

MAD attack on free speech must be resisted

FamilyVoice's concerns about laws on misinformation and disinformation and the threat of a Digital Dark Age

A "MAD" approach to managing social integrity

The suitably nicknamed "MAD" proposal, properly titled the *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2024*, was temporarily withdrawn from the Federal Parliament after a majority of Coalition and independent Senators rejected the Labor amendments to the Online Safety Act, as they believed it would insert a chilling effect on free speech. The Bill empowered the Australian Communications and Media Authority to issue large fines to social media platform operators if they did not censor or downgrade so-called misinformation and disinformation. This mad approach to managing social integrity may well erase some of the more strident instances

of falsehood (such as the danger of the dreaded bunyip in the River Murray) but it will also effectively cancel legitimate expressions of concern that do not enjoy politically-correct endorsement.

As part of its commendation of this so-called attempt to protect society from harm, the federal government made the following claim, when the bill was referred to a Senate inquiry:

The bill proposes to amend the Broadcasting Services Act 1992 and would make consequential amendments to other Acts to establish a new framework to safeguard against serious harms caused by misinformation or disinformation.

The bill would provide the Australian Communications and Media Authority (ACMA) with new regulatory powers to require digital communications platform providers to take steps to manage the risk that misinformation and disinformation

on digital communications platforms poses in Australia. These would include obligations on providers to assess and report on risks relating to misinformation and disinformation, to publish their policy in relation to managing misinformation and disinformation, and develop and publish a media literacy plan.

The bill would also provide ACMA with new information gathering, record keeping, code registration and standard making powers to oversee digital communications platform providers.¹

Vigorously opposing the legislation in its submission to the inquiry, FamilyVoice Australia made the following points which are reproduced as follows, to reinforce the many concerns about freedom that are now a reality, in the hope that a future parliament will see fit to scrap the legislation entirely.

Threat to freedom of speech

One of the most significant characteristics of the human race is our capacity for speech. Through speech people are able to share ideas, discover truth, form communities and develop nations.

Human history, including the development of civilisation, owes much to the knowledge, inventions and culture made possible by the capacity of the human species for elaborate speech.

In the development of modern democratic societies, freedom of speech is seen as a natural right arising from the intrinsic nature of humanity and beyond the authority of governments. This is in contrast with legal rights that are bestowed by governments.

Democratic society considers freedom of speech or expression to be one of our most cherished freedoms. The essence of freedom of speech is not merely the freedom to express ideas, but the freedom to disagree, dispute or cause controversy – an idea often witnessed in our political arena. Indeed, a right not to be offended would stifle legitimate debate and limit political freedom – an important concept in a functioning democracy. Speech also includes expression of personal beliefs which might not be supported by evidence, and may be controversial, leading to robust debate.

Given the importance of free speech, it is deeply concerning that the Federal government is proposing what it terms the *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2024*, but what is more appropriately called a “Censorship Bill”.

The Bill will have a chilling effect on free speech. *The Australian* has reported on the concerns of the Victorian Bar Association in this regard:

The Victorian Bar Association says Labor’s revamped legislation combating online misinformation will undermine free speech by encouraging “chilling self-censorship” and stifling discussions of “sensitive or controversial” views.

The body representing Victorian barristers said the bill posed a risk that content concerning “political, philosophical, artistic or religious topics” that contains a combination of fact and opinion could

be captured by the bill and curtail free expression.

While acknowledging the importance of addressing false and harmful information online, the association said the legislation would ultimately be “ineffective and unworkable in responding to the harms to which it is purportedly directed”, and advised it should not be enacted in its current form.

The legislation, which will grant the Australian Communications and Media Authority heightened powers to fine tech giants millions of dollars for hosting “harmful” misinformation or disinformation, has also been criticised for its “over-broad” definitions.

... It also cautioned that users would be motivated to self-censor.

“The bill’s interference with the self-fulfilment of free expression will occur primarily by the chilling self-censorship it will inevitably bring about in the individual users of the relevant services (who may rationally wish to avoid any risk of being labelled a purveyor of misinformation or disinformation),” the submission said.

The association also warned that targeting content produced by fringe online communities was unlikely to address the “social problems animating the dissemination of false information”.

“It is widely accepted in liberal democratic societies that it is better to fight information with information and to attempt to persuade rather than coerce people towards positions grounded in evidence and fact,” the submission said.²

But it is not just the risk of individuals self-censoring. There is also the self-censorship which social media companies will impose on Australian users to avoid the risk of incurring huge fines, which Justin Quill pointed out when speaking about a previous version of the Bill:

In short, the bill proposes enormous powers be given to the Australian Communications and Media Authority to force social media companies such as Meta or Twitter to take down posts or tweets that ACMA, in its apparent all-knowing wisdom, decides is false and causes serious harm.

If the information deemed “false” is not taken down, these companies face fines of billions of dollars. No, that is

not a misprint, they could face fines in the billions because these fines can be up to five per cent of a company’s global turnover, which for Meta could mean a fine of over \$8 billion given the company’s global turnover is around \$170 billion.

With such huge fines there is a very real risk that social media companies will remove content which is legitimate political material.

What is “misinformation” or “disinformation”?

“Misinformation” and “disinformation” are defined in the Bill as, inter alia, content which “contains information that is reasonably verifiable as false, misleading or deceptive”.³ However what content is “false, misleading or deceptive” is highly subjective. The COVID lab leak theory was once considered a fringe theory but has gained increasing acceptance. In March 2023, Nine News reported:

FBI Director Christopher Wray has acknowledged that the bureau believes the COVID-19 pandemic was likely the result of a lab accident in Wuhan, China.⁴

Sky News Australia reported:

Information relating to the Wuhan lab and the origin of COVID that was once censored and dismissed as a conspiracy has now been laid bare in black and white, according to Sky News host Sharri Markson. Ms Markson said all of the declassified intelligence was first uncovered on Sky News, The Australian, The Daily Telegraph and in her book: ‘What Really Happened in Wuhan’. “The reason I’m talking about this tonight is ... because it clearly shows why a new move by the Albanese government is extremely dangerous,” she said. Social media companies will be fined millions of dollars if they allow the spread of disinformation and misinformation on their platforms in a new crackdown by the Albanese government, a move Ms Markson labelled as “Orwellian style laws”. “I’m sorry, but who decides what is misinformation? This is extremely dangerous,” Ms Markson said.⁵

Peta Credlin has also highlighted the highly subjective nature of determining what is misinformation when discussing a previous iteration of the Bill:

Under the Combating Misinforma-

tion and Disinformation Bill, the Australian Communications and Media Authority will be empowered to penalise online platforms that allow the propagation of what ACMA considers “misinformation” (which is false) or “disinformation” (which is deliberately false), if it has the potential to create “serious harm”.

But harm is essentially whatever some faceless bureaucrat thinks might be damaging at any given time. A good example is that back in June 2021, when ACMA first recommended this bill, what it then regarded as harmful was any dissent from governments’ pandemic policies, especially on lockdowns and vaccinations.⁶

In the United States of America, the Hunter Biden laptop story is an interesting example of censorship of content claimed to be misinformation:

Hunter Biden story is Russian disinfo, dozens of former intel officials say

... More than 50 former senior intelligence officials have signed on to a letter outlining their belief that the recent disclosure of emails allegedly belonging to Joe Biden’s son “has all the classic earmarks of a Russian information operation.”

The letter, signed on Monday, centers around a batch of documents released by the New York Post last week that purport to tie the Democratic nominee to his son Hunter’s business dealings. Under the banner headline “Biden Secret E-mails,” the Post reported it was given a copy of Hunter Biden’s laptop hard drive by President Donald Trump’s personal lawyer Rudy Giuliani, who said he got it from a Mac shop owner in Delaware who also alerted the FBI.

While the letter’s signatories presented no new evidence, they said their national security experience had made them “deeply suspicious that the Russian government played a significant role in this case” and cited several elements of the story that suggested the Kremlin’s hand at work.

“If we are right,” they added, “this is Russia trying to influence how Americans vote in this election, and we believe strongly that Americans need to be aware of this.”

Nick Shapiro, a former top aide under CIA director John Brennan, provided

POLITICO with the letter on Monday. He noted that “the IC leaders who have signed this letter worked for the past four presidents, including Trump. The real power here however is the number of former, working-level IC officers who want the American people to know that once again the Russians are interfering.”⁷

With so many former intel officials confident that the laptop emails were Russian disinformation it must surely be true? Wrong – which news outlets, such as the New York Times, belatedly admitted. Miranda Devine reported:

There has been a lot of crowing this week about the fact that the New York Times has finally come clean and admitted Hunter Biden’s laptop saga is not Russian disinformation. It’s real.

You don’t say.

This old bombshell was buried in the 24th paragraph of a story buried on page 20 of the newspaper, but at least the Grey Lady’s readers now know something that readers of The Daily Telegraph and the New York Post knew 17 months ago.

It is an indictment of the Times and a betrayal of their readers who were kept in the dark about the true nature of Joe Biden before the 2020 election.⁸

But in the meantime, the story had been heavily censored by Twitter (now X) which was acknowledged by Twitter’s former head of trust and safety Yoel Roth as a mistake.⁹ The Hunter Biden laptop story is a cautionary tale about having a type of ‘Ministry of Truth’ deciding what is and isn’t misinformation. In this instance, the claims that the laptop emails were Russian disinformation turned out to be misinformation.

Aspects of the Bill which target matters around sex and sexuality, such as section 14 which defines “serious harm” to include “vilification” of a group on the grounds of sex, sexual orientation and gender identity are of particular concern given falsehoods promulgated by LGBT ideology.¹⁰

The idea that a person can change their sex is nonsense, as has been pointed out by Professor Lord Robert Winston:

I will say this categorically, that you cannot change your sex. Your sex actually is there in every single cell in the body.

We are very confused about this unfortunately and regrettably, it’s got into this argument that people will now accuse

me of being transphobic.

Unfortunately you can’t say this publicly, this is one of the big problems. Even saying this on this programme undoubtedly will result in my getting a huge amount of hate mail, it always does.

It does affect a whole lot of issues in schools and elsewhere in our society. Of course we should accept people as they are.

Overall I think it’s a very sad thing that we can’t discuss biological science without actually getting completely caught up emotionally in something that is just really completely wrong.¹¹

Neither hormone treatment nor surgery can actually change a person’s sex. This is a lie and pure fantasy. Australian resident Alan Finch, who decided at age 19 years to transition from male to female and had genital surgery in his 20s, later regretted this action which he described as “genital mutilation”. At age 36, he told *The Guardian* newspaper in 2004:

transsexualism was invented by psychiatrists... You fundamentally can’t change sex ... the surgery doesn’t alter you genetically. It’s genital mutilation. My ‘vagina’ was just the bag of my scrotum. It’s like a pouch, like a kangaroo. What’s scary is you still feel like you have a penis when you’re sexually aroused. It’s like phantom limb syndrome. It’s all been a terrible misadventure. I’ve never been a woman, just Alan ... the analogy I use about giving surgery to someone desperate to change sex is it’s a bit like offering liposuction to an anorexic.¹²

In 2021, Walt Heyer, a man who previously identified as a woman, told a FamilyVoice webinar:

As a male biologically, I came to the conclusion that when the sperm hits the egg, that is the end of the game. Your gender sex is fixed and innate and unchangeable from the time the sperm hits the egg and here we are, a lot of people are trying to say that that doesn’t happen, but biologically and scientifically speaking it’s fixed and unchangeable from the point of that sperm hitting the egg.

So we’re having a discussion about trying to change something that the sperm in the egg has set in motion scientifically, biologically and medically speaking.

People taking hormones like I did, or undergoing surgery, as a court document

Reality	Woke falsehood
Men cannot get pregnant	Men can get pregnant
Men cannot get periods	Men can get periods
Men cannot be lesbians	Men can be lesbians
There are two genders	There are unlimited genders
You cannot change your sex	You can change your sex



that I have on record, the surgeon who performed my surgery and one of the authors of the standards of care for transgender care, signed off on in superior court of California, acknowledge in that document to the court that you cannot change a male into a female no matter how much surgery no matter how much hormones.

The only thing that they acknowledged was that you can neuter, they use the word neuter, however your inter-morphology never changes. And what we know today from research is that there are 6,500 unique genes that differ between male and female and in those genes are unchangeable just like when the sperm hit the egg, those things are fixed and unchangeable.¹³

Will it be considered misinformation to state the facts in the above "Reality verses falsehood" table because they are "harmful" towards gender-confused men? Will it be considered misinformation to make the statements in the left column but not the right given they depart from LGBT orthodoxy?

The clampdown on those who dare to dissent from radical gender ideology is not far-fetched but is already happening, as a Norwegian lesbian discovered:

A Norwegian woman could spend up to three years in prison for saying that men are not able to be lesbians.

On November 17, Tonje Gjevjon was told that she was being investigated by the police over hate speech because of a

Facebook post that criticized men who said they were lesbians.

Gjevjon is a lesbian artist who has faced intense pushback for standing up for women. In her post, she also criticized transgender activists who try to prosecute women who are against gender ideology.

"It's just as impossible for men to become lesbian as it is for men to become pregnant," Gjevjon wrote. "Men are men regardless of their sexual fetishes."¹⁴

Men cannot have babies, nor can they be lesbians, but that is what extreme gender ideology would have us believe. It is inevitable that the more governments promote the gender lie that you can change your sex, the more they will seek to suppress those who speak the truth. The Bill will aid this type of censorship.

Conclusion

Freedom of speech is one of our most cherished freedoms. The essence of freedom of speech is not merely the freedom to express ideas, but the freedom to disagree, dispute or cause controversy.

Whether content is misinformation or disinformation is highly subjective and can be completely wrong, as was the case with Hunter Biden's laptop.

The Bill will have a chilling effect on free speech with both individuals self-censoring themselves and social media companies censoring individuals. The Bill is bad legislation and should be opposed.

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