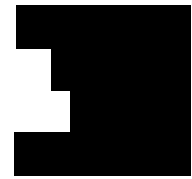


10th August 2023

David Lawson



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Dear Sir/Madam,

Re: Exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

I make this submission in my capacity as a concerned citizen of Australia. In the last 23 years I have worked as a counsellor and life coach for large NGOs and since 2012 in my own private practice.

This submission is allowed to be put in the public domain.

My client base ranges from women fleeing domestic violence, employees being bullied by their manager and/or employer, managers defending themselves from false allegations, individuals losing their jobs from Covid Mandates or from Covid-19 vaccine injuries.

 the town where Dr “Death” Jayant Patel killed thirteen patients and injured many more in his role as Director of Surgery at the Bundaberg Base Hospital between 1 April 2003 and 1 April 2005.

I had over 10 clients whose lives were destroyed by Dr Patel with a number having to go bankrupt because of their health being affected by Dr Patel’s actions.

In the report of Commissions of Inquiry Order (No 2) 2005, dated 30th November 2005, the Hon Geoffrey Davies AO (Commissioner) said that the Queensland Health Minister with the knowledge of Cabinet misled the public and concealed documents from Freedom Of Information searches.

My concern with this proposed Bill is that governments, government departments and bureaucrats are exempt from this Bill.

I consider this to be an attack on freedom of speech – where is the accountability to ensure the truth is told?

In fact, one Queensland Health Minister said the best way to fix up the rubbish happening at the Bundaberg Hospital was to vote out the local National Party MP who ultimately blew the whistle under the protection of parliamentary privilege.

This Bill enables government bureaucrats and big tech companies to silence and censor speech that differs or disagrees with the government narrative (or should we call it government propaganda?).

This Bill will give governments the power to silence religious and political speech that contradicts prevailing ideologies and political messaging. Apart from wanting to destroy our democracy and freedom of speech, why would a government shut down debate or questions challenging their agenda?

I do not see in my reading of the Exposure Draft where there are mechanisms to protect valid expression of opinion and belief or to ensure that there are clear and defined limits on suppression of speech.

This Bill sets out a framework to restrict speech that is deemed to be 'misinformation' or 'disinformation' which is not clearly defined in the Bill, but anything that ACMA determines is false, misleading or deceptive. Digital platforms such as Facebook and Instagram, Google and Netflix will be required by ACMA-regulated codes and standards to police and remove 'misinformation' and 'disinformation'. However, government communications are exempted from the Bill as are comedy/entertainment programmes, professional news content, and private messages.

People died and were injured at the hands of Dr Patel, yet no one in the government was ever charged or held to account for what Patel did, despite the Commissioner finding the government was covering things up.

This Bill is, to put it simply, significant overreach by the government. A government and a bureaucracy that wants to be able to do whatever they choose and shut down any opposition to their agenda, sounds like a communist dictatorship.

This Bill is inconsistent with fundamental freedoms of speech and communication under international human rights instruments like the UN Declaration of Human Rights and the International Covenant on Civil and Political Rights.

This Bill puts too much power in the hands of unelected bureaucrats to silence speech in the public square without any transparency or accountability.

Nowhere does this Bill require mechanisms that will hold digital service providers liable for excessive and onerous policing of legitimate speech.

I note in the last few years a number of non-government politicians have had their social media platforms put on hold for a period of time.

This Bill it appears will build on the silencing of opposing views as displayed in the last three years of Big Tech shutting down people who questioned the Covid-19 Mandates. It is clear being vaccinated does not stop one from getting Covid or stop Covid from being spread. But governments, federal and state, still say people need to keep getting vaccinated.

I have had several clients whose health was good until they got vaccinated and since then their health has deteriorated markedly. Is their poor health from being vaccinated? – I am

not a trained professional in this area - but one wonders why they had an adverse reaction after getting vaccinated and were told by their employer and government that there was nothing wrong with them.

After having surgery done by Dr Patel, most of my Patel clients were told their problems were in their head or no one else had had problems with Dr Patel and that they were lucky to have him as their surgeon.

It seems to me that governments today are hiding the fact people can and do have adverse reactions to the Covid-19 vaccines and yet keep telling people they need to keep being vaccinated.

Another Dr “Death” scandal maybe?

Excluding government-authorized content from this censorship regime is hypocritical and inconsistent with the values one would expect in a democratic country. How is one rule for government and another rule for Australians, democratic?

It is very concerning that the Bill gives ACMA excessive powers to compel owners and private users of digital platforms to provide information and evidence about misinformation and disinformation. This is a worrying breach of privacy.

The Bill does not provide a sufficient standard of accountability and oversight for misuse of censorship powers. I wonder, why is this the case?

The few provisions that have been included to acknowledge the competing right to freedom of expression are tokenistic and do not satisfy the high bar required in international law for the interference with fundamental rights of freedom of expression.

The severity of the penalties for failing to comply with the misinformation codes and standards and for failing to provide evidence requested by ACMA is excessive and will have a ‘chilling effect’ on free speech, especially when government can say and do whatever they want without the same standards of accountability.

It appears that an individual cannot personally be penalised under the Bill if you make a post that ACMA deems to be ‘misinformation’ or ‘disinformation’. But the Bill encourages (I say forces) service providers to take internal disciplinary action such as removing posts or suspending accounts where they deem you to have breached a code or standards. If the online platforms don’t take such disciplinary actions, they face severe financial penalties imposed by ACMA. Which in essence is an underhanded way to control free speech but keep the government and bureaucrats at arm’s length.

Professor Noam Chomsky’s quote sums up my concerns of this Bill: *“If you believe in freedom of speech, you believe in freedom of speech for views you don't like. Goebbels was in favour of freedom of speech for views he liked. So was Stalin. If you're in favour of freedom of speech, that means you're in favour of freedom of speech precisely for views you despise. Otherwise, you're not in favour of freedom of speech.”*

The Australian Government Department of Foreign Affairs and Trade states the core defining values of Australian Democracy are:

- freedom of election and being elected.
- freedom of assembly and political participation.
- freedom of speech, expression and religious belief.
- rule of law.
- other basic human rights.

Clearly this Bill seeks to undermine the core values of Australian Democracy.

In closing I firmly believe that this Bill will not be in the best interests of Australia and its citizens, and I urge the ACMA and the Australian government to dig a hole and bury this Bill with concrete!

Australia does not need anymore erosion of our democracy!

Yours Sincerely,

David Lawson
Concerned Citizen