

Attachments:

[free speech contro; 7.23.docx](#) ;

Hello again Integrity @ Infrastructure Team

I will be most grateful if you can delete my initial submission sent at 14.36 Friday the 28th

On reflection the matter justified more editing than I first considered.
Again, I'm willing that the attached be published as my submission.

Thanks . . . Tony O

Australia = a free people in a free society, or at least so millions of immigrants have thought!

Clearly, free speech is the first of our fundamental rights. Without it we cannot assert our other rights.

So, which “Ministry of Really Stupid Ideas” galut dreamed up such an “appalling piece of Thought Control”?

What about article 19 of the UN’s Declaration of Human Rights? People, it could not be clearer!



This horrendous, ‘un-Australian Bill’ appears to;

- impose some of the most hideous, authoritarian controls on free speech **anywhere, worldwide!**
- need testing against any possibility of other acts aimed to limit free speech or political competition
- potentially be a full frontal attack on freedom of speech contradicting Australia’s global human rights obligations plus being out of step with comparable European law
- lack any mechanism protecting genuine or valid expression of opinion or belief or to ensure there are clear, defined limits on suppression of free speech
- set up faceless bureaucrats plus big tech to go way beyond acceptable limits to silence or censor
- require ACMA to kill any spread of what’s termed “misinformation or disinformation” and to decide if material may allegedly “cause serious harm or pose a threat” to the safety or wellbeing of Australians, our democracy, society or economy.’ Clearly any definition of “harm or threat” is subjective yet it now appears its proposed this be the judgment of anonymous bureaucrats
- have Government picking what truth is then requiring ACMA to censor so META, YouTube, Google et al have little choice but to act and so cause a government’s complete “thought control straight jacket!”.

It seems if passed, this appalling Bill empowers ACMA to “scare the hell out of service providers” via threat of imposing significant penalties. The intent appears to be to completely terrify tech companies into censoring anything government may decide is “problematic speech”.

If the Bill aims to restrict speech judged ‘misinformation’ or ‘disinformation’ definition of these appear so vague as to be anything ACMA reckons false, misleading or deceptive. Via regulated codes or standards it’s powers may so alarm Facebook, Instagram, Google, Netflix et al that they “over police or remove”

Is the aim to be “the ultimate authority of truth” then to “ram conformity of belief” down our throats?

As a person of “faith and a vigorous democrat” I’m horrified to think government may seek to silence religious or political speech seen as contradicting their narratives.

While supposedly I can’t personally be penalised under the Bill, if I make a single post seen as ‘misinformation’ or ‘disinformation’ then bang, my right to free speech is effectively going to be “vaporised!”

If an online platform reckons I’ve breached a code or standards, the Bill appears to panic “the bejeeps” out of ‘em to remove my posts or kill my account.

If they don’t, it seems platforms risk copping severe ACMA financial penalties “in the neck”

In summary, **this potentially frightening and uncalled for bill;**

- is momentous government overreach
- puts way too much power in the hands of unelected bureaucrats to silence free speech in the public square without either transparency or accountability.
- contains a vague and ideological definition of “harm” which risks it being weaponised to shut down legitimate, desirable free speech on key social issues.
- does not appear to have mechanisms to hold digital service providers liable for excessive or onerous policing of reasonable free speech.
- appears to give ACMA excessive powers to compel owners or private users of digital platforms to provide information about “misinformation or disinformation.” This is a disturbing breach of privacy.
- does not provide sufficient standards of culpability and oversight for misuse of censorship powers.
- seems inconsistent with fundamental freedoms of speech and communication under international human rights instruments like UN’s Declaration of Human Rights or the International Covenant on Civil and Political Rights.

Furthermore;

- The few provisions acknowledging the competing right to freedom of expression are tokenistic. They appear not to satisfy the high bars required in international law to protect against intrusion in to the individual’s central right to free expression.
- The exclusion of government-authorised content from this censorship regime is unbelievably hypocritical and inconsistent establishing unevenness in what can be expressed. Is it proposed there to be one rule for government and potentially a different rule for “citizen Jo”.
- The severity of penalties for failing to comply with the codes and standards and for failing to provide evidence demanded by ACMA seems excessive causing a ‘chilling effect’ on our freedom of speech

Again, this horrific, “un-Australian Bill” would impose some of the most hideous, authoritarian controls on free speech anywhere in the Western world..

It might be said, this bill’s dastardly tentacles could do any of the CCP, Hitler or Putin very proud!

These are my considered deliberations after 55+ years’ of extensive involvement in numerous public life roles at many levels here and internationally..

Sincerely

Tony Overheu