

Response to Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

I am writing to give my feedback on the proposed legislation amendment in regards to the power that Australian Communications and Media Authority, a Government organisation, will have in determining what is truth is or what they deem to be dis or misinformation for on-line services.

I am opposed to this proposed legislation for the following reasons

1. I believe that this legislation is an attack on free speech. For any functioning democracy, the bedrock of democracy is free speech. To INSTALL official arbitrators of what is acceptable speech or ideas is an attack on core democratic principles. Why does the Australian Government want to have 100% control of what is said or thought about on-line? The proposed legislation is an attack on Australia's obligations to safeguard freedom of speech and freedom of expression.
2. Like the telephone or electricity, which are utilities, on-line social media services are an essential part of modern life and are treated as a utility. Social media has become an essential way to communicate and described as the modern town hall. The proposed legislation will stifle free speech activity on these sites. Doesn't the Australian Government want to ensure robust environment that facilitates freedom of speech and that everyone shall have the right to hold opinions without interference?
3. What will happen to independent news sources, bloggers, citizen-journalist? Like a nuclear bomb, the proposed legislation will crush independent voices and create a barren landscape. The extensive list of harms identified (pg.6) in the legislation document will put a chill in anyone wishing to discuss or even criticise the government narrative. The interpretation of what is harmful will align with the government's narrative. For instance, that global warming is real, or that men with penises can be women and that it will be harmful to say otherwise, The Legislation will be literally a kill-bill for the plethora of voices that should have a right to free speech, MUST have the right to a different opinion, to debate, to offer alternative expertise.
4. There is no examples of how severe or otherwise, the harm would be, so that it is very much open to interpretation, possibly decontextualized and open for abuse.
5. The proposed legislation will DEFINATELY permit intense surveillance of peoples' social media. Who will be doing the checking? Will it be outsourced to fact checkers who as it has been seen during covid era, who were not impartial and worked for organisations such as the [REDACTED]
[REDACTED]
[REDACTED]

Having Fact Checkers working for specific interest groups, i.e Pfizer, there was NO impartiality in the approach by fact checkers, and more often than not, they were deployed to discredit alternative voices to the government or Big Pharma narrative. <https://www.ebu.ch/news/2020/03/trusted-news-initiative-announces-plans-to-tackle-harmful-coronavirus-disinformation>

6. During this period, the fact checkers were used to denounce any alternative ideas about lockdowns, and effectively they were really used as instruments of propaganda. The effectiveness of this propaganda meant that those who disagreed with the Narrative were singled out and ostracised. There was no room for debate. <https://www.cbc.ca/player/play/1996653635670> This led to a real division in society and had all the hallmarks of a two-tiered society where like in Nazi Germany, one group of people turned against another group of people. The lack of tolerance was State-sanctioned and created great harm to all people.
7. We saw this during COVID, that the police were checking social media posts and where for instance, a pregnant woman was arrested for posting to Facebook. This legislation invites this kind of abuse to citizens, which is 100% politically motivated. It is shocking to see that in a democratic society, that the rule of law becomes redundant as there is no due process, no checks and balances. The legislation gives unprecedented power to the government to criminalise citizens, arrest them and even have their bank accounts frozen. Why does the Albanese government want to criminalise free speech? <https://www.theguardian.com/australia-news/2020/sep/03/victoria-police-arrested-pregnant-woman-facebook-post-zoe-buhler-australia-warn-lockdown-protesters>
8. Government or their proxy organisations, including the governments designated news outlets (**professional news content**), will be exempted from this legislation and consequently will become the SOLE authority in determining what can and cannot be said, and arbitrators of what is dis or misinformation. Unless you are an accredited journalist or government, free speech will be crushed for fear of punishment of having harmed undisclosed others. This creates a situation where there are the official bearers of truth, an elite group and the rest of the population as an underclass of a subservient dumb underclass, who are too stupid to know what is 'right-speak'. The legislation assumes that people are unable to think for themselves.
9. This will create an environment where anything other than the government narrative will be potentially criminalised. An example of this was during COVID where there was no possibility for debate about the efficacy of the vaccine or other treatments. Eminent doctors such as Jay Bhattacharya, MD, PhD, Martin Kulldorff, PhD and Sunetra Gupta, PhD authors of the Great Barrington Declaration (GBD), were ridiculed, denounced and ostracised and even removed from having a public discussion. Mainstream media were the mouthpieces for this denouncement as they

suppressed open discussion of ideas that contradicted the official government narrative. The US government worked with Twitter to suppress the accounts of these scientists and their accounts were permanently suspended.

<https://www.independent.org/news/article.asp?id=14366>

10. Under the definitions of **Misinformation and disinformation 5** it is written that it is an offence if the (a) the content contains information that is false, misleading or 8 deceptive;

Using the example of the GBD, under the proposed legislation it would have been deemed “**false, misleading and deceptive**”. The doctors involved in this, would have certainly been penalised by ACMA. There would have been no room to have a discussion or debate, to offer alternative approaches.

This is one of many examples of government overreach using media and social media to suppress or terminate accounts of renowned scientists simply because they did not follow the narrative as set by the government.

11. The Government said that the science was settled, that lockdowns were necessary, that businesses and schools must close, that there was no alternative to taking the vaccine. The doctors’ ideas via the GBD were deemed by the government to harm others but it turned out that was not the case at all and three years later were vindicated. How will ACMA know what is false, misleading and disinformation when at a later date it is found that mis and dis-information was not true? Or will it be a witch-hunt to smash free speech, as it has been for so many who dared to speak up? Imagine if it was so bad from experts in the field to have been utterly discredited and silenced, how will it be for those what do not have the expertise but would like to speak up knowing that it contradicts the dominant narrative as authorised by government? It will create a chilling effect on society in general. Is that what the government actually wants? Complete compliance of citizens? That is no longer a democracy but totalitarianism.

12. In Australia there are existing laws to deal with discrimination and seems to speak to the definition of Harm in the proposed legislation.

They are the following:

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities.
- Cyber-racism.

<https://humanrights.gov.au/about/what-are-human-rights>

Why does the government need to have more laws on top of existing laws?

Conclusion:

I believe that the proposed legislation will create a totalitarian environment, identical to Communist China, where citizens must believe in authorised 'truth', hence disenfranchising them. Speak up and risk being criminalised as your speech is harmful. Do we want citizens to be gagged? This legislation, therefore, is control by government on free speech and is complete overreach.

It is worth noting that the seven core international human rights treaties are merely modern distillations of much older principles. Jurisprudentially, freedom of speech and freedom of expression, for example, have been recognised as sacrosanct since the Magna Carta, and indeed, by many human societies for thousands of years prior. Does this government want to override or destroy roughshod centuries of free speech?

What kind of society are we if we criminalise free speech? Do we want a Government department to have the power to impose civil and criminal penalties on users of the internet if they publish something that the Government doesn't like? Are we still a democracy if this is condoned by government?

I agree with Alan Dershowitz when he states the following:

"Free speech is a human right. Freedom of speech means freedom for those who you despise, and freedom to express the most despicable views. It also means that the government cannot pick and choose which expressions to authorize and which to prevent."

In my opinion the proposed legislation is entirely wrong, I completely disagree with it because the government cannot determine mis or dis-information and MUST NOT control what can and cannot be said. This is extremely dangerous and is the action of a totalitarian regime. I ask: **What will Australia do to ensure its obligations as a democracy to guard and preserve freedom of speech and freedom of expression?**

Simone Nichol

1/8/23