

Press Freedom Inquiry

Submission from Greg Bean, August 24, 2019.

Introduction

My name is Greg Bean.

I have long been an advocate of free speech which includes the freedom to disseminate information via print. They are one and the same and are basic human rights.

I'm semi-retired from a 40 year career developing software, the latter half of which focused on building Data Warehouse and analytical Business Intelligence solutions for large Australian organisations and corporations including Macquarie Bank, Reserve Bank of Australia, Sony, AstraZeneca and many more across a wide range of industries.

Since retiring I have taken an interest in assisting journalists with integrating large sets of financial information that I've processed into meaningful charts and graphs, into their publications.

I have also recently had my first article published. It is on the topic of free speech, and a free press. Please read it, it is so much more explicit on the true underlying issues of free speech. See here:

<https://www.michaelwest.com.au/media-dead-silent-as-wikileaks-insider-explodes-the-myths-around-julian-assange/>

Some of this submission to this Press Freedom inquiry draws on information presented in this article but my submission is an entirely new presentation and has never been published, or in fact, read by anyone but myself prior to this submission.

Free Press Background

In 1439 Gutenberg invented the movable type printing press. It revolutionised the world by making information available to the masses whereas previously it had only been available to a tiny minority of powerful individuals; having information that provides advantage while withholding it from others is the key to the power of information.

Gutenberg's printing press destroyed their power base. Powerful secrets made available to a wide population decimate the power component of that information. It's no longer as powerful for a few when known by many. Since then, the powerful have been attempting to rebuild or protect their information power base using every imaginable means: copyright, censorship, classification (secret, top secret, etc.), slow-walking or suppressing responses to Freedom of Information requests, implementing spying on citizens' every electronic communication and activity, raiding homes of journalists, arresting whistle-blowers and leakers and imposing abusive process-based persecution on them prior to prosecution, and even abandoning Australia's world-famous advocate of the right to print without interference, Julian Assange, to prosecution by four foreign governments and their security agencies for simply engaging in his right to print.

While all of these actions have had a negative impact on Press Freedom and the right to print, possibly the most pernicious action is enlisting the very entity meant to speak truth to power, to shine a light on the illegitimate or illegal acts of the powerful; that is to enlist The Fourth Estate, corporate media, as a partner. In what can only be viewed as a quid-pro-quo arrangement, corporate media has been granted ever higher levels of consolidation to the stage where there are now few, possibly less than 6, 3-large media and 3-technology companies that control the majority of the information flow to Australia's entire population. And it seems apparent to a large portion of the population that in exchange for granting media consolidation, the Government has largely bought their silence on many items of information the Government would prefer not to be challenged on.

In short, Press Freedom, the right for any person to print and circulate anything they might want to disseminate to a wider audience than can be reached via speaking, since Gutenberg's invention of the press 580 years ago, has been under attack by powerful individuals trying to maintain their power; attack by every means imaginable to make knowledge a restricted commodity that only a few can access and use to gain advantage over others.

But the time has come to recognise that further escalation of this attack is fruitless. The time has come to flip the entire paradigm of 'information only for the powerful' on its head. This is going to happen regardless of how much more malicious these Government attack mechanisms become. A new genie has recently been released and as with the genie released by Gutenberg's printing press, this new genie is never going back in the bottle.

The genie is quite simply the anonymous leaking mechanism and technology initially revealed by WikiLeaks and subsequently used as a model by numerous organisations including The Freedom of the Press Foundation, which has created a free set of tools, and a facility called SecureDrop, to permit anyone to leak anything without the chance that they will be identified. Anonymous leaking is here to stay.

I anticipate that within 10 years anonymous leaking will be as widely implemented by media organisations of every imaginable size, and leaks will be unstoppable, and as they're anonymous, impossible to punish.

So, the question is not how does one tweak the laws and tighten, or loosen, controls, as is hinted at by the published terms of reference to this inquiry. The question is how does one enlist the support of Australians en masse to achieve national security when anyone, anywhere who has access to information will, in the very near future, be able to dump a copy of everything they have access to into an anonymous drop box to be read by some recipient in an unknown location that can reveal it to the entire world?

The answer is really quite simple. If information shows illegal or illegitimate actions, events, instructions, then it is liable to be leaked. If actions, events, instructions are legitimate and legal people have no reason to leak this information, in fact it can be publicly disseminated. So, the answer is, when Government, and the powerful no longer have anything to hide they will no longer have anything to fear, from leakers.

No past prohibition has been successful that I'm aware of, prostitution, gambling, drugs, alcohol, weapons, have always been available regardless of government regulation that may try to make them illegal. And these physical activities and items should be much easier to control than ethereal information. Failure to do so, as shown in the previous list of prohibition failures, should make it obvious that prohibition of leaking of information has no chance of success.

How does one adjust for the new freedom of information paradigm? Here are a few suggestions:

Proposals regarding Press Freedom;

The Freedom and Right of Everyone to Print, Speak and Disseminate Information:

- Accept that Press Freedom, Freedom to Print, is a personal right that is inextricably linked to Freedom of Speech. It is not dependant on qualification, work history, employment status or any other criteria that might remove the right to print for some set of the Australian public. It is a basic right of every individual. The Government should make this a guiding principle of their future Free Press/Free Speech initiatives. State that clearly and concisely. And then commit to pursuing these basic principles.
 - *Terms of Ref Item (a) disclosure and public reporting of sensitive and classified information, including the appropriate regime for warrants regarding journalists and media organisations and adequacy of existing legislation;*
- Accept that information dissemination is uncontrollable and further that information dissemination should be promoted rather than suppressed. Provide Government staff training on how to efficiently satisfy the public's right to know and engender in the Public Service an attitude of openness and transparency where information availability is the norm and only a very small set of highly classified information is not for public dissemination.
 - *Terms of Ref Item (d) appropriate culture, practice and leadership for Government and senior public employees;*
- Recognise that people of integrity will do their utmost to support legitimate and legal actions including keeping information about such actions secure. Enlist citizens as partners, not as opponents. Implement programs in the Public Service to enhance opportunities for citizens to learn about the workings of government administration and to see the information that transits through Government administration offices on a regular basis.
 - *Terms of Ref Item (a) disclosure and public reporting of sensitive and classified information, including the appropriate regime for warrants regarding journalists and media organisations and adequacy of existing legislation;*
 - Recognise that there is nothing that foreign powers do not already know about Australian security, defence, financial and other national security plans or initiatives, and that current secrecy laws are widely recognised by the public as an effort by government to hide deception from the Australian Public.
- Significantly enhance FOI support
 - *Terms of Ref Item (d) appropriate culture, practice and leadership for Government and senior public employees;*

- Create an FOI Ombudsman Department responsible for ALL FOI processing without need to rely on input from any other department's staff. FOI Ombudsman's Office must have full access to ALL information. Technically this is not difficult.
- Flip the underlying strategy of secrecy and information suppression to one of openness and information availability. Make ALL Government information available by default with only the most crucial national security information restricted.
- Prosecute those individuals exposed by whistle-blowers and leakers for the crimes that are exposed. Create an honour list of significant whistle-blowers and leakers and reward them for their contribution to exposing crime, corruption or malfeasance.
 - *Terms of Ref Item (b) the whistleblower protection regime and protections for public sector employees;*
- Curtail punitive police or government actions against whistle-blowers and leakers. The Australian Public recognise these as abuse of the judicial process, a 'kill the messenger' strategy, and especially when no prosecution is pursued of the crimes revealed by leakers or whistle-blowers.
 - *Terms of Ref Item (e) mechanisms to ensure that the Australian Federal Police have sufficient independence to effectively and impartially carry out their investigatory and law enforcement responsibilities in relation to politically sensitive matters;*
- Review the current extremely high level of media consolidation with a view to reducing it by 60-75% to levels where no media or technology organisation has more than 15% of the market across their entire print, radio, television or internet offering. It is toxic to the proper functioning of Australia as a democracy to have a very few individuals, media moguls, with megaphone sized media voices that drown out the voice of small independent media or private citizens.
 - *Terms of Ref Item (f) any related matters.*
- Review current classification laws and revise by eliminating all but the most significant Top Secret National Security categorisation. Review all classified documents and remove classification from any that do not meet Top Secret National Security criteria.
 - *Terms of Ref Item (f) any related matters.*
- Implement 'Truth in Media' legislation that requires media to publish only knowingly true information or if subsequent facts are discovered that impact the previously presented 'truth' to issue an immediate and highly visible correction. Alternatively, provide different licencing for 'News' versus 'Entertainment' with the latter largely unrestricted in its content but unable to present news, and the former restricted to news and unable to present entertainment and held to the highest standard of 'truth'. This could be done at a program level so a single media organisation can deliver both but in clearly different programs and time-slots.
 - *Terms of Ref Item (f) any related matters.*

- Review defamation laws as they currently have a seriously chilling effect on what the free press is comfortable to publish, not because it is untrue but because the risk of a financially crippling lawsuit is significant and is often a means used by the wealthy and powerful to silence critics from printing true facts.
 - o *Terms of Ref Item (f) any related matters.*

- Remove the authority of any police force to raid premises without providing adequate proof to an independent judge that the raid is warranted and until the judge issues a search warrant. Also, once a raid has been initiated but before Police commence any search or seizure, ensure that the suspect has his legal counsel present, that search or seizure activity is within the strict terms of the warrant and the search and seizure is able to be video-recorded by the suspect's legal counsel.
 - o *Terms of Ref Item (f) any related matters.*

I am pleased to have this opportunity to make a submission on this inquiry into Press Freedom.

If further information or clarification/elaboration is needed I am happy to oblige and can be contacted on the email or phone number provided above.

Regards,

Greg L Bean