

**Part 1, A Bill of inequitable and politically partisan assumptions** This Bill divides citizens into two classes: 1. Those whom the Govt. deems trustworthy to participate in public forums without being monitored and reported on, and 2. Those whom the Govt. deems cannot be trusted. The former group, We will call the Viewpoint Elites, because they are those who are not required to have content they produce, known as Excluded Content, monitored. Their content is excluded from consideration under this Bill by s7(1)(b). The latter group, consisting of ordinary citizens, lets call them the Deplorables, because the Govt. is proposing that they are treated as not having any viewpoint worthy of consideration. The Viewpoint Elites include, according to the definition of Excluded Content in the Bill, Government authorised journalists (“professional news content”), Government authorised educators (Govt. accredited “educational institution[s]”) and the Government bodies themselves. It doesn’t take much imagination to realise that the Govt. approved journalists are effectively being “bribed” for favourable news coverage and/or being incentivised for continuing supportive perspectives, such as for support for this Bill. As this “MisSpeak” legislation comes into full swing, and misinformation and disinformation reports proliferate about their non-approved competitor journalists, such Govt. authorised journalists and their respective publications will stand to benefit financially in the long-term. This is because misinformation and disinformation reports stand to have a significant negative effect on the reputation of non-approved competitor publications. Educators and Government bodies are primarily on the Government payroll, mostly viewpoint partisan (left-wing) in their operations and commonly accepted to be employers of people who are left-leaning politically. In other words, the Viewpoint Elites are: 1. Either being “bribed” by being offered non-interference and stand to gain financially (in the case of Govt. approved journalists) or existing Government beneficiaries (in the case of those on Government payroll); and 2. Are almost entirely politically aligned on the side of the Government. Therefore, the data collected and reports made under s18 & 19 of the Bill will be primarily directed towards those whom the Govt. does not stand to benefit from (e.g. by receiving favorable news coverage), those who are not existing beneficiaries, or those who are not on the same side of politics as the Govt. Accordingly, this Bill introduces a substantial moral, financial and political division of citizens into two classes. This is highly inequitable. Has the Government found that the perspectives of the Viewpoint Elites are more trustworthy or more true than those of the Deplorables? If so, we would like to see the evidence for this. **Key Points** A. Govt. is primarily rewarding its journalist supporters with non-interference and a commitment to interfere with others, some of whom are their non-Govt approved competitors. B. Existing

public servant beneficiaries of Govt are suggesting legislation that is for the benefit of themselves because it supports their left-leaning political allies. C. Govt. has introduced a Bill that seeks to divide citizens into two classes with one class receiving greater financial and political benefits from the legislation than the other class.

**Part 2, Intimidation at every level** Intimidation strategies are well known and typically have not been used by Western Governments against their own citizens. However, this changed in 2020. During the Covid period, State and Federal Governments practiced various intimidation tactics against those who wanted to maintain their freedom of movement, freedom of political communication, freedom to work and freedom of bodily autonomy. Large protests ensued and a significant portion of the Australian population is still highly resentful of how they were intimidated into taking risks to their personal health, with what were essentially experimental medicines, and how their freedoms were impinged upon. One form of intimidation is dis-empowerment. Dis-empowerment occurs when rules are made which pre-suppose fault by an individual, a group or an entire “class” of citizen as is the case with the Deplorables. The individual and group level psychological effects of dis-empowerment are well known. But how does this Bill pre-suppose fault of the Deplorables? It achieves this by making numerous unsubstantiated presuppositions. Two of the most concerning are: 1. That the Deplorable class of citizen is incapable of engaging in a public sense-making process without a likelihood of causing serious harm in a range of ways, the likelihood of this being so significant that they need to have their viewpoints monitored and reported on; and 2. That the viewpoints of the Deplorables are more likely to cause serious harm to people than the viewpoints of the Viewpoint Elites. A second form of intimidation comes in the form of threat to interfere. The threat is leveled to two parties: Digital Platform Providers and the Deplorables, who are ordinary users of digital platforms or services. Threats are made at multiple levels to each of these two parties. The threats made to the Digital Platform Providers include: 1. A threat to make highly negative or reputationally damaging records about their platforms or services under s18(3), 2. A threat to make an imposition on the business to identify, find, gather and format the required information on the Govt.’s behalf under s14 and to inconvenience the party by having the records made in the format the Govt requires, not the format that is most convenient for the party s14(4) & (7). A further imposition can be made under s14(5) requiring additional investigative reporting; and 3. A threat of a civil penalty under a designated

infringement notice provision for a failure to abide by the rules on a very harsh, day-by-day compounding basis under s 15(3). Therefore, the threats to the Digital Platform Providers are in relation to reputational damage, financial penalties and business inefficiencies that could easily cause significant financial loss or insolvency. The threat to interfere is also being leveled at the Deplorables. Specifically, the threat is to haul them before ACMA under s19. It is highly likely this action would cause the citizen a high level of stress, perhaps distress, interrupt their life and waste their time. These people, who ACMA deems might possibly have relevant information or a relevant document, will most likely be Deplorables, as described above, because these are primarily the people who use the relevant digital platforms. Furthermore, many of the Deplorables use these digital platforms on an anonymous basis and this legislation threatens that privacy. In ordinary circumstances often there will be some relationship between the person being required to appear before ACMA and the author of the so-called mis or disinformation. In these cases people will be asked to do-b-in or “snitch” on their friends, families or political co-agitants. This style of government is reminiscent of the Soviet Union and entirely un-Australian in character, where mateship is a commonly held value. Many people will fail to comply because their personal values or faith (which, by definition, overrides obedience to Government laws in the case of a conflict) require them not to do so. They will be fined. Something that is entirely unjust. **Key Points** D. This Bill intimidates the Deplorables by dis-empowering them. E. This Bill intimidates the Digital Platform Providers by threatening them with reputational, financial loss or insolvency. F. This Bill intimidates the ordinary citizen and in particular, the Deplorables, by threatening them with potentially time consuming and stressful investigatory processes, loss of identity privacy and potentially damage to their personal relationships.

**Part 3, Legislation too costly to administer equitably** There are thousands of digital platforms Australians use and tens of thousands (if not more) of chat groups. Chat groups, such as on Whatsapp or Signal, are highly likely to be deemed as Digital Services because they have “Interactive Features” under s5, and can hardly be described as private messaging where there are more than a few people in the group. Despite the fact that much of the reporting will be required to be carried out by the Digital Platforms, how does the Government expect ACMA to monitor and review these reports without spending millions of hard-earned tax payer dollars doing so? Does the Government really have this money to burn on solving a problem that can be solved by simply allowing

Australian citizens to talk freely on digital platforms without intimidation? **Key Point G.** This Bill cannot be administered without significant Federal funding. It is unclear whether Govt. has considered the scope of what it is actually proposing, let alone the budget required to administer it.

**Part 4, The beginning of the end of religious freedom** Religion often forms the bedrock of an adherents worldview. For example, the Bible sets out teaching and wisdom on a wide variety of matters that are relevant to life. For illustrative purposes, the Bible teaches that: 1. life begins in the womb; and that 2. various actions are sinful, such as committing adultery, the practice of homosexuality and dishonoring your parents. These beliefs are aspects of faith. They are religious beliefs. However, there is little doubt such beliefs would be regarded as misinformation or disinformation by ACMA. There are dozens of other teachings in the Bible that ACMA would likely regard as misinformation or disinformation including in relation to the roles of men and women in family and church life. Assuming the Govt does not intend to report on the religious lives of its citizens, then why are religious services not excluded under s6 and why is religious content not included in the definition of Excluded Content? **Key Point H.** Without amendment, this Bill will result in situations where citizens' religious lives will be monitored and reported, and citizens will be required to report on matters of their personal faith. This is highly discriminatory. There must be an exclusion for religious services under s6 and religious content must be incorporated in the definition of Excluded Content.

**Part 5, Inadequate definitions, inadequate law** I will keep comments here due to the very obvious point that "Harm" and "Serious Harm" are severely inadequately defined. In respect of the definition of "Harm": Point (b) in relation to "disruption of public order or society" could be used to mean absolutely anything. And, where definitions are loose like this, it is an absolute certainty the legislation will be used as a partisan political bludgeon by whichever political party is in power. Almost comically, "Serious Harm" is not defined in the Bill at all. **Key Point I.** Definitions within this Bill have been left dangerously broad, so much so there is a high likelihood they will be used as political bludgeons.

**Part 6, Political speech will become ever so quiet** The irony of dissuading people from controversial public speech by heavy handed regimes of monitoring and reporting is that society will never know what harm has been

caused by doing so. For example, what medical remedies were never aired? What injustices remained hidden? What resentment was never defused before it eventually resulted in violence? **Key Point J.** This legislation will have a chilling effect on Free Speech.

**Part 7, What is unnecessary can become dangerous** Free speech is the most inexpensive, time-tested and equitable solution for solving misinformation and disinformation. It has worked for centuries in the western world. Digital platforms have led to a proliferation of viewpoints but I would like to urge the Govt. to “have a little faith” in its constituents. It is an old adage that sunlight is the best disinfectant and whilst this is true, the reciprocal is also true - darkness infects. When Govt’s act like tyrannical controlling parents all they achieve is resentful and increasingly disobedient children. The brightest talent will find less dystopian countries to move to and those who remain will only become increasingly embittered. Freedom is at the heart of Western democracies, it allows the dialectic that self-regulates society. The authoritarian act of breathing down citizens' necks will only drive controversial conversations underground and offline. There, they can fester and become dangerous and you won’t know it. **Key Points K.** Free Speech will be more effective in eradicating misinformation and disinformation over time than what is being proposed in this Bill. Furthermore, this Bill will simply drive that extremely small percentage of dangerous conversations underground. This will put society at greater risk.