

Subject: Regarding the new Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023.

To whom it may concern,

I never thought I'd live to see the day when a western democracy, in this case Australia, would propose draconian online censorship laws and portray it as something positive and just. Because that is exactly what this new Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 is, namely a draconian new censorship law.

Just the idea that a government or Commonwealth agency should have the right to determine what is misinformation and what is not and have the power to compel its citizens to remove said "misinformation" is frightening. It's what dictatorships do and it's all about control. To control the narrative by silencing troublesome voices in order to hang on to power.

Because what is misinformation and disinformation except a euphemism for information that "we" don't like?

The ruling Chinese communist party will label any suggestions that the origin of Covid-19 is a result of a lab leak as misinformation. This was also the position adopted by most news corporations in the west in the early stages of the pandemic. Any individual who hinted that there was some validity to this theory was either ridiculed or censored, or both. But we now know that the lab leak theory is the most likely scenario, something that FBI director, Christopher Wray confirmed a few months ago.

Would ACMA also have labelled the lab leak theory as disinformation and punished those who claimed otherwise? My guess is that they would, and with the introduction of this new bill, provided it goes ahead, they will have the authority to do so.

People in Australia and abroad who expressed concern about the Covid-19 vaccines and the measures imposed by the federal and state governments were also accused of spreading misinformation. We now know that it was the other way around, that it was in fact the government that was peddling

misinformation. Their claims that the vaccines were safe and effective, that they gave recipients full immunity and stopped the spread of the disease have been proven to be incorrect in a multitude of peer reviewed medical studies. Medical professionals in Australia were even told that they could lose their medical licence if they contradicted the government's incorrect official narrative or jeopardised the vaccine rollout.

In a freedom of information request made by senator Alex Antic, the secretary of the Department of Home Affairs, Michael Pezzullo revealed that close to fourteen thousand take down requests had been sent by his department to various social media companies from January 2017 to December 2022. Clearer proof that the government and its departments will have no qualms in the future about pressuring ACMA to remove content that they don't like is hard to find. And there is no reason to doubt that the new laws will not be enforced with the same enthusiasm and gusto.

This is even more chilling when we take into consideration that various leading members of the government, including the current prime minister himself, are labelling any opposition to the Voice as misinformation/disinformation. Will these new laws be used to silence critics of this campaign in the lead up to the referendum scheduled to be held later this year? It's not an unreasonable question to ask.

Another chilling effect of these new laws is that individuals who engage in online discourse, as well as the social media companies themselves will begin to engage in even stricter self-censorship than is the case today. This will be done to avoid running afoul of the new laws and potential criminal prosecution. This will further curtail the already fragile position free speech has in this country.

If these new laws get the green light, we'll see a handful of people employed at ACMA banning factual information from being promulgated freely on the internet and on social media platforms, and actively promoting incorrect information that the government and others that share their views find favourable. Because the government can freely spread misinformation given that they have demanded exemption for themselves from the draconian laws that they wish to impose on everyone else. It's a case of "freedom of speech for me, but not for thee".

These new laws are also self-contradictory. Let's take a hypothetical example.

Person A attends a public event. He records a speaker giving a lawful speech at the event and decides to upload it to his personal website. ACMA then learns of the recording, deems it to be misinformation and orders person A to remove the content. Person A refuses to do so on the grounds that this request violates his right to free speech. ACMA then decides to issue a penalty and threatens him with further actions if he doesn't relent. In the worst-case scenario, based on the draft legislation, person A could even end up in prison (12-month prison sentence - Section 22 - Giving false or misleading information or evidence). This punishment would thus be meted out for uploading a speech that is legal under Australian law, meaning that the person giving the speech at the event would not be prosecuted. Where is the logic in that?

What this all boils down to is that a person recording an individual, or himself engaging in lawful speech can be punished if he uploads said lawful speech to a website or a social media platform. Does ACMA see the giant contradiction here? If this was ever challenged in a court of law, the court would either have to exonerate person A, or decide to treat person A and the person giving the speech in a similar manner, namely punishing the speaker as well as person A. There simply cannot exist a law against uploading lawful speech to the internet on the grounds that it constitutes "disinformation".

ACMA is a non-elected organisation, meaning that the public has no say in who sits on its board. But still, ACMA wants to be given the power to decide what people in Australia are and are not allowed to say on the internet. This is undemocratic overreach on steroids. A handful of unelected board members deciding what is acceptable and what is unacceptable speech. This is not what Australia needs. We don't need the government, the Commonwealth, and their agencies to strip us of even more rights. It should be the other way around. They should be focused on getting rid of the existing restrictions that have been placed on free speech in this country.

In an ideal world, the Australian government would mandate the creation of a bill of rights. This bill of rights would include the guaranteed right to freedom of expression, including the same provisions as the ones found in the 1st amendment in the USA. Furthermore, provisions would be made to make it a criminal offence for any politician or bureaucrat to try to change, or dilute the rights included in this bill. Hate speech, misinformation, disinformation etc. is just speech that those in charge don't like to hear.

If this law goes ahead, Australia is truly heading down a sinister and very dystopian path. And God knows where it's going to end, because we will not be allowed to protest against any of these anti-democratic measures online as that could be construed as "misinformation" and be a violation of the new laws.

I strongly urge those who have the power to do so to scrap this horrible new bill and instead work actively on improving the current freedom of speech laws in Australia. As long as people risk being hauled before a court for engaging in political speech, we don't have freedom of expression. And to think that some want to curtail our right to speech even further is hard to fathom. As long as there are restrictions placed on freedom of expression, whoever is in charge gets to define what is and what is not acceptable speech. And in a democracy no one should have that kind of power. This is why Australia needs a bill of rights.

I'll finish with a quote from George Orwell that sums up my thoughts on the matter.

"If liberty means anything at all it means the right to tell people what they do not want to hear."

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My submission can be made public. However, I do not wish my email address, phone number or postal address to be publicised.