

Hi there

## Turbulence, on- and offline



As the decades-long conflict between Israel and Hamas enters a new phase, there has been a lot of confusion about information emerging from the region. There has been a spike in misinformation on several platforms, which, as I argue in my piece, has further complicated the journalistic process of inquiry. But above all, the manipulation and weaponisation of information and bias in western media coverage pose a serious threat to a cosmopolitan solidarity that Palestinian victims need and deserve.

Also in this newsletter is a piece on the Australian e-Safety Commissioner's second report on how tech giants – X/Twitter, Google, TikTok, Twitch and Discord – are tackling child sexual abuse issues, such as exploitation, extortion and livestreaming. Drawing on the \$610,500 fine imposed on X by the e-Safety Commissioner under [Australia's Online Safety Act](#), Kieran comments on Australia's approach to regulating digital platforms.

While self-proclaimed free-speech advocate Elon Musk has declared that removing child exploitation material is the platform's top priority, there are many other serious concerns that, too, need immediate regulatory attention. Among them: mis- and dis-information.

This week, Michael writes about the Australian government's proposed Combatting Misinformation and Disinformation Bill. With the outcome of Saturday's referendum now clear, he asks: *what effect the bill, if enacted, might have had on the Voice campaign?*

Lastly, Simon writes about how judicial efforts to ensure the rights and safety of journalists covering the outbreak of hostilities between Israel and Hamas are being challenged.



**Ayesha Jehangir**  
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## Shrouded in uncertainty



As journalists and researchers continue to investigate the devastating [Gaza hospital blast](#), evidence and the coverage are both shrouded in ambiguity of information and little information about those responsible. Gaza officials say it was an Israeli airstrike, while Israel denies it was responsible, saying it was a Palestinian barrage that caused the blast.

Further complicating the process of inquiry is a deluge of both authentic and counterfeit accounts circulating on social

media platforms, where old and edited videos of the ongoing conflict – and also from other conflicts in the region – are shared alongside new and unedited content.

Many traditional media outlets are introducing robust factchecking techniques that flag fake news quickly and offers journalists techniques and tools to investigate and verify information, but are they working?

For example, [BBC Verify](#), which is a new fact-checking tech tool introduced by the organisation in May this year. BBC Verify was designed to address the exponential growth of manipulated and distorted videos that have emerged from Ukraine and Russia since February 2022 when Russia invaded its neighbour. On the other hand, journalists and researchers are also turning to image and video recognition tools by big tech companies, such as [Amazon Rekognition](#). Image and video recognition tools are also gaining popularity among researchers and analysts using open-source intelligence as a method to collect and fact-check information from conflict zones.

Interestingly, in fact surprisingly, there is little to no evidence of the use of AI or deepfakes in the Israeli-Hamas conflict so far. But that might soon change, as was witnessed in the early weeks of the Russia-Ukraine war, where AI-generated images not only manipulated facts, but also fueled disinformation about the war and those affected by it.

The uncontrollable surge of mis- and disinformation is not only fueling the Israel-Hamas conflict, but also gravely impacting the process of [humanitarian](#) and [peace journalism](#), which focuses on covering both the victim and the perpetrator. Amidst these misleading narratives – one more dangerous than the other – what is most concerning is the threat posed by the manipulation and weaponisation of information to transnational solidarity with the victims of these atrocities.



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## The balancing act



With X (formerly Twitter) recently being [fined \\$610,500 for failing to adequately respond](#) to a probe by the Australian eSafety Commission, the spotlight has returned to Australia's regulation of digital platforms.

The eSafety Commissioner conducted the probe as part of the transparency powers under the Online Safety Act, which compels companies to respond to questions on how they are combating child exploitation and abuse.

The current powers under the Online Safety Act, known as the '[Basic Online Safety Expectations](#)' ('The Expectations'), effectively dictate the bare minimum requirements to keep Australians safe online. Under The Expectations, the Commissioner has several powers, such as requiring information and taking formal enforcement action, to monitor compliance and enforce the provisions.

The Expectations are considered the [foundation](#) of Australia's approach to regulating digital platforms, underpinning a form of co-regulation through the development of mandatory industry codes and formal regulation via industry standards. The industry codes apply to eight industry sections and two different material classes. If the Commissioner is unhappy with the proposed industry-developed code, she can instead determine an Industry Standard that is mandatory for the applicable industry section.

It all seems rather complicated, and that is without considering the application of other regulatory instruments, such as the News Media Bargaining Code and the proposed Disinformation Bill, which Michael discusses in his piece for this week's edition. Nevertheless, as with most things, it comes down to a question of balance. The digital realm is not just one coherent thing but a constantly evolving space encompassing new technologies, old technologies, new applications of old technologies and how they all interact. The Australian approach is trying to strike the balance between ensuring codes work in a common-sense manner and the resources available to monitor and enforce them. However, we will have to wait and see how successful this is – we are still waiting for the release of two industry standards for class 1 material and development of the class 2 material codes has not yet begun.



**Kieran Lindsay**  
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## The politics of misinformation



In the aftermath of Saturday's referendum, allegations of dishonesty and bad faith are flying. Many Yes voters claim the vote was lost on the back of a campaign of misinformation and fear-mongering, while the opposition [has suggested](#) that Labor MPs use the term misinformation to disparage opinions they disagree with. Whichever side you supported, there is no doubt that misinformation was [propagated by unofficial sources](#) both off- and [online](#).

In this context, consultation on the government's proposed Combatting Misinformation and Disinformation Bill looks increasingly fraught. Yesterday, No campaigner Warren Mundine said that the bill was designed to [silence the government's opponents](#), echoing statements made by opposition MPs and some media outlets when the draft was released.

Here we might reasonably ask what effect the bill, if enacted, might have had on the Voice campaign. Would it have provided government with the means to silence opposition? And would it have stemmed the flow of misinformation on social media?

The stated [purpose of the bill](#) is not to give ACMA the power to arbitrate truth online, as some have suggested, but only to ensure that digital platforms implement measures to prevent or respond to misinformation and disinformation. If we take this at face value, ACMA would use its powers to assess whether platforms have developed and implemented such measures. It would not have the power to request the removal of online content and thus to silence opposition by proxy.

But the purpose of the bill is one thing, and its actual content another. Even if the bill does not explicitly give ACMA the power of adjudication, this possibility might be implicit in, or at least not ruled out by, the wording of the bill. A more subtle question than whether ACMA can request the removal of content is whether giving ACMA the power to assess industry compliance effectively grants it undue influence over platforms' content-moderation decisions. Indeed, we argued [in our submission](#), that the bill should be more explicit about the nature of ACMA's powers, for example, by precluding the assessment of how platform practices are applied in individual cases. We also set out some deeper problems with the scope of the bill.

Would the bill have stemmed the flow of misinformation during the Voice? In a sense, this

question is moot: the major platforms are signatories to the voluntary Australian Code of Practice on Disinformation and Misinformation, under which they are already required to implement measures to combat misinformation. But that doesn't mean the bill would have no effect. Instead, by giving ACMA the power to assess code compliance, it would ostensibly promote industry accountability for the measures they put in place. But this is a long-term proposition, and one best directed at general improvement of the online information ecosystem rather than at dealing with particular instances of misinformation, an idea we also explore in our submission.

In this sense, then, both the horror and the hope directed at the bill are overstated.



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## Under fire



The murder of any journalist in the course of reporting war and conflict is a breach of International Humanitarian Law according to the Geneva Conventions.

Now, the Committee to Protect Journalists says [at least 19 journalists have been killed](#) on both sides of the latest outbreak of hostilities between Israel and Hamas in Gaza. Among them was Reuters videographer Islam Abdallah, who was killed by Israeli fire in southern Lebanon. Six other journalists were seriously injured.

The safety of war correspondents is an ongoing problem. However, recently it has become clear that judicial efforts to ensure the rights of journalists to do their job safely are being challenged. We have also seen how investigations into the killing of journalists get politicised. On 11 May 2022, inquiries by the United Nations into the last year's shooting of Palestinian journalist Shireen Abu Akleh in Jenin in the Palestinian Territories were [hampered by difficulties in getting evidence from the Israeli authorities](#).

Domestic law can provide some additional safeguards alongside International Humanitarian Law where there is ambiguity. As scrutiny of a decision in 2017 shows, the Israeli judiciary has provided a check on abuses by decision-makers of constitutional free speech guarantees.

But there have been recent, drastic changes to the laws in Israel which have reduced these checks and balances. In fact, the Israeli Parliament, the Knesset, [passed a controversial law in July this year](#), limiting the Supreme Court's ability to act as a safety check on Israeli decision-making.

In the past, an alliance between journalists and the legal profession in Israel had provided a modicum of safety assurances before the Court. In one case, both [foreign correspondents and local journalists had been banned from entering the Al-Aqsa Mosque](#) in Jerusalem in 2017, which is a site holy to the Christian, Muslim and Jewish faiths in Jerusalem. According to interviews with journalists, the Israeli Defence Force had said that journalists had been prohibited from entering the Al-Aqsa Mosque because of concerns about their safety.

In 2017, the Israeli chapter of the advocacy group, the Foreign Press Association, challenged this ad hoc ban in the High Court of Israel which held that damage had been irreversibly done to the public interest. It granted an injunction on the restriction pending the full restoration of rights for journalists.

A holistic approach to International Humanitarian Law is necessary where there is a lack of detail about issues such as access to information. However, the recent constitutional amendments in Israel are proving that any legal framework for safeguards is weakening.



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