

Draft Misinformation and Disinformation Bill

From: gary oraniuk [REDACTED]
To: Information Integrity <information.integrity@infrastructure.gov.au>
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To Whom It May Concern:

I write in regard to the (short title) proposed Draft Misinformation and Disinformation Bill 2023 in order to detail my objections the proposed Bill.

I regard this proposed Bill as an absolute outrage, in that this Bill lacks comprehensive detail as to any definitions as to what the proposed ACMA body might regard as misinformation and disinformation, in that any decisions seem likely to be arbitrary, given that this legislation is quite rushed and lacking the comprehensive and deeply-thought out detail that good legislation should exhibit.

The terms disinformation and misinformation also demonstrate a predilection to Wokeness, as exhibited by the original and spurious terms politically correct, hateful and hurtful speech, and so on, all of which terms ultimately are used in order to suppress free and open thought and speech, the latter being fundamental to a thriving democracy and the ability to conduct thoughtful debate on many political social, and other serious issues that daily present.

No suppression of serious political debate should be entertained, especially by government, and these pejorative terms disinformation and misinformation should enter the domain of political debate, as these terms seem mostly to relate to the internet, especially. However, the internet has always been a domain has always had its trolls and so on, and been a domain not unlike any information source-the mainstream media, etc.-where judicious attention must be applied to all and any information gleaned from any source whatsoever.

What, it seems, irks governments, especially, is the immediacy of communication and the breadth of often controversial information affecting said governments.

And whether governments like the adverse exposure some researchers have furnished, governments must accept that this information must be allowed to be presented, if only in the usual interests of openness, transparency, accountability. This is our democratic and unalienable right.

The panel will see, below, the Law and legislation related to interference in anyone's political rights and duties. To interfere with these rights is regarded in these Acts as a criminal offence, as stated, and it seems to me, at least, that the Bill in question may infringe on the rights protected under the Acts and statutes detailed below, especially, perhaps, if the determinations by the ACMA Board are overly arbitrary.

28 Interfering with political liberty

Any person who, by violence or by threats or intimidation of any kind, hinders or interferes with the free exercise or performance, by any other person, of any political right or duty, shall be guilty of an offence.

Penalty: Imprisonment for 3 years.

29 Destroying or damaging Commonwealth property

- (1) Any person who intentionally destroys or damages any property, whether real or personal, belonging to the Commonwealth or to any public authority under the Commonwealth, shall be guilty of an offence.

Penalty: Imprisonment for 10 years.

- (2) For the purposes of an offence against subsection (1), absolute liability applies to the physical element of circumstance of the offence, that the property is property belonging to the Commonwealth or to any public authority under the Commonwealth.

Note: For absolute liability, see section 6.2 of the Criminal Code.

Crimes Act 1914

SECTION 83.4 CRIMINAL CODE ACT 1995

Interference with Political Rights and Duties

83.4 Interference with political rights and duties

- (1) A person commits an offence if:
- (a) the person engages in conduct; and
 - (b) the conduct involves the use of force or violence, or intimidation, or the making of threats of any kind; and
 - (c) the conduct results in interference with the exercise or performance, in Australia, by any other person, of an Australian democratic or political right or duty; and
 - (d) the right or duty arises under the Constitution or a law of the Commonwealth.

Note: The defence in section 80.1 for acts done in good faith applies to this offence.

Penalty: Imprisonment for 3 years.

- (2) Absolute liability applies to paragraph (1)(d).

<https://www.legislation.gov.au/Details/C2019C00043>

I have personal experience of political suppression and censorship by Facebook, a number of my posts being denied publication, and certain links to articles from alternative being denied due to alleged (and arbitrary) community standards.

I can also state at my local federal Member's staff did not deny my claim that the Federal Government's Future Fund has tens of millions of dollars invested in the Facebook that is regularly censoring people politically. Such behaviour by Facebook is an obvious infringement on the Law and legislation quoted above, and should never have been allowed to happen. I am happy to give further details on this Facebook matter, should they be sought by the relevant authorities and committees, etc.

Given the facts I have related as regards my experience with Facebook, it seems that any legislation is likely to interfere with people's right to free political thought and expression-as this is what this Bill seems to be all about-the Bill should not proceed at all. This Bill is the Thought Police legislated, and has no place in any alleged Democracy.

Given that I have come to the awareness of this Bill, and the writing of this submission very late, I regard what I have stated here as a sufficient expression of my opposition to this Bill.

I am happy for this submission to be made public.

Best regards, and in the best of faith,

Gary Oraniuk

[REDACTED]
[REDACTED]

Phone: [REDACTED]

Email: [REDACTED]