

## Albanese gov renews push for global internet censorship

30 Apr.—The Albanese government, the national security establishment and their media propaganda organs are pulling out all the stops as they seek to secure the passage of a (supposedly) revised “Combatting Misinformation and Disinformation Bill” to end free speech on the internet, which Communications Minister Michelle Rowland has announced she will introduce to Parliament before the end of this year. They have seized upon the two recent stabbing incidents in Sydney, and the social media discourse about them, as pretexts upon which to expedite the Bill’s passage, as well as to renew their war upon online privacy. A few discordant notes from Opposition Leader Peter Dutton and Shadow Communications Minister David Coleman notwithstanding, the Liberals are for the most part singing from the same hymn sheet, and have been setting up justifications to wave the Bill through with perhaps some token amendments that merely blunt a few of its worst excesses, just as Albanese’s Labor always did when their roles were reversed. And to head off any future High Court challenge once the Bill were enacted, Rowland has signed a Memorandum of Understanding on “online safety and security” with her counterpart in Britain, which senior legal scholars have warned will allow the federal government once again to grab powers to which it is not otherwise entitled by invoking the constitution’s “external affairs power”, and trample the human rights and civil liberties Australians take for granted in the process.



Australian Communications Minister Michelle Rowland (right) and her UK counterpart Michelle Donelan in February signing their MOU to censor the internet. Photo: infrastructure.gov.au

Britain’s role, however, is not incidental: as the *Australian Alert Service* has reported in detail over many years, not only have its “techno-Stasi” police-state laws (as one former MI5 officer memorably called them) consistently served as the model for Australia’s own, but the UK government has been leading the charge to apply them globally under the guise of “combatting misinformation” for at least the last six years, to smother the emergence of new leadership and discussion of viable policy solutions as the London/Wall Street financial and economic system disintegrates.

The Albanese government first released an exposure draft of its “Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023” in July last year, in which it proposed that media regulator the Australian Communications and Media Authority (ACMA) should be empowered to force social media platforms to censor “misinformation” and “disinformation” that is “harmful”. As the Australian Citizens Party (ACP) noted in an 18 July 2023 media release, the government sought to justify the proposed law by citing the mis- and disinformation that circulated the internet during COVID. The “fact sheet” accompanying the exposure draft of the Bill, however, went much further, into areas open to political debate, declaring that “Misinformation and disinformation spread via digital platform services ... has resulted in a multitude of harms from disrupted public health responses to foreign interference in elections and the undermining of democratic institutions.” But in the draft Bill itself the vague definitions of “misinformation” and “disinformation” were open to wide interpretation, and therefore abuse by those making decisions about that interpretation; while “harm” was not defined at all, and thus left to the sole discretion of ACMA—effectively making it “the sole arbiter of truth on the internet”, as the Australian Human Rights Commission (AHRC) put it in a submission to the Senate. Except, that is, in regard to official propaganda: because as Sydney solicitor and ACP national management committee member Bob

Butler noted in an analysis for the AAS, <sup>1</sup> content authorised by the Commonwealth, State, Territory or local governments was explicitly excluded from consideration.

“In other words”, wrote Butler, “anything authorised by Government cannot be held to be misleading. One only has to consider the Government position on the Iraq invasion, or during the COVID period or the background behind what is presently occurring in Ukraine—[yet] the government position cannot be classed as ‘misleading’, unlike any position which opposes that Government line.” Human Rights Commissioner Lorraine Finlay effectively concurred, telling the 24 August 2023 *Australian* newspaper that the Bill as written would “effectively censor a wide range of materials and it means that people

don't get to have free and open discussions about really important policy issues". So too did the Liberal Party opposition, with Coleman telling the *Australian* on 12 July that "It's inevitable that under this law, platforms would self-censor large amounts of content so they don't fall foul of ACMA and incur big fines. This is very likely to mean suppression of legitimately held views of Australians."

## That was then ...

While Coleman has held his line, however, Dutton has begun equivocating in the wake of the stabbing of Assyrian Orthodox Bishop Mar Mari Emmanuel and his assistant during a livestreamed church service on 15 April. The following day Australia's eSafety Commissioner Julie Inman Grant issued a notice requiring social media platforms Meta (Facebook) and X (formerly Twitter) to "take all reasonable steps" to remove footage of the stabbing, under the provisions of the *Online Safety Act 2021* which the Morrison government enacted in the aftermath of the (also livestreamed) March 2019 massacre of Muslim worshippers in Christchurch, New Zealand by Australian terrorist Brenton Tarrant. Both platforms complied; XCorp CEO Elon Musk, however, made a point of doing so only for Australia via geo-blocking. Inman Grant, however, sought, and on 22 April was granted, a court order demanding X block the material *worldwide*. Musk pointedly refused, and X is appealing the ruling to the full bench of the Federal Court, to be heard on 10 May. "Musk cast it as a global order and Inman Grant as the villain", *Australian Financial Review* legal affairs editor Michael Pelly reported 26 April. "'Should the eSafety Commissar [sic] (an unelected official) in Australia have authority over all countries on earth?', he asked." In a statement issued 24 April from its New York offices, the company elaborated: "we believe that no government should possess such authority. X believes in respecting the right of a country to enforce its laws within its jurisdiction, and also believes that governments should not be able to censor what citizens of other countries see online, and that regulators should stay within the boundaries of the law."

Prime Minister Anthony Albanese, wrote Pelly, "sided with Inman Grant—and seemingly urged her on. 'Elon Musk is an arrogant billionaire who thinks he's above the law— and also common decency', he said." Dutton, for his part, "expressed support for a crackdown on the spread of dangerous lies on social media platforms, renewing focus on the government's misinformation legislation", the *Guardian* reported 21 April. Agreeing with Albanese that social media could not be "above the law", he told the ABC's *Insiders* program that "We're happy to have a look at anything the government puts forward", the *Guardian* reported. In a subsequent interview with Radio 2GB in Sydney, however, Dutton implicitly agreed with X. "We can have a say about what images are online here in our country; we can't influence what happens elsewhere in the world. I think it's silly to try that. We can't be the internet police of the world... If we have a situation where you've got a cleric being stabbed, and that's inciting violence, the law is very clear about the ability to take that down—but I don't think the law extends to other countries, nor should it."

## Universal jurisdiction?

One can admit a modicum of grudging sympathy for Rowland's complaint, as quoted by the *Guardian*, that Dutton was "putting politics first ... instead of working to hold big tech to account and keep Australians safe online". Because the fact, as journalist Paul Gregoire noted in a 27 April blog post for Sydney Criminal Lawyers, is that censoring free speech online in the name of fighting "misinformation" is really a bipartisan project, legislation for which the previous Liberal government—in which Dutton was first Minister for Home Affairs and later for Defence—had "first spruiked such laws back in March 2022" in terms virtually identical to those in Rowland's 2023 draft Bill. Moreover, Gregoire also alluded to the fact that the push for such a law is a supranational affair being coordinated by the members of the Five Eyes (USA, UK, Australia, Canada, New Zealand) global spying alliance; hence the appearance by Australian Security Intelligence Organisation (ASIO) Director-General Mike Burgess and Australian Federal Police (AFP) Commissioner Reece Kershaw at the National Press Club on 24 April "to stress the need for a crackdown on internet freedoms in the wake of recent Sydney stabbings and raids, although these events had no direct bearing on what was discussed". The raids in question were those executed by a whopping 400 counterterrorism police that day on 13 locations, including the family homes of seven of the juvenile alleged church attacker's alleged juvenile associates, the youngest of whom is just 14 and now faces decades in jail for allegedly conspiring to prepare to commit a terrorist act—albeit one of which AFP Deputy Commissioner Krissy Barrett had already admitted there was "no evidence of specific locations, times or targets". Or as Gregoire, echoing George Orwell, aptly described it: a "Thought Crime".

The further matter of fact, is that as with most of the Anglo-American empire's most insidious initiatives, Canberra's present "bipartisan" crusade against free speech online originates in London. A full month before New Zealand Prime Minister Jacinda Ardern and French President Emmanuel Macron grabbed global headlines with their 15 May 2019 "Christchurch Call" for internet censorship in response to the Christchurch massacre, the government of Britain's then-PM Theresa May in its 8 April 2019 "Online Harms White Paper" had released what AAS charged at the time was nothing less than a plan to control everything Britons could see, hear and say on the internet, lest it "be used to promote terrorism, undermine civil discourse, *spread disinformation*, and abuse or bully" (emphasis added).<sup>2</sup> Rowland's planned empowerment of ACMA precisely echoes the White Paper's call to create an "independent" regulator empowered to direct news websites, social media providers and any other "online companies" that "[allow] users to share or discover user-generated content, or interact with

each other online”—pretty much the entire internet, in other words—to remove “harmful” materials.

The Albanese government shelved its mis- and disinformation bill late last year in the face of near-universal public and institutional rejection, until an excuse could be found to revive it; but evidently its machinations hardly slowed in the meantime. On 20 February Rowland quietly signed the above-mentioned MoU with her UK counterpart Michelle Donelan, committing the two nations to “share best practice and deepen collaboration on countering misinformation and disinformation ... [and] to pursue a program of targeted joint capacity building and strategic engagement with technology platforms and strengthen the impact of relevant international fora”. University of Queensland professor emeritus of law Gabriël Moens and Sheridan Institute of Higher Education (in Perth, WA) head of law Prof. Augusto Zimmerman have warned that whilst it might seem formulaic and fairly innocuous on its face, in fact the MoU lays the groundwork for the latest in a long series of pseudo-constitutional power-grabs. “Backed by the Opposition, the government ... is carefully strengthening its proposed legislation to ensure that it would be able to resist a constitutional challenge in the High Court”, they wrote 29 April in *The Spectator Australia*. Rowland “has signed an MoU with her UK counterpart (and is embarking on a tour to build a consortium of like-minded nations willing to curb the power of social media platforms)”, they charged, in order “to trigger or activate the ‘external affairs power’ provision found in section 51(xxix) of the Australian Constitution. As the range of topics regulated under the external affairs power has been endlessly expanded since the 1980s, the scope of this head of power encompasses any relationship with, or between, foreign States, and foreign or international organisations or other entities, regardless of whether they are the subject matter of international treaties or less formal dealings or agreements.” They cite multiple High Court precedents to prove their point.

“The maintenance of a democratic society requires the greatest amount of freedom of speech and the least number of restrictions as is necessary to protect the legitimate interests of Australia and its people”, they assert. “Yet, this attempt of the Australian government to become a global advocate for the suppression of free speech, to possibly trigger the ‘external affairs power’, is another egregious example of governmental overreach, which ultimately aims at the imposition of an elective dictatorship that punishes the dissenting voices of those who disagree with the official narrative. Those who still cherish democracy and freedom have a moral duty to fight against this authoritarian imposition of state control of information.”

#### **Footnotes:**

- [1. “The ACMA social media censorship bill and its Orwellian implications”, AAS, 19 July 2023.](#)
- [2. “British Establishment lays out its plan to control the internet”, AAS, 17 Apr. 2019.](#)

*By Richard Bardon, Australian Alert Service, 1 May 2024*