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8 August 2023

SUBMISSION:
**Communications Legislation Amendment
(Combating Misinformation and Disinformation) Bill 2023**

Dear Committee:

Enclosed is our feedback regarding the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023.

Australian Christians was formed in 2011 to be a bold voice for faith, families and freedom. As a party, we always strive to model biblical values such as honesty and integrity, hope, respect, moral law, freedom, justice and sacrifice in all we do. We believe that freedom — freedom of speech especially — is the birthright of every Australian.

Thank you for providing us with the opportunity to contribute on this critical issue and for taking the time to review our submission.

Yours sincerely,



Maryka Groenewald, WA State Director, Australian Christians
Australian Christians WA State Council
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Executive Summary

The Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 is a dangerous proposal, and the Australian Christians puts on record its strong opposition to the bill.

The enhanced powers the proposed bill would grant the Australian Communications and Media Authority (ACMA) would silence great swathes of the Australian population who hold social views that are often maligned as 'misinformation' by politicians, commentators, community leaders and media figures.

The Australian Christians is a Christian political party with express pro-life and pro-family values, and a fundamental belief in religious freedom. We support laws that protect mothers and babies, promote adoption as an alternative, and support families and children. We support the right of individuals, schools and organisations to freely exercise their religious beliefs, and we oppose laws and regulations that restrict religious expression.

We believe our faith calls us to be active and engaged in the political process. We believe in the importance of prayer, and that our faith calls us to be agents of change to those around us.

We are aware that holding to these values puts us directly in the firing line of the proposed 'Misinformation Bill'. We do not want to see Australia ban from the digital public square the traditional Christian values that built our nation.

In light of this, we express in the strongest possible terms our concern of the proposed legislation.

Who Defines Misinformation?

Terms like 'misinformation' and 'disinformation' are very subjective. They are often used by political actors to malign and silence the ideas of their opponents. So will it be if the 'Misinformation Bill' is passed into law.

According to the proposed bill, something constitutes misinformation if "the provision of the content on the digital service is reasonably likely to cause or contribute to serious harm."

Already the vagueness of the language is concerning. How will "reasonably likely" be determined? What does "contribute to" mean? Who defines "serious" harm, as opposed to minimal or moderate harm?

Nothing in the proposed bill speaks to these vital questions.

What is 'misinformation' to a secular government bureaucrat might be a perfectly acceptable moral viewpoint or a self-evident fact for an everyday Australian Christian.

Why should Christians be punished for simply believing what Christians have believed for thousands of years — like the Bible’s teaching that there are only two genders, that only a man and a woman can marry, or that people of every ethnicity have equal standing and should not be divided into categories of oppressor and oppressed?

We have even seen that what constitutes ‘misinformation’ can change very quickly. In just a matter of years, views on transgenderism, climate panic and even free speech have shifted rapidly. People who will be censored today for holding certain views on these subjects might, in five years time, be vindicated — and therefore shown to have been wrongly censored in the first place. It is troubling to think that flaky, relativistic social mores would be enforced as truth and used to silence dissent.

In the end, who will decide what is true and what is ‘misinformation’? Will it be the political party in power at the time? The majority of Australia’s citizens? Corporate boards? Global entities like the United Nations, the World Health Organisation or the World Economic Forum?

None of these questions are answered in the proposed bill. Australians are being asked to sign a blank cheque: to surrender their freedom of speech online to unknown, unseen and undefined forces.

Freedom of Speech in Australia

Every Australian possesses the right to freedom of speech. On its website, the Department of Home Affairs explains that the values of Australia include — at the top of their list — “respect for the freedom and dignity of the individual” and specifically, “freedom of speech”.¹

Australia is a founding member of the United Nations and an original signatory of the Universal Declaration of Human Rights (UDHR). Article 18 of that declaration reads:

Everyone has the right 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.²

Article 19 provides even more clarity to the freedom of speech:

Everyone has 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.

For the Parliament of Australia to pass the ‘Misinformation Bill’ would be to put the Commonwealth of Australia in breach of its international human rights obligations.

¹ <https://www.homeaffairs.gov.au/mca/Pages/australian-values.aspx>

² <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>

We urge the committee to intervene before the Parliament even has the opportunity to make this grave mistake.

Freedom of Speech Cannot be Taken Away

Freedom of speech does not belong to the Crown, the Commonwealth, the Parliament or any committee. It belongs to Australians — and it cannot be taken away.

The drafters of this proposed legislation fail to recognise that human rights are non-negotiable. In the words of American Founding Father Benjamin Franklin once more, “Freedom is not a gift bestowed upon us by other men, but a right that belongs to us by the laws of God and nature.”

Every Australian possesses the freedom to speak, including online. It is the role of the Australian Government to recognise this fact and to protect the freedoms that every Australian already has.

Freedom of speech is the starting point for all other political liberties. By impeding free speech, this bill cannot help but eat away at all other freedoms and human rights that belong to Australians.

Freedom of Speech Means Freedom to be Wrong

Concepts like ‘misinformation’ and ‘disinformation’ are premised on there being such a thing as information that is true, factual, correct and right.

But since when was freedom of speech limited to speech that is true? Freedom of speech means nothing if there is no freedom for people to be wrong.

Indeed, it has often been those who were thought to be wrong who turned out to be right! The Ptolemaic model of the solar system was the ‘truth’ for 1,500 years, for instance, but it was wrong. Spontaneous generation, Haeckel’s recapitulation theory, Einstein’s static universe and the existence of the planet Vulcan are other examples of ‘truth’ that was later found to be false.

It is the obligation of the Australian government to let its citizens speak freely and express ideas that run counter to the majority viewpoint on any given subject. If they do not, they may well be hindering human progress and national prosperity.

People must be free to speak against ideas they disagree with. All ideas — including those embraced by the majority of people — must be open to debate, criticism and even ridicule. Even if dissenters are wrong, they must be allowed to believe and say things that are patently untrue and absurd. If not, the entire premise of human rights is undermined.

The Limits of Free Speech

Free speech is not absolute — it has always had limits. In John Stuart Mill's foundational free speech democratic text, *On Liberty*, the limit was the point at which your words lead to physical harm being perpetrated. This is called the 'Harm Principle' in academia, and is these days referred to as 'incitement to violence'. For example, this would mean that ordering a mob to attack and murder a person in the street would be considered to have crossed the limits of free speech.

The difficulty now is that the public space has moved largely online, and the definition of harm has become broader and broader, to include anything from hate speech to hurt feelings.

Of course some level of moderation for online content is necessary. As long as abusive, violent and obscene content are being posted to the internet, online content will need to be moderated.

The problem is not moderation in and of itself. The problem is the ever-extending definition of harm leading to censorship of everyday speech, and of information counter to establishment narratives.

In short, the Albanese Government must present a case for why hurt feelings are more important than fundamental human rights. The proposal fails to do this.

In Australia, penalties are already imposed on those who incite violence against individuals or groups in the community. Inciting violence has always been a criminal offence under the common law and it is also an offence under various state statutes.

What the bill in question proposes is that those with power get to decide which views and opinions it deems 'misinformation', and can therefore suppress. Australia must never venture down this path. Our "betters" deciding what is and isn't true was a value of the Old World we left behind when we settled Australia, and later federated as a nation.

Accountability for the Government

The most concerning aspect of the proposed bill is that "content that is authorised by the Commonwealth or a State" along with "professional news content" would be granted immunity from the proposed ACMA powers.

This proposal evokes George Orwell's *Nineteen Eighty-Four* — and political regimes that allow only government operatives and State-sanctioned news outlets to guide the public discourse.

We already have evidence that the Australian Government censored truthful information posted online by Australian citizens. As reported by the *Daily Declaration*:

Australian taxpayers paid \$1 million to a foreign-owned entity that helped the Commonwealth censor factually correct posts about Covid-19, new documents have revealed.

The bombshell revelation, published and editorialised by The Australian in recent days, came thanks to Freedom of Information (FOI) requests submitted by Senator Alex Antic from South Australia.

In total, the Australian Government flagged 4,213 Covid-themed posts for suppression.

While some posts contained irrational or unverified statements, the Commonwealth also blacklisted many legitimate claims made by Australian citizens.

Among them were posts correctly stating that Covid-19 injections did not stop infection or transmission of the virus, that masks and lockdowns were ineffective, and that Covid-19 leaked from the Wuhan Institute of Virology.

Content posted by Australian medical professionals was also censored, along with calls for peaceful protest against heavy-handed pandemic measures, and perhaps most cynically of all, testimonies of the vaccine-injured.

Even memes that poked fun at politicians were taken down, in what Senator Antic has dubbed the #AustralianTwitterFiles scandal...

Senator Antic submitted his initial FOI request last December and received the first documents in May of this year. They reveal that between 2020 and 2022, the Department of Home Affairs paid a London-based firm in excess of \$1 million to monitor Covid-19 posts by Australians.

The department subsequently flagged undesirable posts with Twitter, Facebook and other digital platforms for restriction or removal...

The key document provided to Senator Antic justifying the department's autocratic behaviour had all 28 pages blacked out. Only the title page was legible, indicating that the 'Online Content Incident Arrangement (OCIA) Procedural Guideline' was ostensibly put in place to address "online terrorist and extreme violent content".

What kind of content was censored and why remained a mystery until last week, when questions on notice from Senator Antic yielded further details of the government's censorship industrial complex.

According to The Australian, "An April 2021 tweet was challenged because it claimed 'Covid-19 was released or escaped from Wuhan laboratory in China and that it was funded by the US government'.

"The Home Affairs Department claimed this was 'explicitly prohibited' under Twitter's rules because it might "invoke a deliberate conspiracy by malicious and/or powerful forces", yet American intelligence agencies have found the most likely source of the virus was the Wuhan Institute of Virology, and it has been revealed that some work at the laboratory was funded by the US."

The report, by National Affairs Associate Editor Chris Kenny, also revealed commonplace mockery like "a vaccine so safe you have to be threatened to take it... for an illness so bad you have to be tested to know you have it" was blacklisted as "potentially harmful information" that would "contribute to vaccine rejection".

Critiques of mask, social distancing and stay-at-home mandates were likewise banned for contradicting “official information on the proven efficacy of the imposed public health order”.

For three years running, the Australian government made an average of four requests per day to Big Tech companies to gag Australian citizens speaking up about Covid-19 online.

“This was censorship on an industrial scale,” Kenny summarised, “with the private contractor tasked to trawl through social media posts 24/7”.³

The idea that the same government that secretly suppressed true information posted online by Australian citizens should now be given the legislative power to define and censor “misinformation” is troubling.

Conclusion

The Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 showcases excessive arrogance. It creates a clear division in Australia, shielding privileged journalists and government officials from legitimate scrutiny by independent news outlets, citizen journalists, and the general public.

The proposed bill assumes infallibility among this elite class, leading to the censoring of its critics. It envisions a world where truth emanates solely from authorities, rather than through an open exchange of ideas among equals.

In essence, this draft bill foresees a future that departs from the democratic principles that have shaped modern Australia, such as freedom of speech and freedom of the press. Instead, it empowers an autocratic system that turns the State against its citizens. Everyone errs.

It is crucial to acknowledge that no one possesses all-encompassing information or unwavering certainty. No entity, including ACMA, has a monopoly on truth. This fact underscores the importance of preventing ACMA from acquiring the proposed powers.

It is essential that everyday individuals are not silenced simply for dissenting with the State. Holding the Commonwealth accountable to its citizens remains paramount. Preserving freedom of speech must be a non-negotiable priority. Our opposition to this legislation is clear.

We urge you to reject in full the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023.

We sincerely appreciate your consideration of our submission.

³ <https://blog.canberradeclaration.org.au/2023/07/27/the-australian-government-censored-its-own-citizens-on-covid-19-new-documents/>