

**This is a Submission on the Albanese Labor Government's
'*Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023*'.**

This Bill if implemented as proposed, would mean the Australian Communications and Media Authority (**ACMA**) would be granted extremely broad new and enhanced powers to combat harmful '***misinformation and disinformation***' online, and to impose significant financial penalties for non-compliance with the new restrictions where the terms '***misinformation and disinformation***' are not defined and which can be used to censor genuine, truthful, evidence based thought, opinion and expression contrary to inalienable human rights.

This Bill is a direct attack on the inalienable human rights of freedom of opinion, speech and expression seeking to empower a media watchdog, ACMA, to be the sole determinator of what is harmful "opinion, speech and expression" and what is acceptable in the public square through online services, placing the obligation on social media companies to censor opinion, speech and expression.

The last three years has demonstrated the inordinate harm that such an approach has occasioned i.e. colluding authoritarian censorship. The American President, the FBI and department of Justice are being sued in America for their collusion and conspiracy with Main Stream Media (MSM) and the Digital Social Media platforms, for denying Americans their 1st amendment rights, right of freedom of speech, exactly what this Bill proposes to do to Australians through a law. The actions of those American bodies censored truthful and evidence based facts, opinion, debate, speech, science and expression, defaming contributors who opposed or questioned the "official" narrative. This also occurred in Australia.

The passing of this Bill will result in the continuation of such authoritarian (non democratic) control and the continuation of defamation, vilification, deplatforming, deregistration, and destruction of the lives and characters of highly trained, qualified and skilled experts and the destruction of careers and livelihoods and businesses of citizens as has happened in the last three years during the Covid pandemic and done so at enormous cost to the Australian community and economy. During Covid the Governments, Regulators, Bureaucrats, and the Media (main stream and social) used misinformation and disinformation to the detriment of all Australians. They created fear, pushed false narratives, implemented failed strategies which did not prevent infection or transmission of covid, nor saved lives while at the same time silencing all voices of reason, science, caution and calm who sought to promote truth and calm anxiety. Because such voices were seen to be in opposition to the 'official' propaganda, they was silenced, as this Bill will do in the future.

Since late 2021, official Government reports indicated the Covid-19 vaccine severely damages the immune system with the potential to cause some new form of Covid-19 vaccine-induced acquired immunodeficiency syndrome among people who have received multiple injections.

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These claims were furiously denied by the mainstream establishment and authorities despite the fact it was their data that blatantly outlined this was the case. But rather than prove otherwise most Government agencies just decided to stop publishing the damning data instead.

However, almost two years later, the authorities have quietly decided to begin an investigation into Covid-19 vaccine induced Acquired Immunodeficiency Syndrome and Antibody-Dependent Enhancement after scientists around the world, including many from Harvard and Yale, were forced to admit a debilitating suite of problems have been appearing hours, days or weeks after a Covid-19 vaccine has been administered.

But they have thus far decided to dub the condition 'Long Vax' in an attempt to trivialize the deadly consequences of Covid-19 vaccination and give more credence to the alleged condition 'Long Covid' which is otherwise known as hypochondria.

This Bill, if law, will be used to continue such official governmental and bureaucratic censorship of truth and the promotion of lies, deceit, disinformation and misinformation.

Not only is the above fact but this Bill, if passed into law, will contravene internationally and nationally agreed fundamental human rights, as the Covid experimental vaccine response contravened the 10 points of the Nuremberg Code of 1947.

Problems with the BILL:

1. The Bill negates the fundamental human rights of "*freedom of opinion, speech and expression*" assured by the 1948 **United Nations Universal Declaration of Human Rights**, (in formulation of which Australia played an active role and the international treaties that followed), many of these fundamental human rights being reflected in our National and state laws, policies and programs. See below the specific articles of this declaration which this Bill negates.
2. As stated the Bill will provide a general form of censorship and silencing. As Senator Malcolm Roberts has stated "*The information censorship being sought by this bill could easily include legitimate criticisms of the government, questions about the science underpinning climate change ideology, questions about high immigration, questions about gender dysphoria, and the 'no' campaign against the voice to Parliament. When the 'truth' becomes a subjective tool for the government of the day, you have to ask, who will be fact-checking the fact-checkers?*"
 - e.g. In the area of Christian teaching the Bill has the potential to forbid the proclamation of the good news of salvation, holiness and purity through Jesus Christ, prevent proclamation of the commandment of the creator God calling for all to repent of Sin (for all have sinned and fallen short of the glory of God) and prohibit publishing the warnings of pending judgment on those who practice evil.

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- Censoring laws like the one proposed are the kind found in totalitarian, fascist, socialist and dictator regimes not in a democracy like Australia. They are designed to:
 - Place control over the public appearance of the government, by the deletion of any content that appears opposition, suspicions, or doubts about government policies or programs.
 - Place a constant check of the public opinion as a measure of consensus.
 - Create national and local records in which citizens will be tracked and classified depending on their ideas, habits, and relationships; in this way, censorship will be used as an instrument for the creation of a “police state”.
 - Censor any thought, expression, speech or debate that will not enforce government ideology.
 - Such laws will be used against those who frame this document when they are not in power.
 - It is the responsibility of Governments and bureaucracies to govern for the people not control the people.
3. The Bill removes the right of individual Australians to express their “*inherent dignity*” and exercise their intelligence, skills and competencies in determining what is misinformation and disinformation by appointing a non independent bureaucratic organisation, coloured by political ideology, as the sole arbiter on thought, opinion, speech and expression online. It takes from Australian citizens their inherent and inalienable right to read, hear and participate in legitimate debate on a great variety of very important issues, opinions, evidence, data, religious thought, doctrines and theology and scientific thought, research, opinion, reviews and discoveries. When it comes to the issues that matter, citizens have the right to hear all sides of a debate and decide for themselves. It’s not the right for the elites to undermine a citizens ability and dictate what the Australian people are allowed to see, hear and read. It’s a breach of international and fundamental human rights, is undemocratic and un-Australian. It amounts to the setting up of a Government appointed ‘Ministry of Truth’ that has no place in a democracy like Australia. It is not the responsibility of faceless bureaucrats and fact checkers to get to decide what is true and what isn’t. We already know they get it wrong all the time (as happened during Covid) and this Bill will make it worse.
4. The Bill threatens the foundations of our democracy by invoking a totalitarian approach over our fundamental human rights and civil liberties. Democracy is a form of government in which supreme power is vested **in the people** and exercised by them directly or indirectly through a system of representation involving periodic free elections. ‘Misinformation’ and ‘Disinformation’ will mean whatever the government wants it to mean, not what **THE PEOPLE** want. That’s why it is being called ‘Orwellian’ with references to ‘The Ministry of Truth’ which featured in the novel ‘1984’ by George Orwell.

There is an abundance of Human rights law that has many declarations and international conventions that underpin it. The best-known conventions are:

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- the Convention on Economic, Social and Cultural Rights (ICESCR), which covers economic, social and cultural rights including the right to health and the right to education
- the Convention on Civil and Political Rights (ICCPR), which protects civil and political rights, for example, freedom of speech and freedom from torture.
- **United Nations Universal Declaration of Human Rights**

The 1948 **United Nations Universal Declaration of Human Rights** in its preamble declares it recognises “*the inherent dignity and of the equal and inalienable rights of all members of the human family*” to “*foundations of freedom, justice and peace in the world*”. The proposed bill will remove those inalienable rights of Australian citizens by removing those freedoms, justice and peace. In particular the Bill has the potential to be used to breach the following articles of the **United Nations Universal Declaration of Human Rights**:

Article 1 - by creating inequality “*in dignity and rights*” of individuals.

Article 2 - by removing “*rights and freedoms set forth in*” the Declaration, and make distinctions based on a person’s “*religion, political or other opinion*”.

Article 7 - by removing “*equality before the law*” and create “*discrimination to equal protection of the law*”.

Article 8 - by removing “*effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law*”.

Article 10 - by creating inequality “*to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him*”.

Article 11 - by removing the “*right to be presumed innocent until proved guilty right to be presumed innocent until proved guilty according to law in a public trial*”.

Article 12 - by occasioning “*attacks upon*” the “*honour and reputation*” of contributors in contravention of this article.

Article 18 - by removing the right of online contributors to “*freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance*” guaranteed under this article.

Article 19 - by removing the “*right to freedom of opinion and 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*” in contravention of this article.

Article 23 (1) - by removing from writers, commentators, authors etc the “*the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment*” guaranteed under this article.

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Articles 29 and 30 - these articles already clearly address the concerns that this Bill may be attempting to address by placing responsibility on all members of the human race to act responsibly and with respect in preserving the “*rights and freedoms of others*”, I.e. the golden rule, do unto others what you would want them to do to you. Mutual accountability.

A Warning

Take note of what the proverb says “*He/She who lives by the sword will die by the Sword*”. So ‘*He/She who lives by the sword of censorship will fall by the sword of censorship*’.

Your Sincerely,



David Doyle

