

To: The Department of Infrastructure,
Transport, Regional Development,
Communications and the Arts,
GPO Box 594
Canberra ACT 2601

Re: New ACMA powers to combat misinformation and disinformation (the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023)

Dear Officer,

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts have invited the public to give feedback on a draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. I am making a submission while it is still legal for me to have and publicly express an opinion. If the Bill is passed in its current form, the Australian Communications and Media Authority (ACMA) would have the power to erase my opinions from social media and potentially bring prosecution for holding such opinions. This is simply unfathomable in a supposed first world democracy and the Bill in its current form is open to extreme abuse.

Australia is a signatory to both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).

Article 19 of the ICCPR – Freedom of Expression states that:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

We have already seen in Australia the abuse of vilification laws that were supposedly designed to protect individual rights where people have been prosecuted, fined and even imprisoned for the “crime” of offending others. We have become so weakened as a society that being offended is now deemed a personal injury and is open to compensation. This goes far beyond the intent of paragraph 3 in protecting rights and reputations.

We have seen the abuse of COVID era laws to threaten, silence, arrest and prosecute those who spoke publicly in defence of recognised civil liberties and those who pointed out some of the absolute absurdities of decisions made by individuals in authority. There are many Australians who are still wading through the abuse of the court process for their “crimes”.

This has been a recent blight on the history of Australia and will stay a blight for as long as the history books are not erased and rewritten to suit an agenda.

Freedom of speech is a cornerstone of a free society and until recently, was recognised as such by all free societies. To say that the idea is now slipping away is an understatement. George Orwell would be horrified to find that his fictional tale, *1984*, and its twisting of the meaning of words has now become a fact in Australia in 2023. In recent years we have seen an explosion of governmental overreach into our daily lives and Big Brother has extended its reach to the tech world and social media. We are monitored at every turn and anonymous “fact” checkers get to determine what is true and what is not. They get paid to trawl through social media and erase anything that is not on their approval list. They shadow ban, block and delete accounts that do not toe the approved line. This is censorship of thought, opinion, ideas, discussion and disagreement.

In a supposed free society, why are we not free to have different opinions?

In a supposed free society, why are we not free to disagree with what the government deems to be true?

Senator Alex Antic recently tabled in federal parliament the many ways that the government and in particular, Facebook, had tampered with public posts that were deemed to be misinformation during the COVID era. The fact they were proven to be correct information after the fact does nothing to change the fact that they were all falsely accused and removed. Correct information was denied a public hearing because some faceless, nameless paid “fact” checker decided so.

So now, instead of addressing or fixing this issue, the Albanese government has proposed the Combatting Misinformation and Disinformation) Bill 2023 which will give even greater power for public information and discussion to be shut down and those who speak up to be prosecuted. That reeks of authoritarianism and has no part in Australian society. It is more akin to governments in Cambodia or China where those who speak up against the government narrative are punished and eventually even disappear.

I note with great cynicism that the Albanese government has given themselves a free pass along with their paid mates in the mainstream media, but there is no such protection for the independent media. The hallmark of a free society is a free press and freedom of speech for all. Clearly the Albanese government does not wish Australia to maintain a free society as they seek to muzzle and cut off all dissent.

This is an extremely dangerous bill and has no place in a free society. If Australia is to remain a free society (and that is currently debatable), this Bill must be thrown out entirely.

Yours sincerely

Lynette Bayakly

████████████████████
████████████████████