

Combating Misinformation and Disinformation Bill 2023 (BILL)

Response to Bill – 6 July 2023

Withdraw this Bill so we the Australian people can retain our democratic rights.

Freedom of Speech and Thought

“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.”
— United Nations, Universal Declaration of Human Rights, Article 19.

1. The first step of any tyrannical and totalitarianism Government is to restrict the freedom of speech and expression of thought so as not to interfere with the propaganda and aims of that Government. The Government’s goal is to quash and eradicate any opposing views to the ruling prevailing political class and culture.

The Bill moves Australia towards the goal of restricting opposing views.

2. As per Appendix A, only Unarguable Facts can be subject to misinformation or disinformation. Prevailing Facts are subject to change as information or theories develop. Opinions and Beliefs can be argued any which way.

This Bill gives the Government powers to determine what are acceptable prevailing facts, opinions and beliefs, which is thought control of the people and must be rejected.

3. There is no omniscient being or universal source of truth or pure information. Therefore, any person or persons deciding if a matter is misinformation or disinformation will be using their individual and prevailing cultural, political, scientific, or religious bias, knowledge, and preferences to determine if speech is misinformation or disinformation or if it has caused harm. This does not make the determination correct. It just makes it their determination. Others will have a different determination. As such the Bill can never be reinforced without the axiom that the Government is right, and the people are wrong.

This Bill moves Australia towards the goal of restricting opposing views.

The Bill moves Australia towards a tyrannical and totalitarianism Government that seeks to quash and eradicate any opposing views and must be withdrawn in its entirety if our democracy is to survive.

Matters in the Bill

4. Harm Definitions:

harm means any of the following:

- (a) hatred against a group in Australian society on the basis of ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability;
- (b) disruption of public order or society in Australia;
- (c) harm to the integrity of Australian democratic processes or of Commonwealth, State, Territory or local government institutions;
- (d) harm to the health of Australians;
- (e) harm to the Australian environment;
- (f) economic or financial harm to Australians, the Australian economy or a sector of the Australian economy.

The broad reaching definitions of harm in the Bill provides the Government with extensive overreach powers with which to control the freedom of speech and thought of the people, whilst not being held equally accountable for truthfulness in Section 6 of the Bill.

(A) Harm in this Bill appears to mean both physical and mental harm:

- a. The accusation of Physical harm would need to establish a clear cause and effect between speech and a physical act. A butterfly flapping its wings in the Amazon cannot be held accountable for a cyclone in Japan. It is the person that commits the physical act that must be held accountable, NOT the person that talks about it. If the person that talks about it is held accountable then we are accepting that the person committing the physical act has no free will or personal judgement, which is clearly wrong.

Physical harm cannot be related to speech on social media.

- b. Mental harm is subjective and subject to the resilience and sensitivity of individuals. As we can witness daily on social media, weak individuals are offended about everything. The Bill therefore enables the mentally incompetent and weak to complain and object about every matter that conflicts with their beliefs or reality, regardless if that reality is true or not. This will paralyse freedom of thought and expression and stifle opposing views and progress.

Mental harm is subjective and exposes every citizen to accusation from the mentally incompetent and weak.

- c. The drafting in the Bill reads “harm means harm” and “harm means hatred”. Since harm and hatred cannot be adequately defined the tautology appears to have been adopted.

- (B) Harm definition (a): **Harm and Hatred.** Harm and hatred are two different concepts. A person can carry Hatred but cause no Harm. This definition makes it an offence for a person to carry hatred, and using a similar logic, love.

Discrimination against any subgroup of society is adequately covered under the Racial Discrimination Act. This Bill however may cause a conflict with that Act since a person could be accused under this Bill of harming another group whilst raising a racial discrimination matter.

Example 1: Many people hate the Australian Labor Party, but no harm is caused. Emotions cannot be regulated by the Government.

Example 2: There are many theories on the migration of Aboriginals in Australia. The timelines and places of origin are continuing to be explored. This scientific endeavour, challenge and enquiry will be shut down if it is deemed a disadvantage to a race and "harm" is caused to their feelings. This is the death knell of good exploratory science as we know it.

This definition seeks to control emotions (hate, love) and to punish people for holding personal preferences and biases. It could also be used stop scientific endeavour if it has the potential to reveal truth that is unwelcomed. This definition is intended to prevent speech and thought against a prevailing trend or line of propaganda and will suppress scientific discovery.

- (C) Harm definition (b): **Harm to the disruption of public order and society.** This section has the potential to restrict objection to the Government and the call for change by mass disruption. If the Government thinks that legislating the people against the right to protest and drive change will control revolution, it might want to look to the French Revolution with Madam Guillotine and other examples to learn that this cannot be legislated. A Government protects against revolution by ensuring the people believe that the Government is acting in their best interests, and it is not suppressing their freedoms. Two concepts that this Bill appears to be rejecting.

This clause is intended to suppress freedom of speech and thought against actions to change Government. This cannot be legislated and will have the effect of informing that people that the Government intends to suppress speech, thought and freedom.

(D) Harm definition (c): **Harm to the integrity of democratic processes:** Harm to the integrity of the democratic processes can only be practically achieved by physically interfering with the voting process or an act that breaches the constitution. These actions would be a criminal act under alternative legislation.

A social media platform could influence what is viewed by users but the Government would have to prove that algorithms are in place to achieve this outcome. A difficult, if not impossible task.

A Government could take umbrage to a social media platform if it has many users decrying a policy, action or election strategy and therefore this definition is possibly only intended to suppress freedom of speech and thought on a political party's election prospects.

This clause is intended to suppress freedom of speech and thought against Government propaganda for elections and other policies. A fundamental right of the people is to reject the Government's propaganda and policies and determine their own direction.

(E) Harm definition (d): **Harm to health.** Harm to health can cause damage but there are many examples of where a practice has been accepted by the medical "authorities" only to be proven to be detrimental to the health of the people later. Under this Bill any discussion on a trend would have the potential to be silenced to the detriment of the people.

Example 1: Thalidomide (10,000 babies affected, 50% mortality). The people might not be able to challenge new drugs and their impacts.

Example 2: Frontal lobotomy (100,000s that caused untold suffering, mental disablement, or death). The people may not be able to challenge new practices and their impacts.

Example 3: Helicobacter Pylori discovery changed treatment of stomach ulcers but for years the established medical "authorities" and lesser medical brains pilloried and ridiculed the discovery and Barry Marshall and Robin Warren until they were awarded the Nobel Prize in 1982. New discoveries may be suppressed by persons in authority who are driven by ego or personal ambition and not science.

This clause is intended to suppress freedom of speech and thought against Government prevailing medical opinion, health campaigns or pandemics. This will shut down healthy debate, stop scientific endeavour and stop the exposure of incorrect or flawed advice.

Has the UN and the World Health Organisation influenced the drafting or provision of this clause?

(F) Harm definition (e): **Harm to the environment.** It is difficult to envisage a practical example here and any deliberate physical damage to the environment is covered under other legislation. A conclusion that can be arrived at is this clause is intended to support the Government's strategy on renewable energy and silence discussion on the benefits or otherwise of this strategy.

This clause is intended to suppress freedom of speech against climate change propaganda or renewable energy sources. This is a direct attack on freedom of scientific challenge and enquiry and the right for people to follow one theory or another.

(G) Harm definition (f): **Economic or financial harm.** There are many financial rules and controls in Australia that already manage this area. These controls effectively manage investment advice and charlatans.

What this definition does is make it an offence to express an opinion or a belief on an economic or financial matter.

Example: The Government has stated that renewable power is cheaper but our power bills continue to rise. This Bill has the potential of silencing challenges to that line of renewable energy propaganda.

This clause is designed to suppress freedom of speech and thought against Government financial propaganda, strategies, speeches, plans and reports.

5. **Definitions on Misinformation 7(1) and Disinformation 7(2) Definitions:** These can only be applied to unarguable facts. The Government may however use this clause to quash and eradicate opposing views to propaganda or the aims of the Government. Prevailing facts, opinions and beliefs can only be debated, never irrefutably proved.

Example: Religion is a belief and cannot be proved or disproved. Should the Government decide that any religion needs to be cancelled or silenced then these clauses in conjunction with the harm definitions could be invoked.

The Government is not omniscient and persecutions under this Bill to prevailing facts, opinions or beliefs must be made public with a statement by the Government clearly proving the Misinformation and Disinformation and harm and the person accused must be provided with the transparent and public right to respond. Anything apart from Unarguable Facts will not be able to be irrefutably proved by any person therefore making this Bill the "power of the word of the Government".

6. **Section 6 Exclusions:** The Government has excluded Government Institutions and Corporations in Section 6 of the Bill.

excluded content for misinformation purposes means any of the following:

- (a) content produced in good faith for the purposes of entertainment, parody or satire;
- (b) professional news content;
- (c) content produced by or for an educational institution accredited by any of the following:
 - (i) the Commonwealth;
 - (ii) a State;
 - (iii) a Territory;
 - (iv) a body recognised by the Commonwealth, a State or a Territory as an accreditor of educational institutions;
- (d) content produced by or for an educational institution accredited:
 - (i) by a foreign government or a body recognised by a foreign government as an accreditor of educational institutions; and
 - (ii) to substantially equivalent standards as a comparable Australian educational institution;
- (e) content that is authorised by:
 - (i) the Commonwealth; or
 - (ii) a State; or
 - (iii) a Territory; or
 - (iv) a local government.

excluded services for misinformation purposes has the meaning given by clause 6.

There are however two concepts that should not be overlooked when considering Section 6.

- (A) Firstly, an Institution or Corporate Body (or Government) does not physically exist and the people within that Institution or Corporate Body (or Government) make speech or release information.
- (B) Secondly, a key principle of our Constitution is that all persons are equal and therefore every person regardless of their affiliation to any Institution or Corporate Body (or Government) should be held to the same standard as all other persons.
- (C) QED: There cannot be a carve out for any Institution or Corporation (or Government) as the persons in those Institutions or Corporations (or Government) must be held to the same standard as all other persons as we are all equal under the Constitution.

There can be no carve outs to misinformation or disinformation or harm if we are all equal. The intent of this section is to relieve the Government and its employees and associates of its obligation to be truthful.

*The Government works for the people.
We do not relieve the Government of its obligation to be truthful.*

Appendix A – Facts Opinions and Beliefs

Only unarguable facts can be subject to misinformation or disinformation.

Type	Description	Examples
Unarguable Fact	Verifiable with unarguable logic or recorded data. Can never be disputed.	$2+2=4$ World War 2 ended in 1945
Prevailing Fact	Accepted as a commonly agreed fact but may be later disproved as knowledge develops.	Prior to 1500 the Sun rotated around the earth. Scientific theory may fall into this box i.e. Newton gravity, Quantum Mechanics, evolution of humans.
Opinion	A judgement or viewpoint not necessarily based on available or relevant information or data. Opinions can be changed based on changing evidence or information. Can be disproved or contested in a rational or logical manner.	That food is healthy. That city is the best to live in.
Belief	Conviction based on cultural or personal faith, morality, or values. Cannot be disproved or even contested in a rational or logical manner.	I believe in Aliens.