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Senate Legal and Constitutional Affairs Committee

Submission - Inquiry into the Criminal Code Amendment (Impersonating a Commonwealth Body) Bill 2017

Impersonating the Commonwealth Government for nefarious purposes should be considered an offence under certain circumstances, however, I am concerned the current wording of the Bill before the Committee will be used to suppress work that is clearly of a satirical nature.

As the Minister noted in his Second Reading Speech, our democracy requires that citizens trust in the statements made by government agencies, which is true despite the atrocity exhibition of criminal imbecility in current policy, government performance and statements justifying only bewildered disbelief.

5 days before this bill was introduced, the Department of the Prime Minister & Cabinet emailed the Juice Rap News, a comedy outfit of some international and national renown, suggesting that their "Honest Government Ads" could mislead people into thinking they are actual Government communications.

While this opened up our government to yet another round of laughter from overseas observers, it alerts to why this bill needs to contain an explicit and un-ambiguous exemption for satire.

This clause: "does not include conduct engaged in solely for genuine satirical, academic or artistic purposes" is sloppy and ambiguous given that it doesn't define or qualify what is "genuine". Who decides? Quite likely, someone in PM&C who has had their sense of humour surgically removed as a requirement of employment. Instead a clause such as, "*This section does not apply to conduct engaged in for satirical, academic or artistic purposes,*" should be inserted.

In addition, satire, like that of the Chaser and so many other examples of Australian culture, is not "solely" for satire but also to stimulate debate and discussion. The Juice Rap News is led by an accomplished academic Dr. Nanni, who has combined accurate and rigorous research to make satirical parodies funny, but also thought provoking. Will this be outlawed?

Given that Australians are the only population in a western liberal democracy without a Bill of Rights that would protect freedom of speech and expression, it is essential that this bill only passes with a strong and legally meaningful exemption for satire, so that such laws cannot introduce a chilling effect on the work of the Juice Media, the Chaser and so many other satirists in Australia that help us laugh but also think.

Yours sincerely,

Felicity Ruby