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From: Tim Mitchell

Sent: Friday, 26 April 2019 2:36 AM

To: Policy Mailin

Subject: Defamation Review of Model Defamation Provisions

Dear Sir / Madam,

I believe that in the review of the model defamation provisions of the act, care should be taken to do two things.

1) protect free speech and whistle blowing

2) limit the power of the corporations to wage war against those who would expose their dirty secrets to the corporate detriment.

In this current world the media is by and large the servant of the one who pays it, we even have a very old proverb to describe it: "He who pays the piper calls the tune". The number of former journalists who have come clean on the corporate control that is waged on TV networks, printed publications and to a degree on radio hosts testifies to this fact. That is not to say that there are not individuals who stand against the tide.. there are. My point is that there is more corporate power now than ever before being brought to bear against individuals who oppose what the corporation is doing in a way that may weaken their bottom line, and those with more money can influence the public opinion more easily regardless of the truth.

An example is the ongoing battle of one individual bee keeper who has been speaking out against Capilano for misrepresenting their honey quality and importing foreign honey to blend with their Australian product for overseas export. Testing was asked for to prove they were being responsible to the Australian bee industry and Capilano refused. Instead they tried to gag and ruin this small bee keeper who is doing all he can to protect the welfare of the Australian Bee industry. It may well ruin him, not because he is wrong and Capilano is right, but because Capilano has the power and money to be able to bury him in expensive litigation in order to hide their dirty little secrets. (They have been caught out once already)

It is essential that individuals like this are assured the right to ask for accountability and to report on social media where corporations are being dishonest or unsafe, or to raise public awareness that they need to be more accountable, without the fear of coming under the threat of litigation or harassment.

These days people are too sensitive to offence. People should have the right to hold and express their own opinion publicly, about any subject, or the actions or words of another person or a corporate entity, without fear of reprisals. This is the true spirit of freedom of speech. One person has a point of view, another disagrees, this is the

spirit of intellectualism and one of the core requirements for freedom of government, religion, conscience and physical individual freedoms. Without this core right everything else falls apart.

However, I am mentioning this because I see a concerning trend where speaking the unpopular truth is considered by some to be hate speech or even defamation. These are things that must be protected against. The majority belief does not have right on their side simply because they are the majority, truth is absolute whether it is spoken by one or by all and the right of the individual to speak truth about an individual, a way of life, a group of people, a corporation, or even established medical thought, should be vigorously protected even when the majority believe it to be false.

This is the core protection that we have in our possession in order to retain the freedom of thought and freedom of speech in our society. Take this away and the majority who is able to be influenced by whoever has the most money and can air the most convincing propaganda, can silence those who wish to expose the truth, even though small in number.

Great care must be taken in any review of the current legislation, that any restriction of the freedoms of speech be only allowed under the strictest of circumstances where there is a very clear intent to bring definite, specific harm and damage to the individual or corporation through what the individual knew to be a lie. Intent to cause definite, specific harm and damage must be clearly evident as well as knowledge of it being a lie, before any action can be considered to be taken. These things are difficult to prove, as they should be, in order for the freedom of this country to be preserved.

The restriction of the freedom of speech in this country on social media or anywhere else, of anyone in public or private position, no matter how small; is a crumbling of the freedoms of this country which our ancestors fought and died for. It is the major thing that separated us from the Socialist, Fascist and Communist ideologies that for so long last century plunged sections of the world into darkness and their people into silent fear. Something which still remains in some countries.

Our generations who have not studied history as they should are struggling to learn how to treat those who they consider to be wrong, and not follow the majority thought, let us help them to learn that the price of their freedoms which they enjoy and the price of their continued enjoyment of those freedoms is freedom of speaking out against someone or something, even if the majority believe what is being said to be untrue.

Thank you for your time and may wisdom and knowledge of history guide your decisions into the future, Yours  
Sincerely, Timothy Mitchell.