

2nd August 2023

To: **Department of Infrastructure, Transport, Regional Development, Communications and the Arts**

Email: information.integrity@infrastructure.gov.au

Re: **Opposing the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 ('The Bill')**

Having the Government, an independent regulator such as Australian Communications and Media Authority (ACMA), or any other person or body for that matter being arbiter of free speech online is a big step towards removing freedom of speech entirely and a big step towards totalitarian control.

With the introduction of the Internet, the traditional public square in which ideas were freely and openly discussed has been replaced by social media platforms. Regulating speech online will have the effect of regulating free and open expression. It will take away the ability of people to make comment, make suggestions on improvements, to highlight inequity and to make contributions towards achieving outcomes desirable for all.

Seldom is there ever one answer to a question. Seldom is there one solution to a problem. There can be unexpected consequences of any policy, solution or actions, irrespective of whether or not the intent was good. It is free and open discussion that provides the ability to fine tune ideas and policies and develop quality solutions.

In having ACMA as arbiter of truth, begs the obvious questions - How will the truth be determined? From what sources will the truth be determined or verified? What happens if information today that has been deemed to be misinformation is later determined to be the truth? What happens if information today that was deemed to be the truth is later found out to be wrong? Will there be any consequences for ACMA getting it wrong?

We also have the upcoming referendum on the "Voice", where the stated objective is to amend the Constitution to give Aboriginal people a voice. What are the implications for the "Voice" of the proposed Communications Legislation Amendment Bill? The referendum implies freedom to speak whereas the proposed Communications Legislation Amendment Bill establishes the mechanism for centralised control of all online communications enabling the censorship of Aboriginal people, and indeed, all Australians. The "Voice" and the proposed Communications Legislation Amendment Bill are contradictory to each other.

What happens if the proposed Communications Legislation Amendment Bill is passed prior to the referendum? We already have Facebook stating it will censor information from the "No" campaign. Would it be possible to have free and open discussions online from both the "Yes" and the "No" proponents of the Voice?

If The Bill were to be passed, would it be possible to have free and open discussions around divisive issues such as climate change, public health, abortion, child protection and school curriculums? Or would only ACMA approved discussions be permitted?

Everything about The Bill raises red flags, especially as the Government is exempting itself. The net effect of The Bill being that all discussions will be limited to Government narratives and views that

are in harmony with the Government and ACMA. This is in effect is the Government making the edict 'there are rules for thee, but not for me'.

The Bill opens the door for control of public discourse and narratives that could be political in nature, profit driven or motivated by power as opposed to what is in the best interested of Australians. For example – If a Government policy, or action, were to have unintended consequences that impact people, minority or other groups, it would be very difficult for people to discuss the challenges they face and the unexpected consequences. Comments made online could be deemed to be misinformation if they were to be in conflict with the policy agenda of the Government of the day, or the interests of other people, groups or bodies with vested interests. I am sure the current Government would never utilise powers such as this for political purposes, however we cannot say the same for all future Governments.

The proposed Communications Legislation Amendment Bill will result in, or lead to, outcomes such as:

- Violation of the International Covenant on Civil and Political Rights, to which Australia is a signatory, which includes the right to hold opinions without interference and the right to freedom of expression. Has Australia withdrawn support for and adherence to the International Covenant on Civil and Political Rights and not informed the Australian people?
- A departure from Australia's obligations under the Universal Declaration of Human Rights to which Australia is a signatory, specifically Article 19 which states: *"Everyone has the right to freedom of 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."* Has Australia withdrawn support for and adherence to the Universal Declaration of Human Rights and not informed the Australian people?
- The ability for special interest groups, wealthy local or global individuals or businesses, unelected bureaucracies, well funded lobby groups or major donors to influence and control public discourse for the purposes of profit and / or control. i.e. There is a strong potential for regulatory capture.
- Prevention of fundraising activities, or policy discussions by alternative political parties, making it very difficult to remove an incumbent Government.
- A gateway to social credit scoring and tyrannical control, especially if it is linked to the planned Digital ID System, Central Bank Digital Currency and the latest plans from the Bank of International Settlement (BIS) entitled "Blueprint for the future monetary system: improving the old, enabling the new". This new BIS plan would have all assets tokenized and stored on a unified central ledger controlled by a handful of bankers in Switzerland. This is the enabler for Klaus Schwab's statement "It is 2030. You own nothing and you are happy". When Australians understand the implications of this, I am sure they will want to express their views and concerns without the potential for censorship.
- Australian citizens being penalized for historical views, opinions, suggestions or other commentary. E.g. Deplatforming from social media and exclusion from the financial system and / or Government benefits.
- The end of alternative news media and whistle blowers.
- The end of citizen journalism.
- Jails being filled with political prisoners.
- Inability to have informed consent.
- The powers of ACMA extending from online speech to all speech in a public and / or private forums.

- The ability of incumbent Governments (Current and future) to propaganise the Australian community.
- Victims being silenced.
- Truth being hidden or undiscoverable. The pathway towards truth requires free, open and balanced discussion on all sides of an issue.
- Alienation of diverse viewpoints which challenge ideas, or policies, that typically lead to better and more robust solutions and outcomes.
- Policies and actions that lead to, or promote, radical ideology. For example, communist and fascist dictatorships thrive by removing free speech and use propaganda to maintain control.
- Policies and actions that lead to active discrimination against people with opposing views, negative commentary or positive suggestions that are in opposition to the view of the arbiter of online speech.
- Technological advances being impeded as new ideas and approaches are classified a misinformation or disinformation.

Throughout history the introduction of centralised control of speech has always led to a rapid decline in human rights. Think Nazi Germany, the Pol Pot regime in Cambodia, the vast majority of, if not all, communist and fascist dictatorships that have ever existed, the Vatican in the middle ages where people who disagreed with the views of the Church were put to death to name but a few examples. Whenever centralised control of speech has been introduced, the party spreading misinformation / disinformation tends to be the tyrannical and dictatorial regimes in power, not the people.

Australia has always been seen as a free Country where people can express ideas, thoughts, concerns, comments, opinions and innovate, which has enabled Australia to grow and prosper. Australia has always been thought of as “The Lucky Country”. To approve The Bill that would result ACMA being appoint the arbiter of freedom of expression would destroy much of what it means to be Australian and put the freedom of each and every Australian at risk. It creates a vehicle that works against the Government’s current stated desire for diversity, equity and inclusion and creates an environment enabling the persecution of all Australians. In short, The Bill is “un-Australian”. Not only should it be scrapped, it should never have been a consideration in the first place.

I vehemently oppose the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

Your sincerely,

Andrew