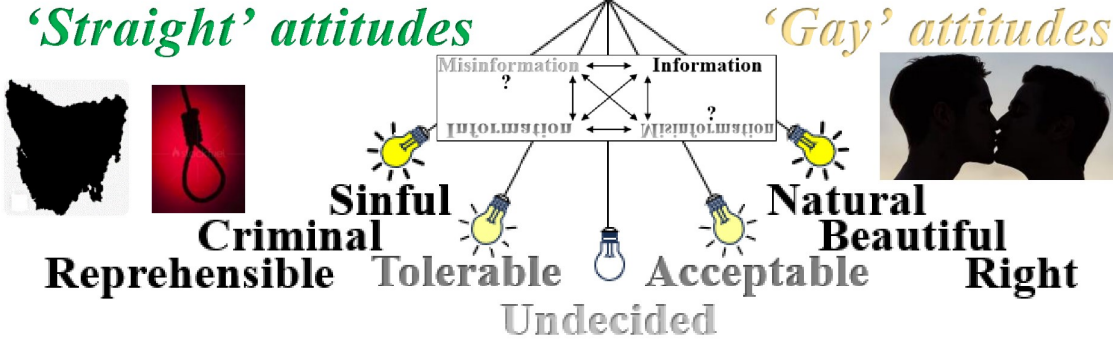
¹Middleweek, B. (2017) *Dingo media? The persistence of the “trial by media” frame in popular, media, and academic evaluations of the Azaria Chamberlain case*, *Feminist Media Studies*, 17:3, 392-411, <https://doi.org/10.1080/14680777.2016.1235054>
Copy retrieved from: <https://opus.lib.uts.edu.au/handle/10453/123672>

²Creighton, R. (2023) *Chequebook Journalism*.
<https://lindychamberlain.com/media/chequebook-journalism/>

*Two examples of ‘consensus’ in this case: (1) of presumed guilt (75%, news/middle image, despite the evidence, i.e., based on ‘misinformation’), and; (2) that the media, such as by conducting then reporting on an *opinion* poll, contributed to bias across Australia that led to the ‘guilty’ verdict.

10. Perceptions and categorisations of '(mis)information' shift merely with attitude! Ergo, as 'solid' as footprints in wave-zone beach sand?

Same-Sex Relationships



May 9, 2012, ABC interrupted its regular programming for a special report. Barack Obama had announced, that he had changed his mind and now supported same-sex marriage. He realised his stated position of just four years earlier, that marriage was, and should strictly be, between a man and a woman, was **wrong**.

<https://edition.cnn.com/2012/05/09/politics/obama-same-sex-marriage/index.html>



December 7, 2017, marriage equality law passed Australia's parliament in a **landslide vote** (only 5 nays). **See:** ABC News. *The moment Parliament said yes to same-sex marriage.*

<https://www.youtube.com/watch?v=fVm4eW8wjY>

Just 5 years earlier, it had been voted against (98:42).

<https://www.youtube.com/watch?app=desktop&v=6lik7emfboo>

After generations of incremental societal change, majority opinion flipped and long-held arguments evaporated. The industrial revolution saw economic development and upended long-standing social structures and institutions. Homesteaders transitioned to factory work. Large families were no longer necessary for survival. 'Norms' surrounding marriage and child-rearing changed. People interacted - more with others, less with kin - and respective influences shifted. With membership in multiple tribes came freedom to change minds, [including on religion], without social penalty. Ultimately, marriage became less about reproduction, more about love. But the LGBTQ (same-sex) community still had to fight for decades until this came to be recognised and accepted by others. "Once choosing to not have a big family was normal, and choosing to marry for love was normal, and choosing to divorce for lack of love was normal, the idea of choosing to not have children, have children without marrying, or just cohabitate and do neither all became normal [and acceptable] as well."¹

¹McRaney, D. (2022) *How Minds Change: The Science of Belief, Opinion and Persuasion*. OneWorld Publications.

11. Are Influences of, and Corruption within and by, BIG Industry Undeniable? **Big Pharma - thalidomide**

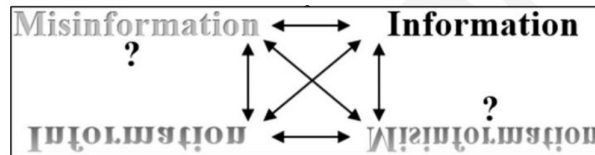
(Initially prescribed as a sedative or for insomnia, asthma, pain relief, morning sickness.)

"[A]n outstandingly safe medication."⁴⁵

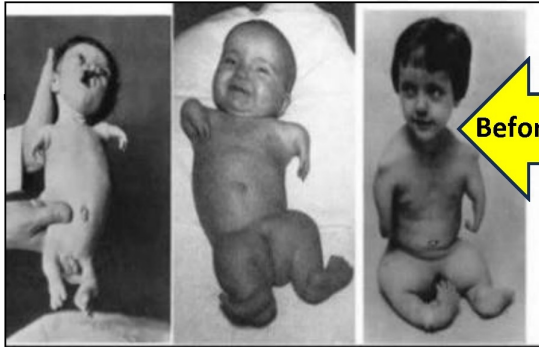
—Letter from a participating physician in the William S. Merrell Company's "clinical investigation" program for its new sleeping pill Kevadon (**thalidomide**) to Dr. Francis Kelsey of the U.S. Federal Drug Administration, urging that Dr. Kelsey speedily approve the drug for sale in America, spring 1961

44. William S. Merrell Company executive, quoted from Ralph Adam Fine, *The Great Drug Deception: The Shocking Story of MER/29 and the Folks Who Gave You Thalidomide* (New York: Stein & Day, 1972), p. 174.

45. Participating physician in William S. Merrell Company's "clinical investigation" program, quoted from *ibid*



"Based on the claims of the manufacturer, Thalidomide was considered to be safe."²



Maimed ~20,000, Killed ~80,000

Manufacturer insists: 'An act of God'³.

In 1961, Australian obstetrician

Before After

William McBride: alerted the world to the dangers of thalidomide in fetal development, *BMJ* 2018; 362

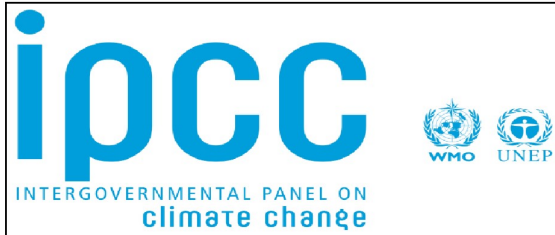
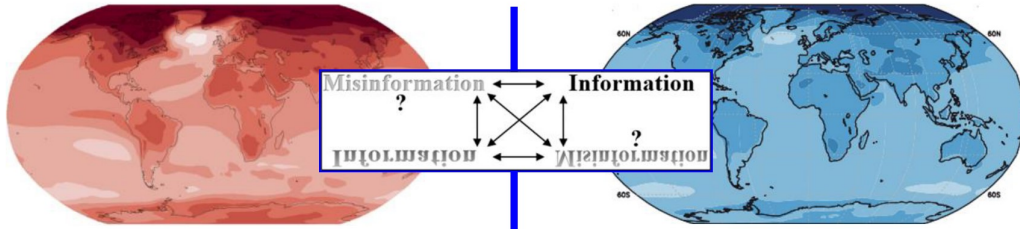
<https://doi.org/10.1136/bmj.k3415>

¹Cerf, C. & Navasky, V. (1998) *The Experts Speak – The Definitive Compendium of Authoritative Misinformation – Expanded and Updated*. Villard, New York.

²Australian Government Dept of Health (2018) *Senate Enquiry - Support for Australia's thalidomide survivors, Submission 2*. <https://www.aph.gov.au/DocumentStore.ashx?id=dde9522c-9886-4410-8cd7-9aac937d5e02&subId=661770>

³Evans, H. (2014, 15 Nov) *Thalidomide: how men who blighted lives of thousands evaded justice*. <https://www.theguardian.com/society/2014/nov/14/-sp-thalidomide-pill-how-evaded-justice>

12. Climate Change – Could ‘Global Warming’ be ‘misinformation’, if it ignores, disbelieves or is ignorant of a significant part of the whole?



Thousands of contributors to, and reviewers of, IPCC reports, each of up to 2000+ pages.

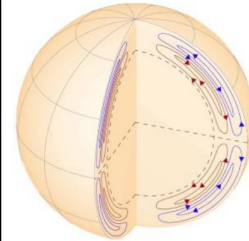
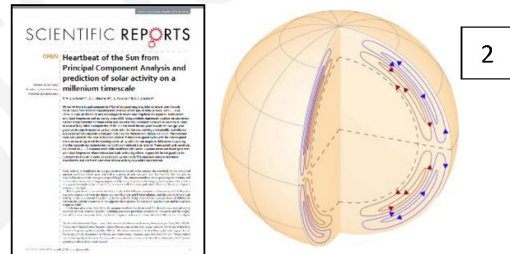


Professor Valentina Zharkova et al. Overview: https://www.youtube.com/watch?v=M_yqlj38UmY

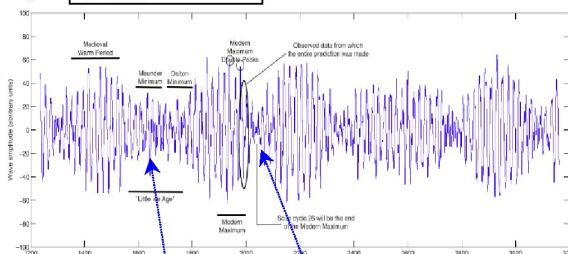


Throughout IPCC reports, *anthropogenic* impact is presented as being the primary driver of projected near-term climate change (**warming**), and *solar* activity as being trivial.

See: IPCC AR6 ‘The Physical Science Basis’¹ Figs: SPM.2, 2.2, 7.6/Tables 7.8, Aiii.3- Aiii.4f



2



IPCC legacy modelling of solar output is based on *sunspots*. Zharkova et al derived a new model, based on sun’s *entire magnetic system*.² This model predicts global **cooling**,³ offsetting (temporarily) anthropometric warming over a 33-year period, 2020-2053, and, aligns with historic ‘little ice ages’, e.g., that of the 1600s.

¹IPCC (2021-2023) *Sixth Assessment Report [AR6]*. <https://www.ipcc.ch/>

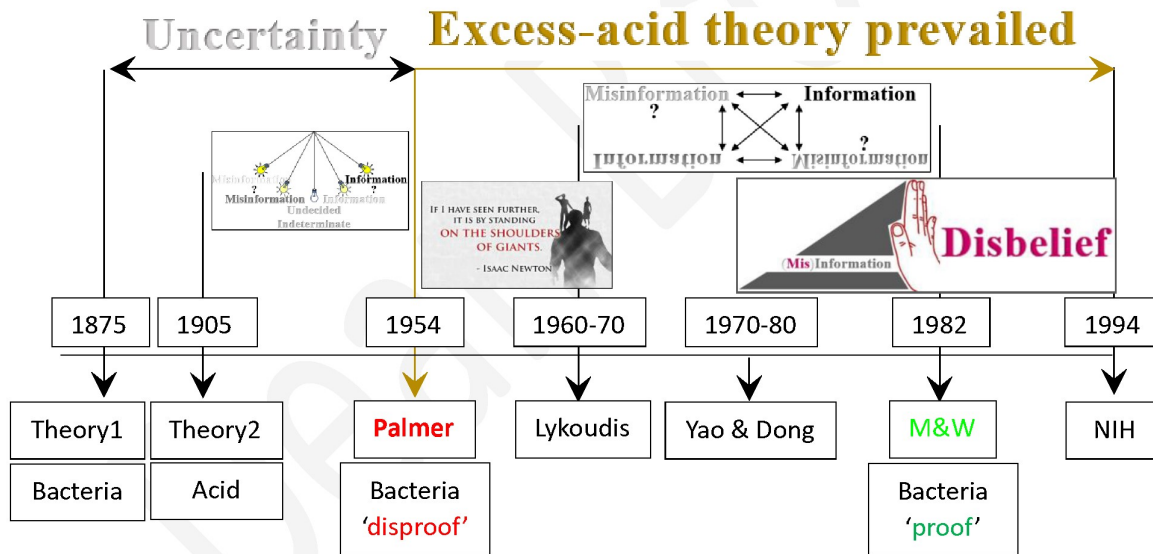
²Zharkova et al (2015) *Heartbeat of the Sun from Principal Component Analysis and Prediction of Solar Activity on a Millenium Timescale*. <https://doi.org/10.1038/srep15689>

³Zharkova, V. (2020) *Modern Grand Solar Minimum will lead to terrestrial cooling*. *Temperature*, 7.3: 217-222. <https://doi.org/10.1080/23328940.2020.1796243>

**13a. Is it the case, that irrespective of ‘the evidence’,
how we perceive ‘information’ boils down to mere opinion/belief?**

A classic example of scientific inquiry ‘gone wrong’: research into the cause of chronic peptic/gastric (stomach) ulcers. From 1875, there had been two *prevailing** theories of the cause of stomach ulcers: (1) stomach acid, (2) bacteria, (**lesser* suspects included stress.) Based on conclusions from a 1954 study, the acid theory prevailed thereafter.¹ For 40 years.

However, in 1982, a compelling self-experiment, (which led to a Nobel Prize, to Australians Marshall & Warren in 2005) demonstrated both that the primary cause was a bacterium, and that a simple effective treatment could be applied, antibiotics¹. But this was not formally accepted until 1994, (by the NIH^{2,3}). Others had made the same discovery earlier, including Yao & Dong 1970-80, and Dr. Lykoudis through 1960-70. Lykoudis was so disbelieved, he could not find a publisher and his finding was deemed so absurd that he was de-registered. Only much later (2002) was the 1954 study found to have been flawed.¹



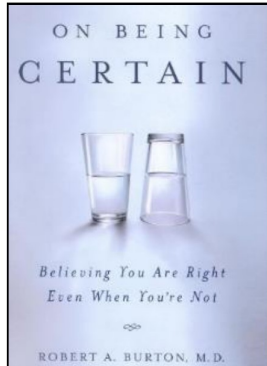
¹Radomski et al (2021) *Rethinking the history of peptic ulcer disease and its relevance for network epistemology*. History and Philosophy of the Life Sciences, 43, 113. <https://link.springer.com/article/10.1007/s40656-021-00466-8>

²Marshall, B. (Jan 20, 2023) *Barry Marshall at GYSS 2023 – How bad luck, Incompetence & fraud, delayed a discovery by 100 years*. <https://www.youtube.com/watch?v=EDN0-0OKLFc>

³Yamada, T. et. al. (1994) *Helicobacter pylori in Peptic Ulcer Disease*. JAMA, 272(1):65-69. <https://doi.10.1001/jama.1994.03520010077036>

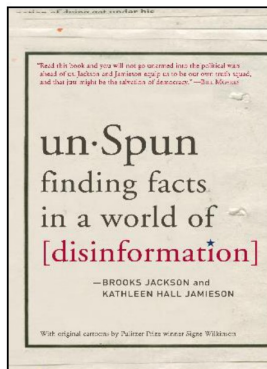
**13b. Is it the case, that irrespective of ‘facts’/‘the evidence’,
how we perceive ‘information’ boils down to mere opinion/belief?**

The Placebo Effect



Of 180 patients with knee osteoarthritis, 60 who had ‘sham’ arthroscopic surgery (general anaesthesia given and superficial incisions made in knee skin) reported as much pain relief and improved mobility as those who had actual surgery. [Original article: Moseley et al (2002) *NEJM*, 347:2, 81-88.]
After the procedure, Mr. A, 76-year-old WWII veteran, 5-year history of disabling osteo- knee pain, evidenced from x-rays, was told of the sham. *“Nevertheless, he dramatically improved; for the first time in years he was able to walk without a cane. When questioned, he both fully understood what sham surgery meant and fully believed that his knee had been fixed. ‘The surgery was two years ago and the knee has never both-ered me since. It’s just like my other knee now.’”*

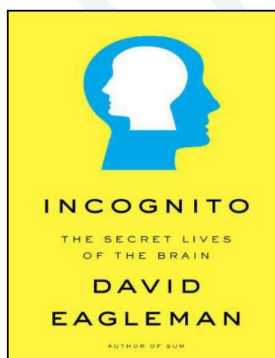
Fear Factor



Buildup to the 2003 invasion of Iraq was laid on a foundation of “fear, uncertainty, and doubt”. *“President Bush said that Saddam Hussein was pursuing weapons of mass destruction and invited listeners to imagine what would have happened if Saddam had given any to the 9/11 hijackers: It would take one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known.”*

Subsequently, U.S. inspectors found no stockpiles of chemical weapons, no biological weapons, no nuclear program. Yet leading into the war, ‘no evidence’ had been dismissed in favour of contrary (Bush’s mis)information.

Cognitive Dissonance

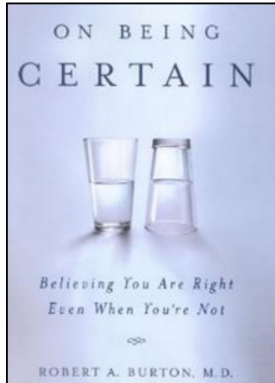


Mrs. G was a patient of neuroscientist David Eagleman. She had suffered a stroke that damaged her anterior cingulate cortex. *“When I asked her to close her eyes, she said ‘Okay’, and closed one eye, as in a permanent wink. ‘Are your eyes closed?’ I asked. ‘Yes’, she said. ‘Both eyes?’ ‘Yes.’ I held up three fingers. ‘How many fingers am I holding up, Mrs. G.?’ ‘Three’, she said. ‘And your eyes are closed?’ ‘Yes’. In a nonchallenging way I said, ‘Then how did you know how many fingers I was holding up?’ An interesting silence followed.”*

Likewise-responses were elicited when she was in front of a mirror, asked to close her eyes, confirmed this, yet still saw herself. Her belief that both her eyes were shut (her perceived reality) overrode that of those of Eagleman and a colleague present, but also her own, evidently inwardly distorted, evidence.

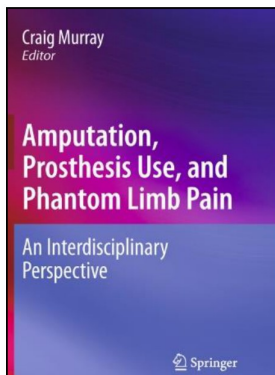
13c. Is it the case, that irrespective of ‘the evidence’,
how we perceive ‘information’ boils down to mere opinion/belief?

Flashbulb Memory / Faded Recollections



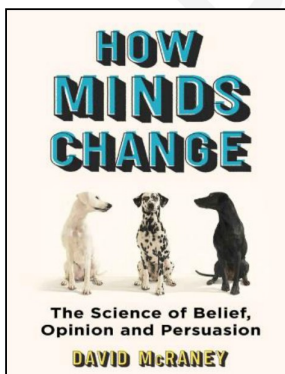
“Within one day of the space shuttle Challenger explosion, Ulric Neisser, a psychologist studying “flashbulb” memories [], asked his class of 106 students to write down exactly how they’d heard about the explosion, where they were, what they’d been doing, and how they felt. Two and a half years later they were again interviewed. Twenty-five percent of the students’ subsequent accounts were strikingly different than their original journal entries [] less than ten percent had all the details correct. (Prior to seeing their original journals, most students pre-sumed that their [later] memories were correct.) Many expressed a high level of confidence that their false recollections were correct, despite being con-fronted with their own handwritten journals. The most unnerving was one student’s comment, ‘That’s my handwriting, but that’s not what happened.’”

Phantom Limb Pain



“It is widely accepted that the French military surgeon Ambrose Pare was the first to report phantom phenomena following amputation, in the mid-sixteenth century. Pare wrote of his incredulity when amputee soldiers stated that they were still aware of the missing limb. Disbelief was the established medical view that led Silas Weir Mitchell to publish the first detailed study of the phenomenon in a general, rather than a medical journal, in the nineteenth century. It was within Weir Mitchell’s study that the term ‘phantom’ was coined for the first time. [P]hantoms [perceptions of removed-body-part presence, itch, pins and needles, pain, etc.] have been reported following the removal of virtually every body part.”

Naïve Realism/In-built Misinformation



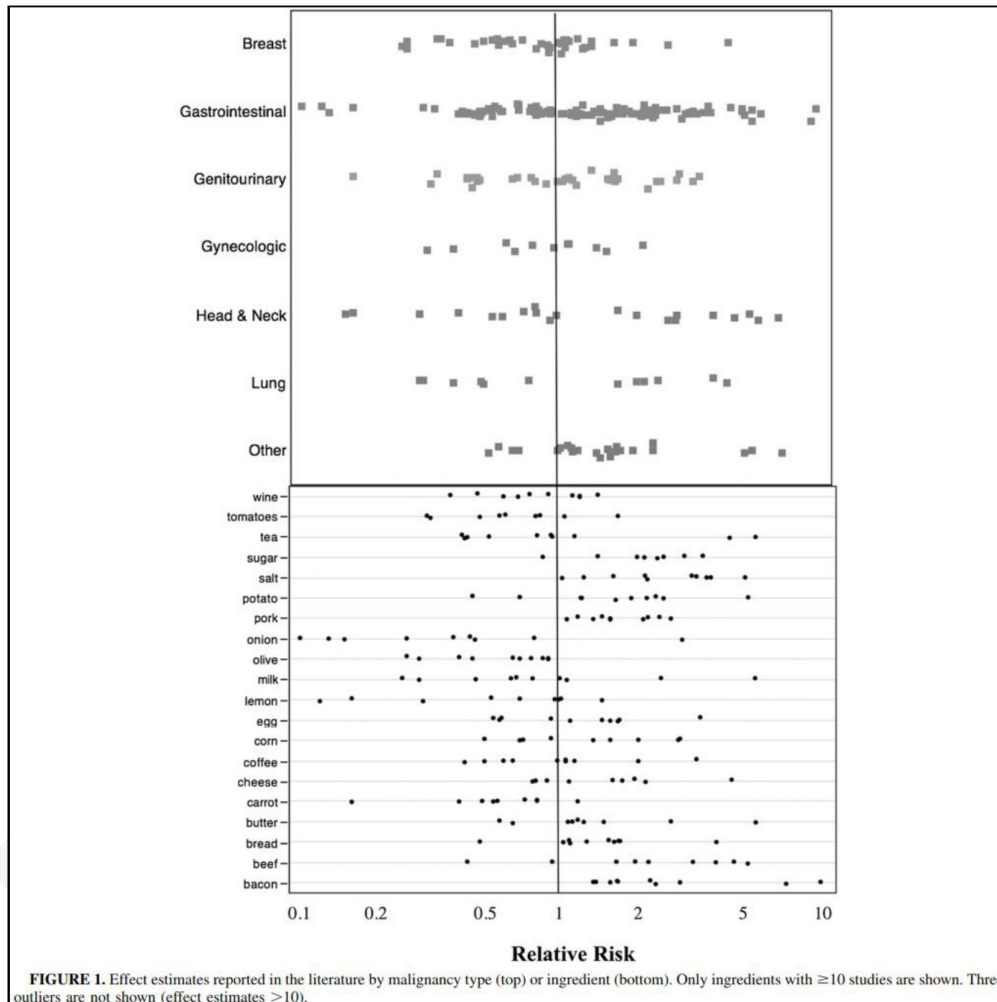
“Naive realism, [is] belief that you perceive the world as it truly is, free from assumption, interpretation, bias, or the limitations of your senses”, ergo: “[f]acts can’t change people’s minds.” “There is no superior argument, no piece of information that we can offer, that is going to change their mind.” “Our brains are continuously deconstructing and rebuilding our [personal] models of reality from one moment to the next to make sense of novelty and surprise [hence] much of what we consider real and unreal, true and untrue, good and bad, moral and immoral, changes as we learn things we didn’t know we didn’t know.”
“When we don’t know what we don’t know, at first we see only what we expect to see, even when what we see doesn’t match our expectations.”

Xa. “Educational Institutions” – Not a Source of Misinformation?

1

Is everything we eat associated with cancer? A systematic
cookbook review¹⁻³

Jonathan D Schoenfeld and John PA Ioannidis



Finding: as depicted by this paper’s Figure 1, copied above, published study results to date provide only uncertainty of insight to food-cancer questions. Most of the (randomly selected) foods studied here have been *associated* with *both lower and higher* risk (dots left or right of the vertical centre line respectively) of the respective cancers studied.

¹Schoenfeld J.D. & Ioannidis J.P.A. (2013) *Is Everything we eat associated with cancer? A systematic cookbook review.* Am J Clin Nutr,97:127-34. <https://doi.10.3945/ajcn.112.047142>

Xb. “Educational Institutions” – Not a Source of Misinformation?



Educational institutions incorporate research facilities. Their endeavours result in findings published as thousands of journal articles each year. Research spans fields from science to medicine, and while some may be ‘blue-sky’, most medical research (for which there have been many millions of papers published on clinical research, approximately 1 million on clinical trials, and tens of thousands based on systematic reviews), *should* (ideally) translate into clinical usefulness.

But, per the above article’s title, and as explained within it, most does not. Among a suite of other reasons for this that are discussed by the author, was found that **much clinical research is industry-funded, is not transparent, and is not even patient-centred**. (If this is the case, the bases for the research are likely driven by other motives, including publication proliferation - the more papers one succeeds in getting published, the higher one’s deemed esteem, and more secure one’s tenure with one’s employer - or self-interested profit.)

Worse: as is self-explained within its title (below, in reference to most fields of research)...



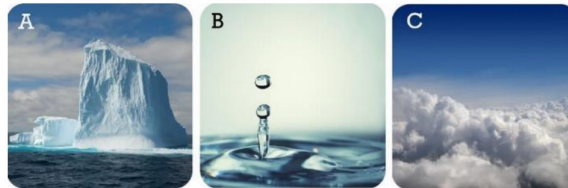
i.e., ‘Misinformation’ or ‘Disinformation’

¹Ioannidis J.P.A. (2016) *Why Most Clinical Research Is Not Useful*. PLoS Med 13(6): e1002049. <https://doi.org/10.1371/journal.pmed.1002049>

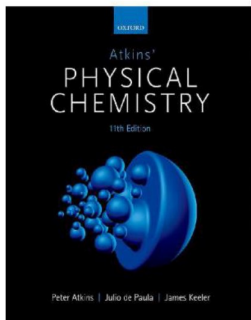
²Ioannidis J.P.A. (2005) *Why most published research findings are false*. PLoS Med 2(8): e124. <https://doi.org/10.1371/journal.pmed.0020124>

Xc. "Educational Institutions" – Not a Source of Misinformation?

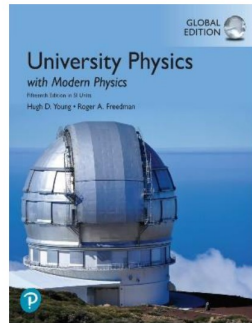
Many have been taught, and, may *think* they 'know', as 'common knowledge' or 'fact' that: there are three phases of matter: Solid, Liquid, Vapour, e.g., Water/H₂O: Ice, Liquid, Cloud.



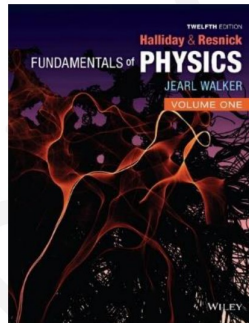
2018 (11th Edition)



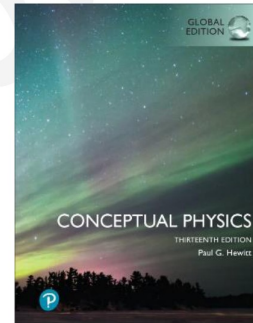
2020 (15th Edition)



2022 (12th Edition)



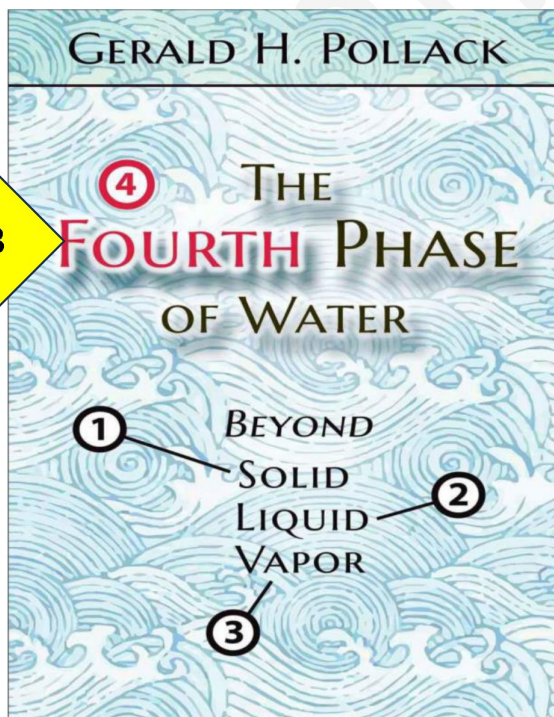
2023 (13th Edition)



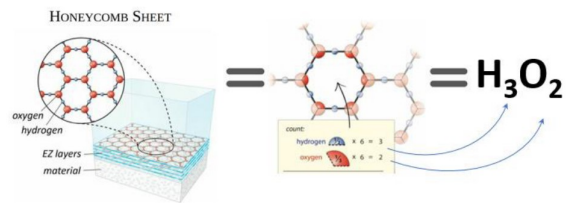
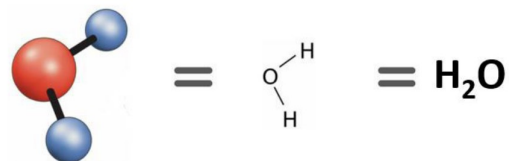
'Misinformed'/'Misinforming'

Informed

2013

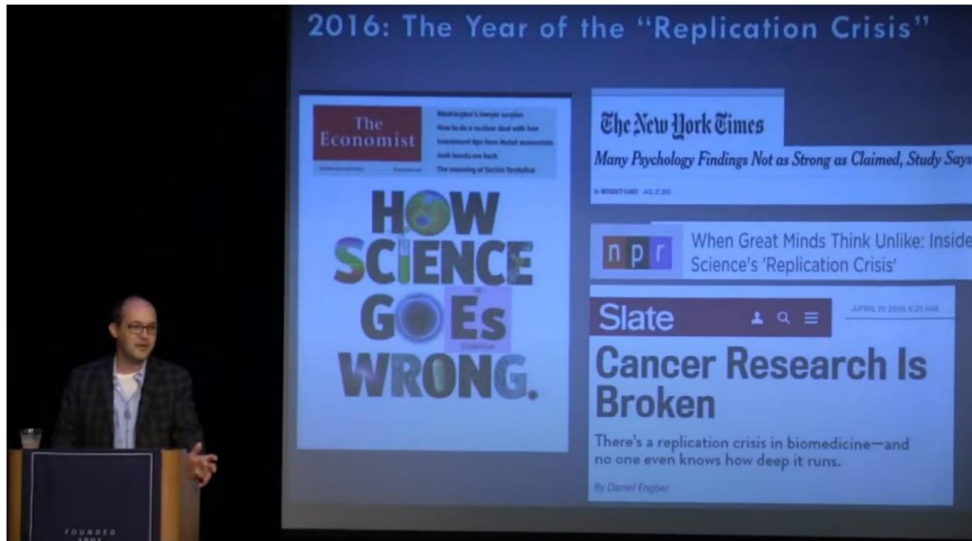


'Bulk Water' model



'EZ Water' model

Xd. “Educational Institutions” – Not a Source of Misinformation?



Failures in scientific research - to produce meaningful, informative, as against misleading and even opposite-to-truth, ‘misinforming’ if not ‘disinforming’ results - abound and for a host of reasons, including:

- ‘Replication Crisis’: the findings of *original* researchers were more often than not unable to be replicated by *subsequent* researchers.
- Sample Sizes Too Small - i.e., studies ‘underpowered’. The smaller the sample, the bigger the potential error.
- ‘Selective Reporting’ - researchers *only* publishing positive results.
- Changing hypotheses to retrofit the data
- Lack of transparency, including failure to disclose conflicts of interest
- Industry Bias or Manipulation
- Confirmation Bias
- Etc.

¹Calin-Jageman, R. (2016) *Is Science Sick and How Can We Fix It?* - RJ Calin-Jageman.
<https://www.youtube.com/watch?v=Q0v-YhjocmM>

Xe. "Government" – Not a Source of Misinformation?

FBI-orchestrated 'disinformation'



The screenshot shows the website for the House Judiciary Committee. The header includes the committee's logo, navigation links for 'The Committee', 'Schedule', 'News', 'Documents', 'Contact', and 'Subscribe', and a search bar. The main content area features a breadcrumb trail 'Home / News / Press Releases' and a news article with the following details:

Testimony Reveals FBI Employees Who Warned Social Media Companies about Hack and Leak Operation Knew Hunter Biden Laptop Wasn't Russian Disinformation

July 20, 2023 Press Release

WASHINGTON, D.C. – On July 17, 2023, the House Judiciary Committee and Subcommittee on the Weaponization of the Federal Government conducted a transcribed interview of Laura Dehmlow, the Section Chief of the FBI's Foreign Influence Task Force (FITF). During her transcribed interview, Dehmlow revealed that the same FBI personnel who were warning social media companies about a potential Russian "hack and leak" operation in the run-up to the 2020 election knew that the laptop belonging to Hunter Biden was not Russian disinformation. After the *New York Post* broke a story based on the contents of the laptop about Biden family influence peddling, the FBI made the institutional decision to refuse to answer direct questions from social media companies about the laptop's authenticity—despite months of constant information sharing up to that time. Put simply, after the FBI conditioned social media companies to believe that the laptop was the product of a hack-and-dump operation, the Bureau stopped its information sharing, allowing social media companies to conclude that the *New York Post* story was Russian disinformation.

Source: <https://judiciary.house.gov/media/press-releases/testimony-reveals-fbi-employees-who-warned-social-media-companies-about-hack>

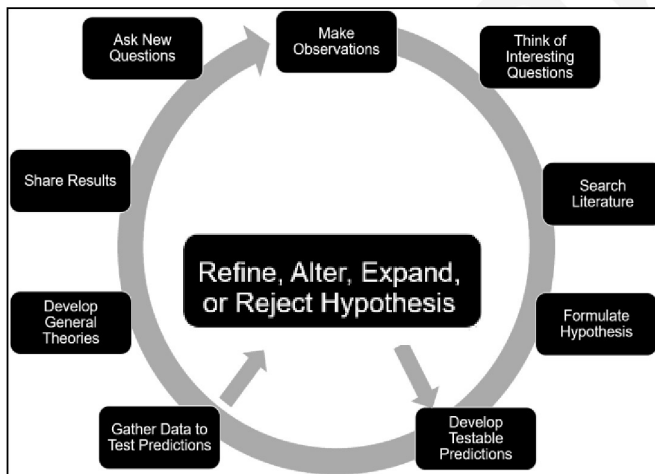
Xf. "Government" – Not a Source of Misinformation?



Prime Minister Albanese – House Question Time, 31 July 2023:

"I certainly agree that climate change is real, **the science has been settled.**"¹

'**Misinformation**' by the PM? The claim (highlighted red) is commonly expressed, but demonstrates ignorance of history and of how science is done (via *continual iteration*).



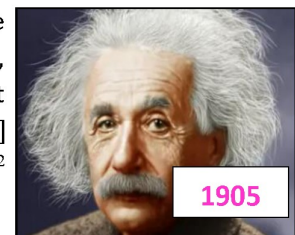
Always Question "Settled Science"

In the 1940's-50's a Lobotomy represented the leading edge of psychiatric science and many considered the procedure "settled science." In fact, in 1949, the inventor of the procedure, Dr. António Egas Moniz, was awarded the Noble Prize for his discovery. Thousands of patients had their SELF destroyed by this procedure and became docile, robotic, non-humans.

Remember there is no such thing as "settled science," everything should always be questioned and studied.



"Newton's theory of gravity [...] describ[ing] gravity as a force that affected the motion of objects both terrestrial and celestial, had been corroborated by centuries' worth of observations. It passed every test anyone had ever thrown at it. Einstein [did] the unimaginable: prove[d] Newton's theory wrong."² (After all, a 'theory', or 'hypothesis', is just a 'guess'.)



¹ Albanese, A. (2023, Jul 31) *House Question Time* [YouTube time points 1:04:27-1:04:38] <https://www.youtube.com/watch?v=ym4j-I46RDU>

² Pittampalli, A. (2023, Feb 20) . <https://www.psychologytoday.com/au/blog/chomsky-popper-turing/202302/how-einstein-shattered-the-myth-of-settled-science>

Xg. “Government” – Not a Source of Misinformation?



... “averaging [*only**] about 21 erroneous claims a day”¹

According to The Washington Post, during his term as President, Trump made “false or misleading” claims on numerous topics, including the economy, foreign policy, environment, election, and coronavirus, and *repeated* some claims *hundreds* of times.²

Trump’s tallies may seem extraordinary (high). But this may be the first instance of dissection of recorded speech from one person across years. How might others compare? ‘Humans are fallible’, gullible, corruptible... It is likely that most people lie – (“I’m on my way”, “I didn’t do it”, “It’s not about you”, “I’m well”, “I love you”, “Sincerely yours”, “Pleased to meet you”, “You look good”, “I agree”, . . .). Realistically, some individuals, (e.g., politicians) may need to *talk* and *process* and *respond* ad hoc (unedited), and *lots*, so their mistruth counts will likely inherently be higher than for less talkative and/or less-pressured others. But even in a relatively benign setting, one study³ found that 60 percent of people lied at least once, and told an average of ~3, and up to 12, lies during a 10-minute conversation.

¹ Kessler, G. Rizzo, S. & Kelly, M. (2012, 24 Jan) *Trump’s false or misleading claims total 30,573 over 4 years*. <https://www.washingtonpost.com/politics/2021/01/24/trumps-false-or-misleading-claims-total-30573-over-four-years/>

² The Washington Post (2021) *Fact Checker Analysis (Trump)*. https://www.washingtonpost.com/graphics/politics/trump-claims-database/?itid=lk_interstitial_manual_9

³Feldman, R. S. & Forrest, J. A. (2002) *Self-Presentation and Verbal Deception: Do Self-Presenters Lie More?* Basic and Applied Social Psychology 24(2):163-170
https://doi.org/10.1207/S15324834BASP2402_8

Xh. "Professional News" – Not a Source of Misinformation



The very reason MediaWatch exists, is the many fallibilities of "professional news".

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About

Media Watch

Media Watch is Australia's leading forum for media analysis and critique.

Since 1989 Media Watch has been exposing conflicts of interest, journalistic deceit, misrepresentation, manipulation and plagiarism.

Source: <https://www.abc.net.au/mediawatch/about>

Ugly Fact? Primary info sources for Media include: Educational Institutions, & Government!

Xi. "The Judicial System" (also) – Not a Source of Misinformation?

As an ultimate 'litmus test', one may set aside for a moment that the examples in the previous pages, and countless others back through history, demonstrate continuous if not inevitable failure of institutions (*humans*) to identify or even accurately define 'misinformation'.

Judicial systems, over and above all other institutions presumably deliberately intend and evolve toward attempting to identify truth, hence should, at least in theory, be most robust toward achieving this. After all, decisions made through them decide fates of lives. However, cases get *re-trialled*, and escalated via *appeals* processes, and escalated again because there is a hierarchy of *higher courts* through which such may be facilitated. Might inability to unequivocally determine cases *first-time* be, at least in part, attributable to 'misinformation'?



If the Lindy Chamberlain case is not compelling enough ('a single ugly fact') for all Australians, and possibly many others, how has adjudication of the most serious crimes, those resulting in a decision of 'death penalty', fared?

- US study examined every capital conviction and appeal between 1973 and 1995 (nearly 5,500 judicial decisions made in 34 states)
- 68% of America's death sentences were overturned on appeal as a result of serious error
- The three most common errors: (1) egregiously incompetent defense lawyers (37%); (2) prosecutorial misconduct, often the **suppression of evidence** of innocence (19%); and (3) **faulty instructions to jurors** (20%). [**'misinformation'** emphasised]
- For retrial cases whose outcomes are known, an astonishing 82% of retried death row inmates turned out not to deserve the death penalty.¹

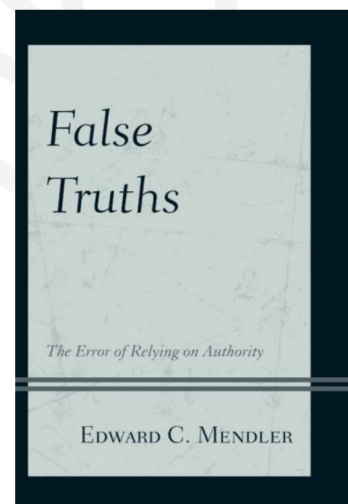
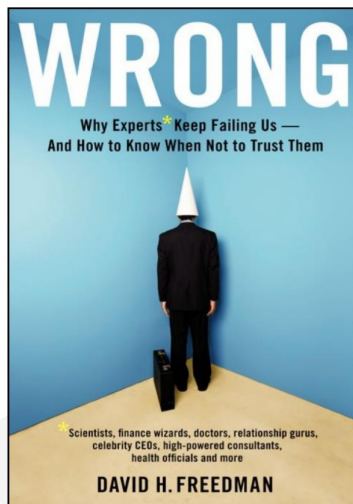
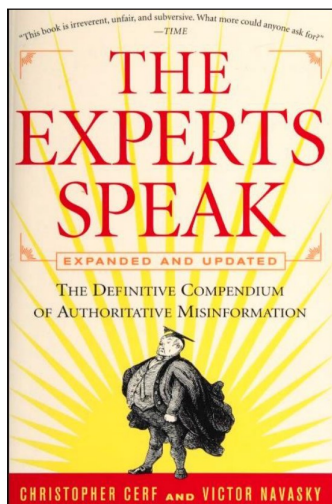
¹Liebman, J. S., Fagan, J. & West, V. (2000) *A Broken System: Error Rates in Capital Cases, 1973-1995*. Columbia Law School, Public Law Research Paper No. 15.

https://scholarship.law.columbia.edu/faculty_scholarship/1219

Xj. So-called “Experts” (also) – Not a Source of Misinformation?

WHY DON'T RAPE VICTIMS GET PREGNANT?
 “People who are raped—who are truly raped—the juices don’t flow, the body functions don’t work, and they don’t get pregnant.”¹²
 —Henry Aldridge (North Carolina state representative), explaining why there was no need for his state to fund abortions for rape victims, quoted in *Esquire*, January 1996

WHY WOMEN SHOULDN'T HAVE THE VOTE
 “Nothing could be more anti-Biblical than letting women vote.”¹⁸
 —Harper's Magazine editorial, November 1853



“...thousands of examples of expert misinformation, disinformation, misunderstanding, miscalculation, egregious prognostication, boo-boos, and occasional just plain lies [...] they are wrong about”: facts, theories, dates, geography, the future, the past, “and at best they are misleading about the present.”¹

“[T]he major cause for American Negroes’ intellectual and social deficits is hereditary and racially genetic in origin and thus not remediable to a major degree by improvements in environment.”²²

—William B. Shockley (Nobel Prize-winning physicist), 1980

“When the president does it, that means it is not illegal.”⁵³

—Richard M. Nixon (former President of the United States), television interview with David Frost, May 19, 1977

¹Cerf, C. & Navasky, V. (1998) *The Experts Speak – The Definitive Compendium of Authoritative Misinformation – Expanded and Updated*. Villard, New York.

²Freedman, D. H. (2010) *Wrong: Why Experts* Keep Failing Us – And How to Know When Not to Trust Them*. Little, Brown and Company, NY.

³Mendler, E. C. (2014) *False Truths: The Error of Relying on Authority*. Hamilton Books.

Xk. So-called “Experts” (also) – Not a Source of Misinformation?



Early **1950s** Causal link made: Smoking > lung cancer, yet

answering either 'no' or 'undecided'.⁵⁰ Even large numbers of doctors remained unconvinced. In 1960, in a poll organised by the American Cancer Society, only a third of all US doctors agreed that cigarette smoking should be considered 'a major cause of lung cancer'. This same poll revealed that 43% of all American doctors were still smoking cigarettes on a regular basis, with occasional users accounting for another 5%.⁵¹ With half of all doctors smoking, it should come as no surprise that most Americans remained unconvinced of life-threatening harms from the habit.

1964 US Surgeon General's Report issued, yet:



withheld endorsement of the link, until 1990s hearings. ².



"I believe that nicotine is not addictive. . . ."³⁷
—William Campbell (CEO of Philip Morris)

"I don't believe that nicotine or our products are addictive."³⁸
—Joseph Taddeo (President of the U.S. Tobacco Company)

"I believe that nicotine is not addictive."³⁹
—Andrew Tisch (Chairman and CEO of Lorillard Tobacco Company)

"I believe nicotine is not addictive."⁴⁰
—Edward Horrigan, Jr. (Chairman and CEO of the Liggett Group)

"I believe that nicotine is not addictive."⁴¹
—Thomas Sandefur, Jr. (Chairman of the Brown and Williamson Tobacco Company)

"And I too believe that nicotine is not addictive."⁴²
—Donald Johnston (CEO of the American Tobacco Company)

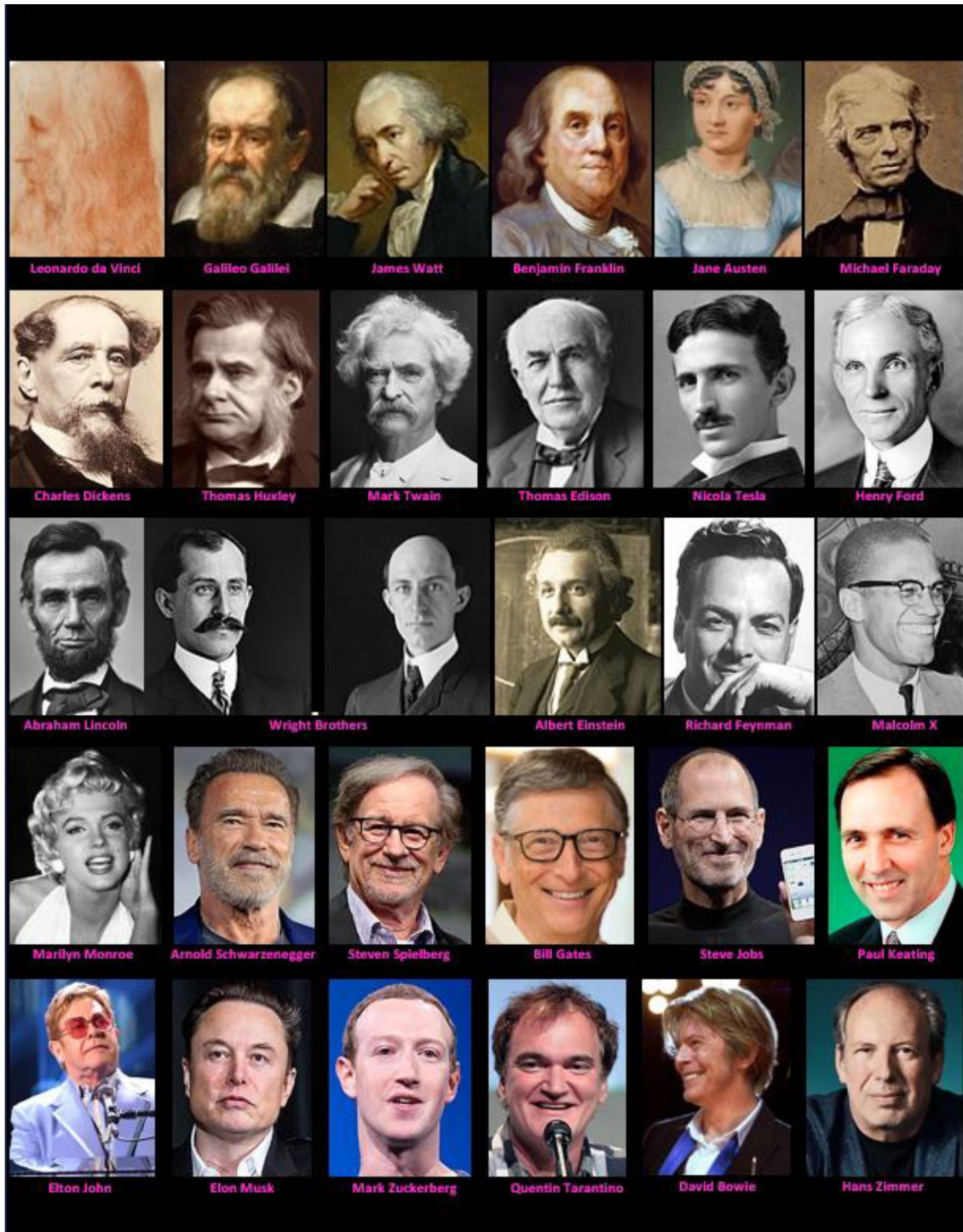
¹Proctor, R. N. (2011) *The history of the discovery of the cigarette–lung cancer link: evidentiary traditions, corporate denial, global toll*. *Tobacco Control*; **21**:87-91 <https://tobaccocontrol.bmj.com/content/tobaccocontrol/21/2/87.full.pdf>

²See: <https://www.c-span.org/video/?56038-1/oversight-tobacco-products-part-1> (1994) and,

³Torry, S. & Schwartz, J. (Jan 30, 1998) *Contrite Tobacco Executives Admit Health Risks Before Congress*. <https://www.washingtonpost.com/wp-srv/national/longterm/tobacco/stories/incongress013098.htm>

⁴Cerf, C. & Navasky, V. (1998) *The Experts Speak – The Definitive Compendium of Authoritative Misinformation – Expanded and Updated*. Villard, New York

XI. The so-judged “Unqualified” – Not a Source of credible information?

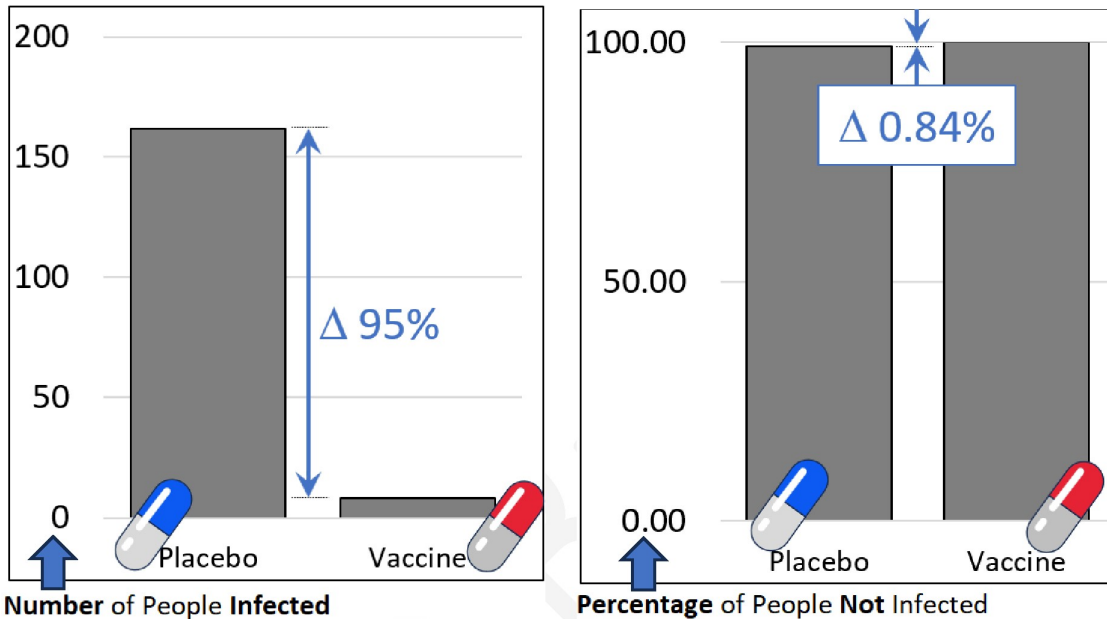


Ugly Fact? All of these ‘unqualified’ world-changers were mostly or entirely self-educated.

Ugly Fact? *Credentialed* or *authority* are not the only ‘informed’ or ‘subject matter expert’.

Va. Misinformation: "Information that is false, misleading, or deceptive." (Quote from Part 1.7(1)(a) of the draft Bill)

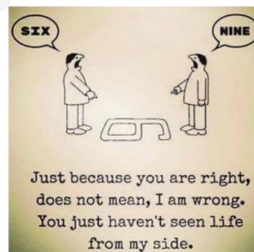
The two graphs below depict distinctly different percentage differences (Δ) between study trial results for subjects given either a Placebo or a (trial/experimental) Vaccine. They convey different information and lead to starkly contrasting conclusions.



Respective conclusions from the above charts:

| | |
|---|---|
| Difference (Δ): Vaccinated vs placebo, 95% fewer people became infected . | Difference (Δ): Vaccinated vs placebo, 0.84% fewer people became infected . |
|---|---|

These contrasting charts *lead*, or perhaps (?) *'mislead'* to contrasting conclusions. But they are not based on two (different) studies, but just **one**.



Further, both were generated from the **same numbers** provided within the report on that study, (from **just four numbers**).

How can one study - the same numbers! - yield such contrasting results?

Respective observations from and qualifiers to the above charts:

| | |
|---|---|
| The total number of people infected was less than 200 . | Most people , nearly 100%, in both groups were not infected . |
|---|---|

The data upon which these charts are based were provided within Pfizer-and-BioNTech's published report on their initial (BNT162b2 mRNA) Covid-19 vaccine phase 2/3 trial...

Vb. How can the *one study* yield entirely *contrasting* results?

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DECEMBER 31, 2020

VOL. 383 NO. 27

Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine

Table 2. Vaccine Efficacy against Covid-19 at Least 7 days after the Second Dose.*

| Efficacy End Point | BNT162b2 | | Placebo | | Vaccine Efficacy, % (95% Credible Interval) \ddagger | Posterior Probability (Vaccine Efficacy >30%) \S |
|---|-----------------|----------------------------------|-------------------|----------------------------------|---|---|
| | No. of Cases | Surveillance Time (n) \uparrow | No. of Cases | Surveillance Time (n) \uparrow | | |
| Covid-19 occurrence at least 7 days after the second dose in participants without evidence of infection | 8 (N=18,198) | 2,214 (17,411) | 162 (N=18,325) | 2,222 (17,511) | 95.0 (90.3–97.6) | >0.9999 |

Simple maths, two calculation approaches with the same data – Vaccinated vs Placebo:

A. **Infected (1):** $8/162 = 5\%$ $100 - 5 = 95\%$

In words: 8 people (vaccinated) is 5% of, or 95% fewer than, 162 (placebo), or,

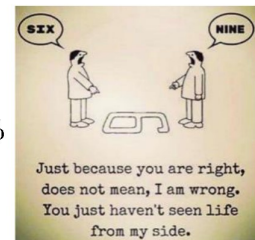
➔ 95% fewer people were infected vaccinated vs placebo, based (only) on those infected.

B. **Not infected:** $18198 - 8 = 18190$ $18325 - 162 = 18163$

$18190/18198 = 99.956\%$ $18163/18325 = 99.116\%$

Infected (2): $100 - 99.956 = 0.044\%$ $100 - 99.116 = 0.884\%$

$0.884 - 0.044 = 0.84\%$



In words: (only) 0.84% fewer people were infected, vaccinated vs placebo group, or,

➔ 0.84% fewer people were infected vaccine vs placebo, based on the *entire* study group.

Article/Data Source: Polack et al (2020) *Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine*. N Engl J Med 383:2603-15. <https://doi.org/10.1056/NEJMoa2034577>

Vc. How did Pfizer and BioNTech convey their claimed Efficacy result?

Pfizer and BioNTech did not mention the 0.84% figure anywhere, but highlighted the (more business-favourable) 95% figure (in its Results – copied below) and elsewhere in its report:

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Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine

RESULTS

A total of 43,548 participants underwent randomization, of whom 43,448 received injections: 21,720 with BNT162b2 and 21,728 with placebo. There were 8 cases of Covid-19 with onset at least 7 days after the second dose among participants assigned to receive BNT162b2 and 162 cases among those assigned to placebo; BNT162b2 was 95% effective in preventing Covid-19 (95% credible interval, 90.3 to 97.6). Similar vaccine efficacy (generally 90 to 100%) was observed across subgroups defined by age, sex, race, ethnicity, baseline body-mass index, and the presence of coexisting conditions.

The calculations (A and B) on the preceding page represent ‘Relative Risk’ and ‘Absolute Risk’ respectively. Both metrics are understood, explained or advocated for by some (e.g., Noordzij et al 2017¹). Relative Risk indicates how much more or less likely an outcome may be in one group compared with another, but nothing about the likelihood of the outcome occurring. Absolute Risk indicates the likelihood that an outcome may occur.:

- [O]ne cannot be interpreted without the other.
- The relative risk is most often used, especially in studies showing the effects of a treatment.
- [F]rom the [reader’s or] patient’s point of view absolute risks often give more relevant information¹.

¹Noordzij et al (2017) *Relative risk versus absolute risk: one cannot be interpreted without the other*. Nephrol Dial Transplant 32: ii13–ii18 <https://doi.org/10.1093/ndt/gfw465>

Vd. Was the Efficacy result claimed/promoted by Pfizer and BioNTech for their Covid-19 vaccine honest/fair or deceptive/misleading?

Mandated by some for claims being made by others, is inclusion of both Relative Risk and Absolute Risk figures, or the equivalent, to ensure claims are *balanced* and *unambiguous*. The *Code of Practice for the Pharmaceutical Industry* is a standard of the Prescription Medicines Code of Practice Authority¹ (PMCPA, UK). A complaint to PMCPA was made by a member of the public about a ‘misleading press release’ issued by Pfizer and BioNTech 2 Dec 2020², (and a related release by another party) on efficacy claims considered biased. The PMCPA investigated and ruled that breaches (plural) of the Code had been made:

The complainant noted that only the RRR [relative risk reduction] results were presented, with no mention of ARR [absolute risk reduction] in breach of the Code which specifically required that any discussion of RRR must include presentation of ARR results too. A breach of [clauses 7.2 and 9.1 of the 2019 version of] the Code was ruled³.

Clause 7.2 Misleading Information, Claims and Comparisons

- *reference to absolute risk and relative risk. Referring only to relative risk, especially with regard to risk reduction, can make a medicine appear more effective than it actually is. In order to assess the clinical impact of an outcome, the reader also needs to know the absolute risk involved. In that regard relative risk should never be referred to without also referring to the absolute risk. Absolute risk can be referred to in isolation*

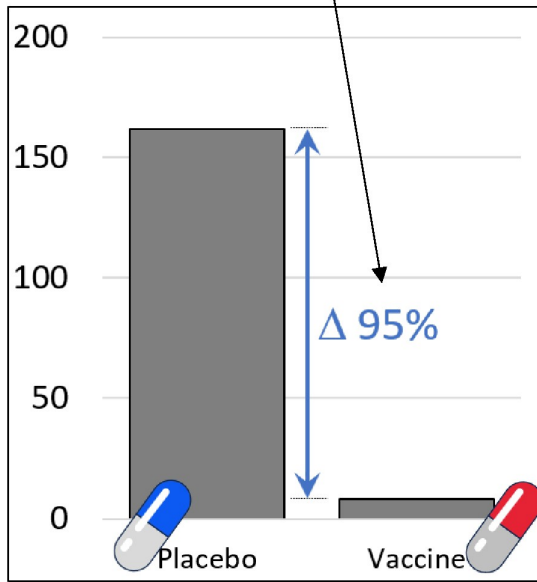
¹See: PMCPA (The Prescription Medicines Code of Practice Authority) <https://www.pmcpa.org.uk/>

²Pfizer & BioNTech (2020, Dec 02) *Pfizer and BioNTech Achieve First Authorization in the World for a Vaccine to Combat COVID-19*. <https://www.pfizer.com/news/press-release/press-release-detail/pfizer-and-biontech-achieve-first-authorization-world>

³PMCPA (2021) *Case Auth/3519/5/21, Member of the Public vs Pfizer, Misleading press release*. <https://www.pmcpa.org.uk/media/3572/3519-5-may-2022.pdf>

Ve. How did Pfizer and BioNTech convey their claimed vaccine efficacy? The numbers conveyed, or not, are reflected here by equivalent charts.

In effect, this was **highlighted**,



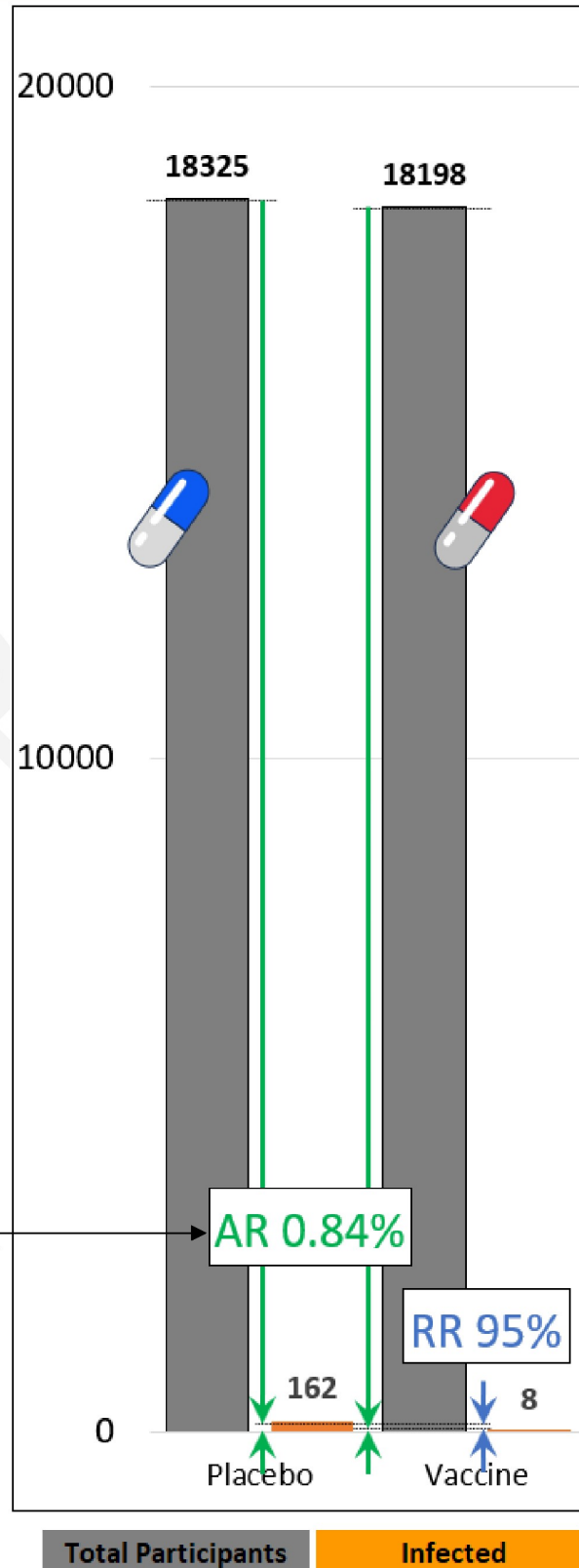
Number of People Infected

This was **not mentioned** let alone **explained**.

Misleading and Deceptive?

(RR = Relative Risk)

(AR = Absolute Risk)



Vf. Could vaccine efficacy claims be misleading, misinterpreted, mistranslated, etc., i.e., be and/or become ‘misinformation’?

Claim, Pfizer¹: BNT162b2 was 95% effective in preventing Covid-19

Contention: Claiming that the vaccine was 95% effective *assumes* that it did something. The trial data showed that *there were 95% fewer infected cases, vaccinated versus placebo*, not that the vaccine was *effective*. ‘Fewer’ is *unequivocal*. ‘Effective’ is an assumption, merely *suggested*. The difference could have been for any number of other plausible reasons, for example, more or larger ‘waves’ of the virus, or a cluster, may have permeated more locales of placebo subjects than vaccinated subjects; more of the vaccinated group may have frequented outdoor and/or lower density and/or windier or higher fresh-air-turnover and/or drier-air (i.e., virus-spread-suppressing) locales.

An alternative conclusion from Pfizer’s own data: ‘*Natural immunity* imparted high protection against COVID, after all, over the entire trial duration, only 162 of 18,325 in the placebo group, less than 1%, became infected. Given this result, mass vaccination appears to be unjustified.’ This highlights how questionable Pfizer’s claim of efficacy against infection was. The total number of subjects infected was trivially small versus the total subjects in the trial, 170 vs 36,523.

Claim, Greg Hunt²: The vaccine “*is safe and effective*”.

Contention: Such statements are unjustified assumptions based *only* on trials (Pfizer, Astra Zeneca, etc.) Converting *past* tense (as used correctly by Pfizer, above) to *present* tense is misleading and hence, by applying the definition in the draft Bill, (see section A), ‘misinformation’. A correct claim would be: “*were safe and effective . . . in trials...*”

If, the vaccines worked (as the manufacturer’s claimed), such was demonstrated *only* in the trials (which were *past*, hence should only have been referred to using *past* tense). Whether or not they *would* work (future tense) in real world populations, had not yet been established.

Claim, Professor Brendan Murphy²: The vaccines “*are*” particularly good at preventing “*severe disease*”.

Claim: Professor John Skerritt²: “*They work and [] they’re safe*”.

Contention: Same as per previous. Results in controlled trials (*past*/"was") do not necessarily equate to similar results in subsequent (*future*), at-that-time not-yet-undertaken non-trial populations. **Misinformation/correct:** They **are**/they **were**. They **work**/they **worked**.

¹See section Vc.

²See section Vg, (next page).

Vg. Did Government misinform the public regarding the safety and efficacy claims for the COVID-19 vaccines?



Greg Hunt, Minister for Health:

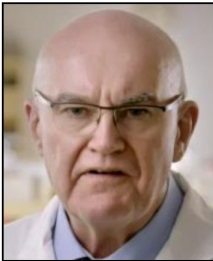
“Australians can have confidence if the best regulator in the world approves the vaccine, it is **safe and effective.**”

Source: Aus Gov (25 Jan 2021) *Press Conference – Australian Parliament House, ACT.* <https://pmtranscripts.pmc.gov.au/release/transcript-43209>



Professor Brendan Murphy, Secretary of the Department of Health:

“... the two vaccines [Pfizer, Astra Zeneca] ... are both very good at **preventing clinical COVID disease and particularly severe disease**... That’s going to **stop people getting clinically sick** ... Those original studies that were published, the phase III trials, are based around **prevention of clinical disease.**”



Professor John Skerritt, Therapeutic Goods Administration:

“We only will approve vaccines when we have enough evidence that **they work** and that **they’re safe.**”



Source: Federal Government (2021) COVID-19 vaccine ad. <https://amp.abc.net.au/article/13093168>



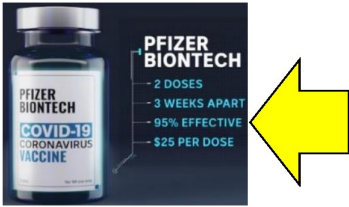
Greg Hunt, Minister for Health:

“We can be confident that every COVID-19 vaccine approved in this country will be **safe and effective.**”

Source: Media Release (4 Feb 2021) <https://www.health.gov.au/ministers/the-hon-greg-hunt-mp/media/greater-access-additional-10-million-pfizerbiontech-covid-19-vaccines?language=en>



ABC News:



Source: ABC News (25 Jan 2021) *The Pfizer vaccine has been approved for use in Australia. So what happens next?* <https://www.abc.net.au/news/2021-01-25/pfizer-vaccine-approved-in-australia-what-happens-next/13088184>

Vh. How do the self-made (manufacturer's) claims of its vaccine's safety compare to conclusions made independently - on the same data?

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Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine

Fernando P. Polack, M.D., Stephen J. Thomas, M.D., Nicholas Kitchin, M.D., Judith Absalon, M.D.,
Alejandra Gurtman, M.D., Stephen Lockhart, D.M., John L. Perez, M.D., Gonzalo Pérez Marc, M.D.,
Edson D. Moreira, M.D., Cristiano Zerbini, M.D., Ruth Bailey, B.Sc., Kena A. Swanson, Ph.D.,
Satrajit Roychoudhury, Ph.D., Kenneth Koury, Ph.D., Ping Li, Ph.D., Warren V. Kalina, Ph.D., David Cooper, Ph.D.,
Robert W. Frenc, Jr., M.D., Laura L. Hammitt, M.D., Özlem Türeci, M.D., Haylene Nell, M.D., Axel Schaefer, M.D.,
Serhat Ünal, M.D., Dina B. Tresnan, D.V.M., Ph.D., Susan Mather, M.D., Philip R. Dormitzer, M.D., Ph.D.,
Uğur Şahin, M.D., Kathrin U. Jansen, Ph.D., and William C. Gruber, M.D., for the C4591001 Clinical Trial Group*

CONCLUSIONS
A two-dose regimen of BNT162b2 conferred 95% protection against Covid-19 in persons 16 years of age or older. Safety over a median of 2 months was similar to that of other viral vaccines. (Funded by BioNTech and Pfizer; ClinicalTrials.gov)

What is the safety of 'other viral vaccines'? . . .

What about serious side effects?

Serious side effects from vaccines are extremely rare. For example, if 1 million doses of a vaccine are given, 1 to 2 people may have a severe allergic reaction.

Source: <https://www.hhs.gov/immunization/basics/safety/side-effects/index.html>

Pfizer analysis

Independent Reanalysis

Vaccine 40 (2022) 5798–5805

Contents lists available at ScienceDirect

Vaccine

journal homepage: www.elsevier.com/locate/vaccine

Serious adverse events of special interest following mRNA COVID-19 vaccination in randomized trials in adults

Joseph Fraiman^a, Juan Erviti^b, Mark Jones^c, Sander Greenland^d, Patrick Whelan^e, Robert M. Kaplan^f, Peter Doshi^{g,*}

Results: Pfizer and Moderna mRNA COVID-19 vaccines were associated with an excess risk of serious adverse events of special interest of 10.1 and 15.1 per 10,000 vaccinated over placebo baselines of

The serious adverse event range 10.1 to 15.1 per 10,000 equates to ~1 in 800 which is ~1,000 times higher than the 'extremely rare' typical vaccine rates (1 to 2 per million, underlined above).

Fraiman et al (2022) *Serious adverse events of special interest following mRNA COVID-19 vaccination in randomized trials in adults*. Vaccine 40, 5798-5805.
<https://doi.org/10.1016/j.vaccine.2022.08.036>

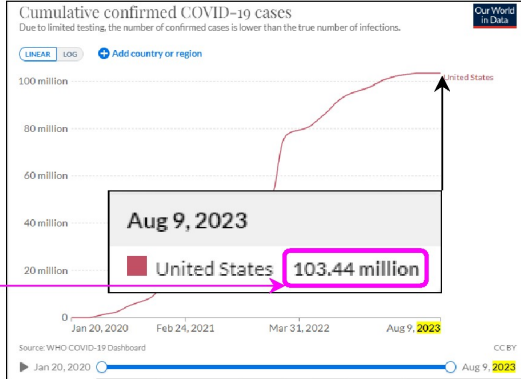
Vi. What does Government data show about actual (post mass-vaccinations) vaccine efficacy?

*Predicted*¹ ← Cases → *Actual*²

2020 prediction of Covid cases, based on:
 (1) Pfizer trial,
 (2) **claimed efficacy against infection 95%**,
 (3) U.S. population of 328,000,000.¹

| Group | Subjects | Infected | Infection Risk | If in U.S. population |
|---------|----------|----------|-------------------------------|-----------------------|
| Placebo | 18325 | 162 | $\frac{162}{18325} = 0.884\%$ | 2,899,645 |
| Vaccine | 18198 | 8 | $\frac{8}{18198} = 0.044\%$ | 144,192 |

Adapted (S-corrected) from NY Times (2020)¹.



Hospitalisations³

Table 3: NNV for prevention of hospitalisation for different programmes

| Age | Programme | | | |
|-----------------|-----------|---------------|-------------------|-------------------|
| | Primary | Booster (2+1) | Autumn 2022 boost | Spring 2023 boost |
| 5 to 11 | 34200 | | | |
| 12 to 15 | 31400 | | | |
| 16 to 19 | 11200 | 76000 | 73500 | |
| 20 to 29 | 13300 | 17600 | 40900 | |
| 30 to 39 | 9900 | 15300 | 35900 | |
| 40 to 49 | 10000 | 9600 | 20600 | |
| 50 to 59 | 3000 | 3000 | 8000 | |
| 60 to 69 | 1200 | 1000 | 3600 | |
| 70+ | 300 | 500 | 800 | |
| In a risk group | Primary | Booster (2+1) | Autumn 2022 boost | Spring 2023 boost |
| 20 to 29 | 2400 | 3400 | 7500 | 7500 |
| 30 to 39 | 1600 | 3100 | 7800 | 7800 |
| 40 to 49 | 2200 | 2500 | 6000 | 6000 |
| 50 to 59 | 800 | 1200 | 3100 | 3100 |
| No risk group | Primary | Booster (2+1) | Autumn 2022 boost | Spring 2023 boost |
| 20 to 29 | 19900 | 33900 | 168200 | |
| 30 to 39 | 21700 | 53800 | 210400 | |
| 40 to 49 | 21700 | 44900 | 92500 | |
| 50 to 59 | 10900 | 15800 | 43600 | |

Table 4: NNV for prevention of severe hospitalisation for different programmes

| Age | Programme | | | |
|-----------------|-----------|---------------|-------------------|-------------------|
| | Primary | Booster (2+1) | Autumn 2022 boost | Spring 2023 boost |
| 5 to 11 | 112200 | | | |
| 12 to 15 | 162600 | | | |
| 16 to 19 | 106500 | 193500 | 185100 | |
| 20 to 29 | 166200 | 418100 | 275200 | |
| 30 to 39 | 87600 | 188500 | 217300 | |
| 40 to 49 | 53700 | 40600 | 175900 | |
| 50 to 59 | 18700 | 16200 | 48300 | |
| 60 to 69 | 5700 | 9200 | 27300 | |
| 70+ | 2500 | 10400 | 7500 | |
| In a risk group | Primary | Booster (2+1) | Autumn 2022 boost | Spring 2023 boost |
| 20 to 29 | 11400 | 43500 | 59500 | 59500 |
| 30 to 39 | 10700 | 28600 | 40500 | 40500 |
| 40 to 49 | 9400 | 10600 | 49800 | 49800 |
| 50 to 59 | 5600 | 6100 | 18600 | 18600 |
| No risk group | Primary | Booster (2+1) | Autumn 2022 boost | Spring 2023 boost |
| 20 to 29 | no cases | no cases | 706500 | |
| 30 to 39 | 318400 | no cases | no cases | |
| 40 to 49 | 186800 | 190400 | 932500 | |
| 50 to 59 | 51600 | 107000 | 256400 | |

Interpretation example from Tables 3 and 4 above, 30 to 39 year-old age group:

NNV = Number needed to vaccinate. 'Primary' means 'vaccinated' in terms of first and second doses. With 'no risk' (not immunosuppressed) individuals, 21700 people would need to be double-dosed to prevent 1 'hospitalisation', and 318400 individuals to prevent 1 'severe hospitalisation'.

¹Young-Saver, D. (13 Dec 2020) *What Does 95% Effective Mean? Teaching the Math of Vaccine Efficacy.* <https://www.nytimes.com/2020/12/13/learning/what-does-95-effective-mean-teaching-the-math-of-vaccine-efficacy.html>

²OurWorldinData (Aug 2023) *United States: Coronavirus Pandemic Country Profile.* <https://ourworldindata.org/coronavirus/country/united-states> [Source data ex the WHO]

³UK Government (25 Jan 2023) *Appendix 1: estimation of number needed to vaccinate to prevent COVID-19 hospitalisation . . .* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1131409/appendix-1-of-jcvi-statement-on-2023-covid-19-vaccination-programme-8-november-2022.pdf

Vj. What does *Government* data show about *actual* (post mass-vaccinations) vaccine *safety*?

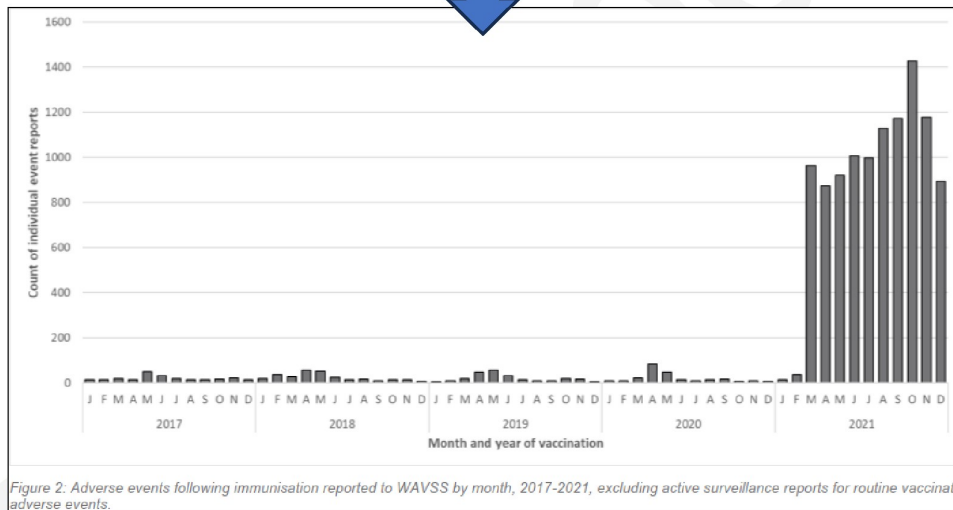
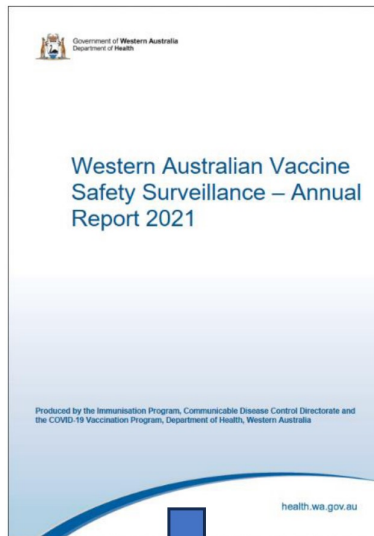


Figure 2. Adverse events following immunisation reported to WAVSS by month, 2017-2021, excluding active surveillance reports for routine vaccination adverse events.

Interpretation of above chart: In the Western Australian population, the rate of ‘adverse events following immunisation’ (AEFI) after COVID vaccines were rolled out from February 2021 was **24 x higher** than the rate of AEFI for all other (scheduled and influenza) vaccines combined.

From this report’s Executive Summary, AEFI event rates per 100,000 doses:

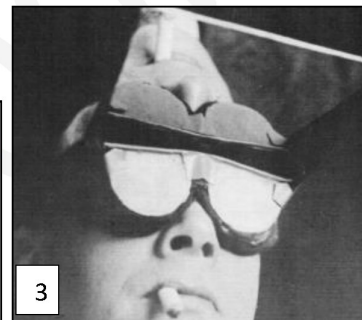
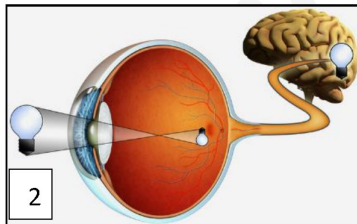
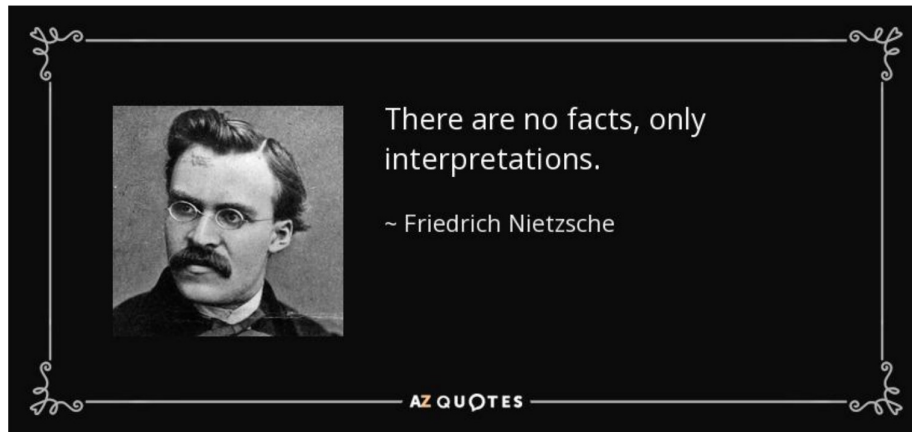
11.1 non-COVID-19 vaccines versus **264.1** following a COVID-19 vaccine.

From the report’s Table 15, reported cases non-COVID-19 vaccines vs COVID-19 vaccine include:

Chest pain **1/1,404** Palpitations **0/396** Pulmonary embolism **1/131** Pericarditis **0/401**
Myalgia **6/2,001** Death **0/87**

Source: Government of Western Australia (2023) *Western Australian Vaccine Safety Surveillance – Annual Report 2021*. Retrieve from: <https://www.health.wa.gov.au/~media/Corp/Documents/Health-for/Immunisation/Western-Australia-Vaccine-Safety-Surveillance-Annual-Report-2021.pdf>

20. Is there 'fact'/'fiction'/'fake'/'spin', 'information'/'misinformation', 'right'/'wrong', 'black'/'white', etc. or only our *interpretations* of these?



Fact? (1): Convex lenses *invert* light that passes through them, images appear inverted.

Facts? (2): The lens of the eye is *convex*. Light from objects arrives *upside-down* on the retina. Yet, we do not perceive the world we see as upside-down. The brain 'corrects'.

Fact? (3): In repeated experiments with prismatic inversion goggles (see Sachse et al, 2017¹) subjects 'see' the world upside-down, *initially*. But in time, the plastic mind *re-'corrects'*.

Paradox?: These 'facts' appear to demonstrate that what we *perceive* as 'facts' are 'in fact' just that, mere 'perceptions' or 'interpretations', by the brain. Throughout life the brain continually and iteratively processes and adapts based on a myriad of experiences unique to each individual, so that individuals may function in the correspondingly *unique interpretation* of the world as it *appears*, only in *their* 'mind's eye', to them.

¹Sachse et al (2017) "*The world is upside down*" - *The Innsbruck Goggle Experiments of Theodor Erismann (1883-1961) and Ivo Kohler (1915-1985)*. *Cortex* 92, 222-232.
<http://dx.doi.org/10.1016/j.cortex.2017.04.014>

Ugly Fact? Perhaps Huxley's quote is inaccurate and would be better modified: '*The great tragedy of science – the slaying of a beautiful hypothesis by an ugly interpretation*'.

**21. Are we in conscious control of what we believe, or *feel* we 'know'.
Or do we misinterpret, mislead, misinform ourselves?**

The following will be a one-time-only, unrepeatable experience. Read at normal speed. Don't skim, give up halfway, or skip ahead. As you read, ask yourself how you feel about the paragraph.

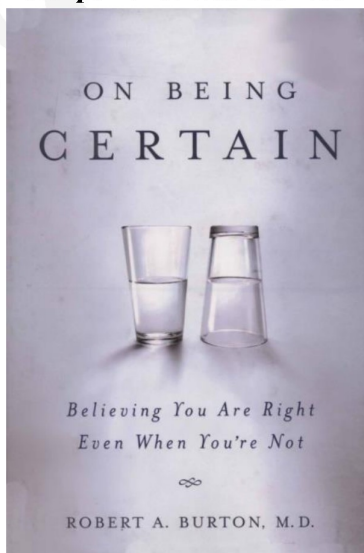
A newspaper is better than a magazine. A seashore is a better place than the street. At first it is better to run than to walk. You may have to try several times. It takes some skill, but it is easy to learn. Even young children can enjoy it. Once successful, complications are minimal. Birds seldom get too close. Rain, however, soaks in very fast. Too many people doing the same thing can also cause problems. One needs lots of room. If there are no complications, it can be very peaceful. A rock will serve as an anchor. If things break loose from it, however, you will not get a second chance.

Is the paragraph comprehensible or utterly meaningless? Can you conceive of even one potential explanation, or several, of what it may be about?

Now experience afresh (re-read, and see) what happens when you re-interpret it, after being presented with a single clarifying word: kite.

Suddenly everything fits; every sentence works and has meaning. Now it is impossible to regain the sense of not understanding. In an instant, without due conscious deliberation, the paragraph has been irreversibly infused with a 'feeling of knowing'. Though it could be about something entirely other - an abstract poem, a collage of fortune-cookie quotes - the mind now balks at possible alternatives. Reinterpreted information became 'knowledge'.

This experience was sourced from:

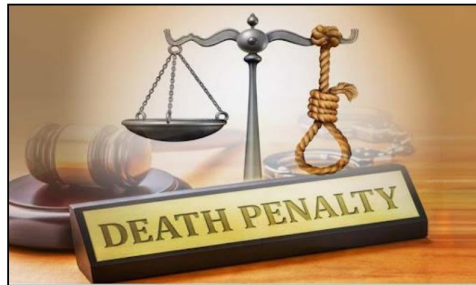


Perhaps a similar experience arose, ignorance switched to belief, when presented with water having **four** phases? But: what to believe if you learnt that that example was fabricated?

Conclusion 1: Attempting to *identify* let alone *control* 'misinformation' appears to be futile and irrational - as trying to lasso wisps of smoke.



Conclusion 2: No *institution* is a consistent source of credible information. They consist of *humans*. Humans are fallible, gullible, corruptible, ... etc.



Concluding Statements

This assessment questioned and tested ‘the bases’ of the Bill, and appears to lead to the conclusion that they are *invalid*. Any (further) debate, such as around who might decide what is ‘disinformation’ or ‘misinformation’, and how, is superfluous. The main body of this submission (above) demonstrates that such categorisations cannot be made with justifiable rationale.

Presented here was a compilation demonstrating that humans have been consistently incapable of distinguishing ‘information’ from so-called ‘misinformation’, that both entities interchange with one another, do so unpredictably (black swans, 9/11), or do so over extended time-frames (scientific research, same-sex relationships). Further, outlined is not just that this *is* the case, but introduced and explained here are some of many insurmountable reasons *why* this is the case, supported by particularly high-profile examples. This submission likewise shows that although some *institutions* might be regarded as ‘more authoritative’ than others, fundamentally, and *demonstrably*, there is little distinction between the ‘credibility’ of any sources of information. Not only do none ‘get it right’ all the time, or even most of the time, most get it wrong most of the time, even those deemed (superficially and arbitrarily) to be at ‘higher’ levels. This includes information-sources the Bill implies - by virtue of entities it defines as ‘excluded-content’-sources - as supposedly ‘credible’ if not faultless.

This submission introduced and explained numerous, typically insurmountable reasons as to how ‘information’ evolves, morphs, switches places with, and is therefore synonymous with and indistinguishable from so-called ‘misinformation’ and hence that: **‘misinformation’ cannot be identified with any confidence.**

- One’s ‘misinformation’ can be another’s ‘truth’ (and both/either may be **unprovable**; religion vs creation).
- ‘Misinformation’ can **flip** to ‘information’ (reality), and vice-versa, based on a single ugly fact (black swans, 9/11, etc.).
- To what extent something may be regarded as ‘true’ or ‘false’, information or ‘misinformation’, *depends*, and may *oscillate*. (Lindy Chamberlain, cholesterol, peptic ulcers, etc.)
- ‘**Misinformation**’ is abstract, variable, arbitrary, transient, **intrinsically intangible**. If not a firm belief, it shifts, like a switch, black-to-white, or through shades of grey (same-sex relationships).
- Stepwise evolution of information may develop through serial *amendments* to (cholesterol), or *reinforcements* of (climate change), pre-existing information, but a **single** (new) **ugly fact** can instantly flip all previous pre-existing Information to ‘Misinformation’; and ‘**legacy confusion**’ result.
- Opposite conclusions can, unsurprisingly, arise from opposing or at least different information/knowledge bases, even from the same data (books for vs against vaccination).

- More surprisingly, opposite conclusions can also arise from **identical** information, but different ‘perspectives’ or approaches, i.e. one’s information is another’s ‘misinformation’ (UHCL-1/Parkinson’s gene, Pfizer Phase 2/3 Covid-19 trial).
- Humans are exceptionally imprecise in their communications (claims inclusive of ‘minor’ slips in word choice, e.g. usage of wrong tense, can entirely change meaning from information to misinformation) .
- What we *think* we know, is eclipsed by far by what we don’t. And then some.
- We keep forgetting this.
- Individuals, ‘know’ (from personal observation) next to nothing. All other personal ‘knowledge’ derives from and may either assume or dismiss the accuracy and integrity of, information – in effect ‘hearsay’ – from others.
- Humans are fallible, therefore, if not - also - already Common Knowledge ...
- All sources of information (humans, and institutions - being comprised of humans) are also sources of misinformation and disinformation.
- ‘Consensus’ is a political construct, not a scientific concept (and required of juries but not some panels of judges).
- Much ‘belief’ as to what appears to be ‘information’ or ‘misinformation’, whether within those who might be regarded as ‘informed’ or ‘misinformed’, arises from being ‘uninformed’ i.e., ignorance. No surprise given the continuous overwhelming flood of new information that enters the world each moment, and the multiple opportunities for message to be distorted, (from observation to reporting, translating, sharing, etc.).

This submission likewise demonstrates that although some institutions might be regarded as ‘more authoritative’ than others, fundamentally there is little distinction between the ‘credibility’ of any individual sources of information. Not only do none ‘get it right’ all the time. Most get it wrong lots of the time, even at the deemed ‘highest’ levels, as summarised below:

- Analysed by peers, science community publications found to be as often wrong as right.
- Likewise, MediaWatch has highlighted countless failures by its peers, over 34 years.
- Trump, a US president, over 30,000 false or misleading claims in 4 years.
- When scrutinised, even the judiciary’s ‘success rate’ might be bettered by coin-tosses.

When I commenced compiling this submission, I, perhaps like many others, started with a host of personal preconceptions and biases, and intended to ‘go into battle’ defending or making a case for those. That is not, however, how this unfolded. What unfolded was an organic iterative process of contemplation, fact-finding, discoveries, and continuous revision and concerted self-critique. From this arose the insights, now shared here, that surprise even myself, (and which I find unsettling but concrete). The conclusions, and even the introduction, were *after-the-fact*. The insights led to them. Not the other way around.

The insights seem robust.

The conclusions seem inescapable.

The draft Bill appears to have no rationally defensible basis.

Dean Brooks

Appendix 1: Comments

As yet another example of some of the most fundamental contemporary information/belief disconnects in the world we currently live in:

In 2010, after merely drinking water from the same glass as a Muslim woman, Asia Bibi, a Christian, was sentenced to hang by the Islamic Republic of Pakistan on charges of blasphemy. Religiously-disparate societies result in the worst of relationships between entire nations - war.

Source: Bibi, A. (2020) *Free at Last: A Cup of Water, a Death Sentence, and an Inspiring Story of One Woman's Unwavering Faith*. BroadStreet Publishing Group, LLC.

"Th[e] Act is the *Communications Legislation Amendment 6 (Combating Misinformation and Disinformation) Act 2023*."

It is a bill claimed by its proponents to be aimed against so-called 'misinformation' and 'disinformation'.

The introduction to the bill itself (via link page 2) alerts readers, or *claims*, that -

"Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as to our democracy, society and economy." [whereas new powers under the Act are intended toward] *"balancing freedom of speech."*

With no less conviction, the exact opposite may be claimed:

Suppression of so-called 'misinformation' and 'disinformation' poses a threat to the safety and wellbeing of Australians, as well as to our democracy, society, scientific advancement and the economy, and threatens freedom of speech itself.

In other words, the bill reads as being against 'alternative views', even if they are merely *perceived* as being right or wrong, and therefore reads as being against: open debate; evidence as distinct from beliefs or agenda, and; the fundamental premise of science, that knowledge changes iteratively. In other words, and to be blunt about its enormity, it is a bill seemingly against freedom of speech, freedom of choice, informed consent, democracy, rational debate, and scientific debate, i.e., a mechanism by which whoever is in power might achieve, wield and impose dictatorial power.

In practice, according to the Australian Government (via link page 2), the legislation would enable “the Australian Communications and Media Authority (ACMA)” to “monitor” “digital platforms” and “enforce” “regulation”, in instances of compliance deemed “ineffective” by ACMA, and would “extend to NON*-signatories of the [existing] ‘VOLUNTARY’” [emphases added] “*Australian Code of Practice on Disinformation and Misinformation*”.

Yet, somehow, seemingly paradoxically given equivalent outcomes may be expected in practice, (again according to the Australian Government via above link):

“The ACMA will NOT [emphasis added] have the power to request specific content or posts be removed from digital platform services.”

(Text in quotes from: ACMA, 2021, *ACMA misinformation report. Fact sheet 1: key research findings*, <https://www.acma.gov.au/report-government-adequacy-digital-platforms-disinformation-and-news-quality-measures>).

*In other words, this bill would even extend to currently less strictly content-moderated “alternative social networks – such as Telegram, Gab, Parler and Rumble”.

Had such a law existed from long ago, many stark and beneficial changes that we currently enjoy may never have come about as debate on them may never have been facilitated:

- 'Alternative' women may still be being burnt at the stake for being deemed witches.
- Women may still not be permitted to represent as members of government.
- Women may still not be permitted to vote.
- It may still be regarded that "a woman's place is in the home".
- Slavery may be ongoing and each well-to-do white household may enjoy the unpaid services of one or many non-white slaves.
- We may still be a "white Australia", with all the racism, against all non-whites, that that entails.
- Aboriginal children may still be being stolen.
- We may have indefinitely and irreversibly polluted major national lands and waters, from just another of the world's growing count of nuclear power plant incidents that are uncontrollable.
- Same-sex relationships may still be outlawed.
- We may not have a multi-party system of government, but instead, rolling dictatorships - as we would be headed toward if such bills as this are passed.

Further, endorsement of such a bill would be a green light for whoever happens to be in power to do precisely what the bill itself is somehow intended to avert: not only censor information that is arbitrarily or deliberately deemed contrary or opposite to that desired or believed in by the power holder, but to also deliberately and targetedly produce information favourable to its own ends, including, for example, further erosion of basic human rights, via manipulated election information.

Differences of opinion drive curiosity, investigation, research, and thereby innovation, which helps grow economies. The opposite would see such stagnate or wither. If differences of opinion, belief, evidence, etc., did not exist, we would not need multiple parties in government, and one party would not be voted out in favour of another for strings of bad, wrong, and damaging decisions that were based on the likes of what may have been (merely *perceived* as) 'misinformation' or 'disinformation'.

Information is ultimately based upon opinion, belief and attitudes, not facts, evidence nor reason. Each of these change, with personal life experiences, epiphanies, and updated understanding of the world around us.

Irrespective of reasonings such as are provided above, the Universal Declaration of Human Rights, Article 19, states:

"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."

Source: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

Australia was an original signatory to the Human Rights in 1948, soon after World War II. Indeed, in 1945 Australia was among eight nations that drafted them.

Source: <https://humanrights.gov.au/our-work/publications/australia-and-universal-declaration-human-rights>

These Rights were compiled specifically in recognition of, and to avert repetition of, many inhuman atrocities and horrors inflicted upon men, women and children, including crimes against peace and crimes against humanity, whether during war or other grievous and injurious circumstances.

"Governments [] committed themselves to establishing the United Nations, with the primary goal of bolstering international peace and preventing conflict. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter, and nationality. The essence of these emerging human rights principles was captured in President Franklin Delano Roosevelt's 1941 State of the Union Address when he spoke of a world founded on four essential freedoms: freedom of speech and religion and freedom from want and fear."

Source: <http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm#:~:text=Documents%20asserting%20individual%20rights%2C%20such,of%20to day%27s%20human%20rights%20documents> .

Denying such Rights equates to denying the atrocities of war and of rogue states, and denying the millions of lives lost, including innumerable Australians who have fought against such entities and fought for or defended such rights.

Attempting to legislate against misinformation and disinformation equates to erasing democracy itself, since by default doing so effectively advocates for generally unaccepted alternatives that have caused wars, including propaganda and censorship.

Innovation drives prosperity and development. Innovation, by definition, arises through alternative ways. Alternative ways stem from alternative views. Views that might be regarded as 'alternative', irrespective of whether they might for a time be deemed anything from misguided to suspicious to misinformation to heresy, are a cornerstone of advances in knowledge, science, medicine and therefore, human society. History is full of examples where alternative views have yielded ordinary or extraordinary advances, despite for the period before they became accepted, it being indeterminate as to whether the views actually had merit, or not.

The potential is to undermine so much that we cherish and that our predecessors lobbied for, protested for, or fought wars to protect: freedom of speech, informed consent (in relation to medical interventions, for example), the scientific method, democracy.

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Dean Brooks
20 August 2023

Appendix 2: Standard of ‘Proof’

Within the Bill, enforcement, to be applied by ACMA, would be in the form of *civil* penalties. However, before alleged breaches may be escalated to court, in question is how ACMA would, or even could, *adjudicate* practically, fairly and impartially day-to-day. What **Standard of Proof** could *justifiably* be applied, by ACMA, in day-to-day operations?

Within Australia’s legal framework, two differing standards of proof are applied:

- (1) **‘on the balance of probabilities’** - in civil jurisdictions
- (2) **‘beyond a reasonable doubt’** - in criminal ones.

In criminal but not in civil matters in Australia, ‘presumption of innocence’ applies. Australia’s criminal justice system operates on the principle that it is more acceptable to *let a guilty person go free* than to *convict an innocent individual*.

Part 2.6 of the Criminal Code Act 1995 contains provisions regarding proof of criminal responsibility. In particular, section 13.1 provides that **the prosecution bears a legal burden of proving every element of an offence** relevant to the guilt of the person charged. [] Section 13.2 provides that a legal burden of proof on the prosecution must be discharged **beyond reasonable doubt**.¹ [emphases added]

However, the standard **‘beyond reasonable doubt’** has many limitations. For one, it demands that judgments (by judge or jury) are made on the basis that there is **no other ‘reasonable’ (or ‘logical’) explanation**. In practice, arriving at judgments in many cases is highly subjective, contingent on many factors. These include human factors, external pressures, the cogence of arguments made², and individual interpretations as to what the caveat-connoting verbs ‘reasonable’ and ‘logical’ equate to.

Further, the presumption of innocence is contained in, and may be removed via instruments in article 14(2) of the *International Covenant on Civil and Political Rights* (ICCPR).

Under article 4 of the ICCPR, countries may take measures **derogating** from certain of their obligations under the Covenant, including the right to the ‘presumption of innocence’ in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed.¹

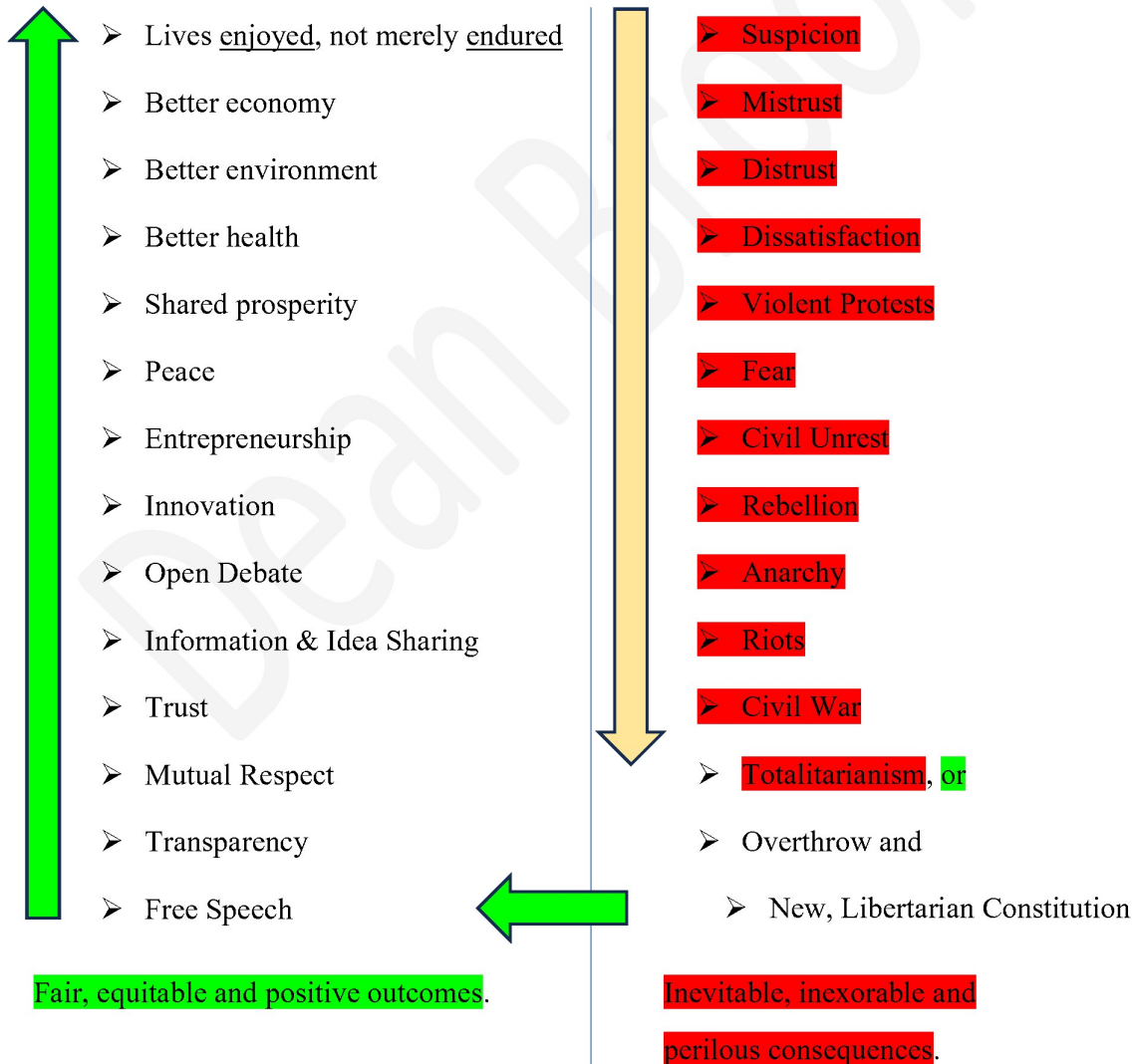
¹ Australian Government Attorney-General’s Department (nd) *Presumption of Innocence*: <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/presumption-innocence>

² Williamson, O.M. (2018) *Master List of Logical Fallacies* <https://utminers.utep.edu/omwilliamson/engl1311/fallacies.htm>

Appendix 3: History Illustrates - Paths Chosen Dictate the Quality of Lives

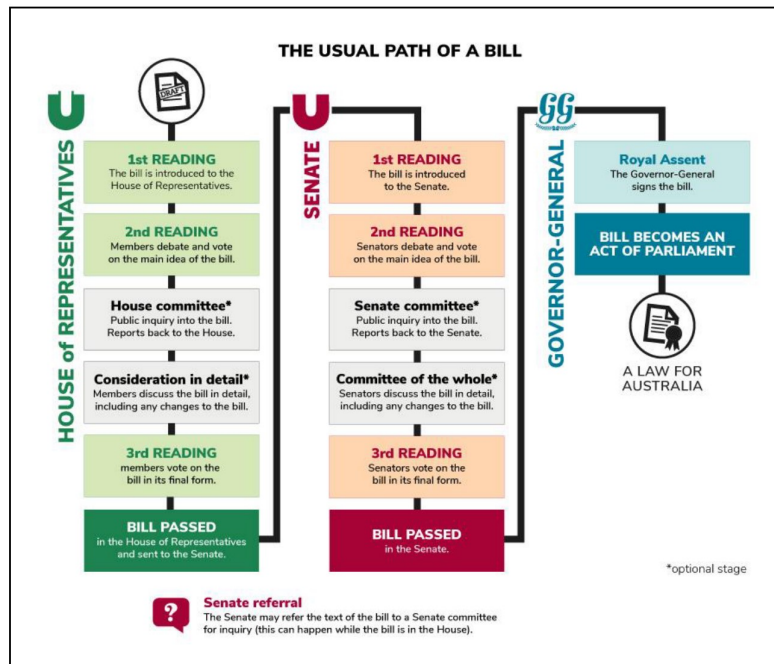
Free Speech

Censorship



Map Source: <https://worldpopulationreview.com/country-rankings/dictatorship-countries>

Appendix 4: Miscellaneous



Alternative reference source (full-article link):

Sachse et al (2017) "The world is upside down" - The Innsbruck Goggle Experiments of Theodor Erismann (1883-1961) and Ivo Kohler (1915-1985). Cortex 92, 222-232. http://www.allgemeine-psychologie.info/cms/images/stories/allgpsy_pub/Cortex%20The%20world%20is%20upside%20down.pdf

Report to government on the adequacy of digital platforms' disinformation and news quality measures

<https://www.acma.gov.au/report-government-adequacy-digital-platforms-disinformation-and-news-quality-measures>

ACMA, 2021 Report, Fact sheet 1:

"A small number of celebrities, politicians and prominent influencers exert an OUTSIZED [emphases added] influence over COVID-19 narratives in Australia."

Such a statement seems to reveal an apparent belief that somehow weight of numbers, i.e., 'consensus' as distinct from 'minority' stance, matters. And it often may. But that is far from always being the case. Such belief is unsupportable. Countless examples exist in history where the 'majority'/'mainstream'/'establishment' ended up proven wrong, by just a few individuals, if not just one, (at age 16 Albert Einstein, a nobody, dropped out of school, then became a somebody), or where (to paraphrase Thomas Huxley), an entrenched hypothesis, belief, or 'dogma', became void with the arrival of a single ugly contrary fact.