

As a retired lawyer I find it astounding that any Australian government could have strayed so far from the principles underpinning our constitutional democracy as to seriously propose introducing a bill such as this.

Firstly, the bill is incompetently drafted - political direction quite obviously overrode the principles of competent drafting. Definitions are left breathtakingly vague and uncertain, which even the politically naive and legally ignorant might realise is guaranteed to maximise the discretion of government in exercising power and to minimise the discretion of the judiciary in appropriately holding that power in check.

As former NSW Supreme Court Chief Justice Spigelman stated in 2003, drawing on long standing precedent:

*"If Parliament wishes to interfere where rights, liberties and expectations are affected, it must do so with clarity. The clear statement principle is the critical way that the law of statutory interpretation reflects and implements the principle of legality."*

In any common law country where the separation of powers is respected - shockingly, no longer in Australia, as the last three years have clearly demonstrated - any legislation which so patently offends this principle should be at very real risk of being substantially read down by the Courts, to the point of being rendered effectively invalid. It likely would have been in the past.

Secondly, the bill prospectively offends the freedom of political communication implied in our Constitution (*ACT Television v Cth*; *Nationwide News v Willis*) as well as those civil rights of the individual to which we as a country have subscribed through ratification and adoption of international treaties, particularly the International Convention on Civil and Political Rights. These offences will rightly form a strong part of the High Court legal challenges which will most certainly follow enactment of this bill.

All this clearly indicates a government whose ruthless intent is to thwart civil rights such as freedom of speech in pursuit of protecting and aggrandizing its own political interests and those of the powerful special interests, domestic and global with which the ALP (and the LNP) has long been embedded.

The timing of the bill is of course no accident, given the way the demands of those special interests have been aggressively preferred these past three and a half years over undeniable scientific evidence and established global public health practice guidelines, to the appalling detriment of this country and its people, socially, economically and physically. If passed, this bill will not only serve to assist government denial of accountability for such outrageous past offences, it will help ensure that it or any future government can offend again with impunity.

The government is of course fully aware that open public debate is the lifeblood of government accountability. What better way to avoid that accountability than to thwart public debate by effectively outlawing any statement of evidence and opinion with which the government does not agree, simply by labeling it 'misinformation' or 'disinformation'? Apparently it is for the government with all its mixed and compromised motives to cherry-pick the evidence, prefer the pronouncements of dubiously appointed 'fact checkers' and industry affiliated and/or government funded 'experts' over the opinions of acclaimed leading independent scientists, researchers and clinicians and to exclude the latter from debate. Even if any statement is ever in fact misinformation or disinformation, what business does the government have in effectively prohibiting it from being made? It has none. The interests of the public are not served by politically motivated censorship. The proper, democratic course for any supposedly democratic government, is to argue its case in the public arena and to do so through any and all platforms, not just those owned and controlled by its allies. This bill confirms again that this government fears the consequences of doing so.

If it can silence voices of dissent by labeling that dissent 'misinformation' or 'disinformation' and can prosecute any public platform which has allowed those voices to be heard, we have no open public debate, no real government accountability and therefore no real democracy.

If your partner in this proposed offence against constitutional democracy, the Qld government subsequently passes its proposed complementary bill - it is no doubt waiting to see if you get away with passing your bill before it proceeds - then those who dare to utter such dissent can themselves be prosecuted as 'criminals'. Dissent will not only be censored, it will be criminalised. Then all that will remain will be to congratulate the ALP on its transformation from a democratic socialist party to an anti-democratic Marxist one.