



Wednesday, 26 April 2023

**To: Finance and Public Administration References Committee**

Dear Committee Chair,

**RE: Inquiry into the Administration of the Referendum into an Aboriginal and Torres Strait Islander Voice**

Thank you for your invitation to make a submission to the above inquiry.

The Australian Muslim Advocacy Network (AMAN) wishes to acknowledge the Traditional Owners on the lands which we work and travel.

AMAN works to prevent the harms of Islamophobia, racism and dehumanising information operations through research, policy and legal dialogue.

Please find our submission enclosed.

**Yours faithfully,**



**AUSTRALIAN MUSLIM ADVOCACY NETWORK**



### **Terms of Reference**

The administration of the Referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution through an Aboriginal and Torres Strait Islander Voice, with particular reference to:

- a. protections against the potential for foreign actors to seek to influence the outcome or public debate on the referendum question;
- b. the detection, mitigation, and obstruction of potential dissemination of misinformation and disinformation, including via social media or technology platforms;
- c. the potential application of the Foreign Influence Transparency Scheme to the Referendum and its participants;
- d. the potential application and administration of foreign donation laws to the Referendum and its participants;
- e. the application of authorisation requirements to the Referendum and its participants;
- f. the ongoing integrity and assurance processes of the Australian Electoral Commission; and
- g. any other related matters.

### **Dealing with Disinformation**

Unfortunately, some people act in bad faith online, spreading falsehoods about the proposal's impact. Rather than seeking to inform and deepen public discourse, they distort and confuse the public's understanding, showing no regard for the psychological safety of Indigenous people.

There are two categories of bad-faith actors.



1. Elected political representatives that are publishing online material to cause fear among their audiences.
2. Information operations based on white supremacy designed to generate disgust and outrage toward Indigenous people.

If this continues, we fear Australia may see more public violence and acts of hatred/racism against Indigenous people.

The Australian Electoral Commission's push to address misinformation or disinformation about the referendum process is welcome and essential. However, their efforts won't address the disinformation being spread about the *content* of the Referendum.

***'Divided by race.'***

Some Liberal National Party (LNP) and One Nation Party (ONP) members have sought to mobilise conservative audiences online by claiming that the change will 'divide the nation by race', causing those audiences to be gripped by fear.

Our nation already has big disparities in Indigenous versus non-Indigenous health, education, and employment. The online comments show that historical racism in Australia continues towards Indigenous people.

The Referendum proposal does not divide our country by race. Indigenous people are the first occupants of this land; they have no other ancestral homeland like other Australians who've immigrated here. This recognition is not based on or dividing Australia race. It does not take anything away from non-Indigenous Australians.

The LNP and ONP members' messaging socialises audience for the latter, more extreme messaging by creating a sense of overwhelming threat linked to global conspiracy and defining



it as a 'race' issue. We have observed 'threat construction'<sup>1</sup> techniques used by LNP and ONP members online.

The claims that the Voice proposal is racist by design, dividing Australia by race, or that people will be called racist if they vote no, are all examples of 'accusation in the mirror': A dangerous speech technique used to accuse the out-group (in this case, the 'cultural and political elites', including 'Indigenous elites') of intentions that the in-group has for out-group or is process of enacting. It is also sometimes referred to as mirror propaganda.<sup>2</sup>

Arguably, this conduct breaches the Racial Discrimination Act 1975 (Cth) because they encourage the denial of the cultural rights of Indigenous people to be recognised as Indigenous people, to self-determine and make representations on issues that affect them collectively. Moreover, these remarks go against the objectives of the Broadcasting Services Act 1992 (Cth) to "to encourage providers of commercial and community broadcasting services to be responsive to the need for a fair and accurate coverage of matters of public interest." The limitations of these laws are addressed later in this submission.

### ***Dehumanising discourse***

Racism and dehumanisation towards Indigenous people online occurred before the Referendum. However, AMAN has observed an increase in campaigns aimed at dehumanising and demonising them as an out-group to a white in-group audience. The tactics are similar to what we have observed in relation to campaigns directed at Muslims, and at times, by the same accounts. This saddens us greatly because we have endeavoured to warn the Australian Government about this problem since the Christchurch massacre. It was predictable that Indigenous people would become an increasing target for dehumanisation as the Voice features more in divisive political discourse. Racist nationalist (or ethno-nationalist) actors tend to focus on issues that have foundations of fear laid by mainstream politics and media to

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<sup>1</sup> Leader Maynard, Jonathan and Benesch, Susan (2016) "Dangerous Speech and Dangerous Ideology: An Integrated Model for Monitoring and Prevention," *Genocide Studies and Prevention: An International Journal*: Vol. 9: Iss. 3: 70-95. DOI: <http://dx.doi.org/10.5038/1911-9933.9.3.1317>

<sup>2</sup> Ibid.



socialise their audiences in dehumanising narratives about an out-group. This behaviour helps to build in-group connectedness and boost engagement/algorithmic impact.

More extreme messaging has been observed by online actors that also set up the issue in racial terms, but this time to elicit disgust and dehumanising responses directed at Indigenous people. These actors will repackage mainstream news about the Voice and produce memes.

The criticisms of the Voice to Parliament, led by Opposition Leader Peter Dutton, provide the strongest form of engagement material for online fringe and far-right conspiratorial communities. The Voice is presented as a Trojan horse for global elitists, communists, and Marxists. This discourse has all the identical trademarks and consequences as QAnon and Great Replacement Theory (which relied on dehumanising narratives in relation to Jews, and Muslims, African and Middle Eastern migrants).

Those dehumanising responses include variations on the themes below: That Indigenous people as a class of persons.

(a) are innately criminal, dangerous, violent or evil by nature;

(b) do not love or care for their children;

(c) prey upon children, the aged, and the vulnerable;

(d) are parasitic to Australian society;

(e) were subject as a group to past tragedy or persecution that should now be trivialised, ridiculed, glorified or celebrated;

(f) are innately primitive and intellectually incapable of achievement on a par with other humans; or



(g) must be categorised and denigrated according to skin colour or concepts of racial purity or blood quantum.

These messages are dehumanising because they do not allow for Indigenous people to have human depth or diversity, the capacity for independent thought, or deny Indigenous people other intrinsic human qualities. High-profile Indigenous women are favoured subjects for dehumanising discourse, provoking intense reactions from in-group audiences. Examples from actors on Twitter and the responses they generated are included in **Annexure B**.

When dehumanising discourse becomes more socially acceptable, discrimination, disrespect and violence toward Indigenous people also becomes more acceptable: 'Dehumanization moves out-group members into a social category in which conventional moral restraints on how people can be treated do not seem to apply.'<sup>3</sup>

Our working definitions for this harm followed a review of genocide prevention research, social psychological research, international case law and our own observations of discourse online.<sup>4</sup> For easy reference, the definitions as of the date of this submission are attached in **Annexure A**. We can provide further information about possible government levers.<sup>5</sup>

AMAN has been pushing for regulation to address the public harm of dehumanising speech and discourse enabled by social media companies and certain news outlets. The Broadcasting Services Act does not capture online material. The Online Safety Act only addresses cyberbullying and abuse directed at individuals, not groups based on race. Currently, the only form of redress for disinformation is through making a complaint to a self-regulatory regime with an unclear enforcement mechanism (Australian Code of Practice on Misinformation and Disinformation). The Broadcasting Services Act continues to provide very weak guidance on

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<sup>3</sup> Ibid, 80.

<sup>4</sup> AMAN Policy brief – Combatting dehumanisation online < [https://www.aman.net.au/?page\\_id=1425](https://www.aman.net.au/?page_id=1425)>  
Last updated 15 April 2023.

<sup>5</sup> Ibid.



monitoring the conflation of news, current affairs and opinion, or the policies and funders of news outlets. The only remaining avenue is for the targeted individuals or communities to bring complaints under the Racial Discrimination Act 1975 (Cth), keeping the burden on the complainant. This is not an effective avenue to deal with a public harm that is happening on a scale much bigger than any one individual or community should contend with.





## ANNEXURE A

An actor that serially or systematically produces or publishes material that an ordinary person would conclude,

(a) presents the class of persons identified on the basis of a protected characteristic to have the appearance, qualities, or behaviour of

- (i) an animal, insect, filth, form of disease or bacteria, inanimate;
- (ii) mechanical objects, or
- (iii) a supernatural alien.

This material would include words, images, and/or insignia.

(“**Dehumanising language**”); or

(b) curates information to a specific audience to portray over time that the class of persons identified on the basis of a protected characteristic

- (i) are polluting, despoiling, or debilitating an in-group or society as a whole;
- (ii) have a diminished capacity for human warmth and feeling or independent thought;
- (iii) pose a powerful threat or menace to an in-group or society;
- (iv) are to be held responsible for and deserving of collective punishment for the specific crimes, or alleged crimes of some of their “members”;
- (v) are innately criminal, dangerous, violent or evil by nature;
- (vi) do not love or care for their children;
- (vii) prey upon children, the aged, and the vulnerable;
- (viii) are responsible for global problems;
- (ix) behave in ways characteristic of vermin;
- (x) was subject as a group to past tragedy or persecution that should now be trivialised, ridiculed, glorified or celebrated;
- (xi) are innately primitive and intellectually incapable of achievement on a par with other humans; or

(xii) must be categorised and denigrated according to skin colour or concepts of racial purity or blood quantum.





### (“Dehumanising discourse”)

If the above definition was used as part of a civil penalty, it could be complemented by an intention component:

*in circumstances in which a reasonable person would conclude that the material was intended to cause others to see that person or class of persons as lacking the human qualities that qualify someone to be treated equally to other humans.*

Adding an intention element may make enforcement more difficult and may not be necessary.

### How did we develop this working definition?

AMAN developed this working definition after spearheading a study of five information operations online (Abdalla, Ally and Jabri-Markwell, 2021). The first iteration of this definition was published in a joint paper with UQ researchers (Risius et al, 2021).

#### *Dehumanising Speech*

The three categories of dehumanising speech in Clause (a) are drawn from [Maynard and Benesch](#) (80), and fleshed out with further examples from tech company policies (refer to Meta for example).

#### *Dehumanising discourse*

Subclauses (b)(i) is derived from Maynard and Benesch (80).

Subclause (b)(ii) is derived from [Haslam](#) (258).

Subclauses (iii) and (iv) are elements of dangerous speech that Maynard and Benesch refer to as ‘threat construction’ and ‘guilt attribution’ respectively (81). However, [Abdalla, Ally and Jabri-Markwell’s](#) work shows how such conceptions are also dehumanising, as they assume a group operates with a single mindset, lacking independent thought or human depth (using Haslam’s definition), and combine with ideas that Muslims are inherently violent, barbaric, savage, or plan to infiltrate, flood, reproduce and replace (like disease, vermin)(15). The same study found that the melding and flattening of Muslim identities behind a threat narrative through headlines over time was a dehumanisation method (17). Demographic invasion theory-based memes (9) or headlines that provided ‘proof’ for such theory (20) also elicited explicit dehumanising speech from audiences.

Maynard and Benesch write, ‘Like guilt attribution and threat construction, dehumanization moves out-group members into a social category in which conventional moral restraints on how people can be treated do not seem to apply’ (80).

Subclauses (v) and (vii) to (x) are drawn from the ‘Hallmarks of Hate’, which were endorsed by the Supreme Court of Canada in *Saskatchewan (Human Rights Commission) v. Whatcott* 2013 SCC 11, [2013] 1 S.C.R. 467. These Hallmarks of Hate were developed after



reviewing a series of cases involving incitement of hatred to a range of protected groups. These clauses were tested against Haslam’s definitional frame for denial of intrinsic human qualities.

Subclauses (v) (‘criminal’) and (vi) are drawn from the Uluru Statement of the Heart. Subclauses (vi) to (xii) are drawn from AMAN’s observations of online information operations generating disgust toward First Nations Peoples. Disgust is a common effect of dehumanising discourse. These clauses were tested against Haslam’s definitional frame for denial of intrinsic human qualities

This working definition is a work in progress. AMAN welcomes feedback as it continues to be developed.

*Updated 15 April 2023*