

Parliamentary Joint Committee on Intelligence and Security

Review of the Foreign Influence Transparency Scheme Act 2018

Simultaneously submitted to the Select Committee on Foreign Interference through Social Media

Submission:

WeChat as Schrödinger's Cat

Tom Sear, Nov 5, 2021.¹ Submitted under Parliamentary Privilege.

'little green man leaves no trace'

In a recent NSW ICAC inquiry, a phone text message between an elected representative and a senior politician was shared stating 'they can read texts but not the little green man, it leaves no trace' before encouraging the recipient to download the application WeChat.²

A compromised insider threat in an Australian parliament coordinating their actions and networks through communication software accessible to foreign powers is a potential national security nightmare. But that scenario is a real possibility. Indeed, the data of that text was already accessible to that foreign power. The 'little green man' of WeChat *does* leave a trace.

WeChat is branded as Weixin (微信) in the People's Republic of China (PRC). The PRC based company Tencent 腾讯 own and operate WeChat and Weixin.³

WeChat (and Weixin) accounts are divided into two broad categories:

- WeChat Service Account (服务号).⁴ Generally referred to as an Official Account (OA).
- WeChat Subscription Account (订阅号). Generally referred to as a personal account.

A WeChat Service Account (服务号) is developed, operated, and owned by third parties unrelated to Tencent 腾讯. WeChat Service Account (OAs) (服务号) enable API and JS-SDK access and require +86 (Chinese Mainland mobile number) to be registered and operate. This means that WeChat Official Accounts must be registered with a Chinese business license/entity. WeChat Official Accounts are interoperable with PRC based Weixin (微信).

WeChat is an indispensable tool to the ethnic Chinese diaspora and Chinese Australians. WeChat Official Account (OAs) are the most powerful and centralising accounts of the application. WeChat is a super App. It's like every application on your phone with a credit card and Eftpos attached. It's one

¹ Special thanks for assistance to, Titus C. Chen, Associate Professor of Political Science, National Sun Yat-sen University, Kaohsiung, Taiwan. "tituschen@mail.nsysu.edu.tw" tituschen@mail.nsysu.edu.tw
<https://scholar.google.com/citations?user=WA0CcfwAAAAJ&hl=en>

² <https://www.skynews.com.au/australia-news/politics/daryl-maguire-told-gladys-berejiklian-to-download-wechat-and-get-a-private-phone-in-text-exchange-heard-at-icac-probe/news-story/58973a940f9a51274912badcf4ef2cd4>

³ Controlling company Tencent is formally known as 深圳市腾讯计算机系统有限公司 (Shenzhen Tencent Computer Systems Company Limited).

⁴ Can further be broken down if required into options of WeChat Enterprise Account / "WeChat Work" (企业) WeChat Mini Program Account (微信小程序).

of the best ways to keep in contact with China, culture, friends, family, buy and sell and an effective way to actively run and advertise to a diaspora market business in the PRC or in Australia.

Tencent indicates that WeChat has ‘approximately 690,000 daily active users in Australia based on IP address and registered Australian mobile phone number.’ The actual figure of users of Australian ‘based’ accounts is likely to be much higher, even three times as high. Prominent WeChat news OAs followers in Australia each rate similar numbers of total Tencent estimated followers’ account: roughly 600,000 each. While both these OA and personal account formats are used in Australia, users based here can access PRC based Weixin accounts and information, WeChat (as opposed the PRC based named Weixin) however, is operated by WeChat International, incorporated in Singapore. Data for Australian WeChat and Weixin users are located on servers located Singapore and the Hong Kong Special Administrative Region ("Hong Kong SAR"). As a result, data of Chinese Australians is located offshore in servers of non-sovereign potential exposure.

Prominent WeChat news OAs in Australia.

WeChat OAs are Chinese Australian and diaspora people’s primary source of news and political information. Key several prominent OAs are discussed in this submission.

Accounts are branded with association to major Australian cities but transcend these urban regions in scope, influence and adoption in Australia. Companies tend to manage key or a handful of accounts and compete for eyeball in an oligopoly market akin to US based social media. While ostensibly Australian based corporate entities manage content, the social media accounts themselves are owned by foreign entities. Media Today Group (今日传媒集团) is responsible for website *Sydney Today* (今日悉尼). *Sydney Today*’s WeChat account is owned and managed by Nanchang Shi Pandaqi Technology (南昌市潘达奇科技有限责任公司), a software and IT company registered in Jiangxi Province, China. The sister city WeChat account *Melbourne Today* is conducted under similar arrangements. Pingtan Bohui Biotech (平潭博汇生物科技有限公司), an import-export company registered in China’s Fujian Province, own and manage the WeChat account of ABC Media (华人瞰世界).

In these instances, then, WeChat accounts of both *ABC Media* and *Sydney Today* are constrained by the censor and opinion guidance restrictions of PRC law, despite Tencent’s suggestion of the opposite. Recent scientifically based studies demonstrate a pattern of censorship consistent with Chinese Communist Party (CCP) social media control and censorship in the PRC and Hong Kong. Data collected consistently, with rigorous statistical methods applied in a control comparison with Australian-based Chinese media entities revealed a deliberate near absence of political coverage which instead focuses the attention of WeChat readers on celebrity gossip and other entertainment topics, rather than the politics of the People’s Republic of China.⁵

This practice has been described as a form of ‘porous censorship’.⁶ While readers could seek out information on China from other sources, it takes time and effort to do so. The ‘flooding’ of the daily news feed is effectively more of a tax than a ban on information – especially considering WeChat is a primary source of information for many Chinese people living in Australia. Some recent studies have attempted to counter the academic discussion our 2018 study raised by indicating that a small material

⁵ Tom Sear., et al., <https://theconversation.com/how-digital-media-blur-the-border-between-australia-and-china-101735>

⁶ Margaret E. Roberts., <https://press.princeton.edu/books/hardcover/9780691178868/censored>

translated and editorialised in non-WeChat mediums of these companies and uncritical interviews with a few individuals associated with this process.⁷

The account ownership and oversight of *WeSydney* (微悉尼) is further complicated and entangled than its local competitors. Separate entities own and manage the *WeSydney* (微悉尼) OA account. According to the information disclosed by Tencent, Beijing Zhongxin Chinese Technology Development (北京中新唐印科技发展有限公司) claims the ownership of *WeSydney*. The company is registered in Beijing, China. However, the content of *WeSydney* is provided and administered by Nan Hai Culture & Media Group (澳大利亚南海文化传媒集团), which is an Australian media and public relations enterprise established in Sydney 2011. Li Bing is identified as the owner of Nan Hai. *WeSydney*'s owner and content provider might be perceived to be 'front' organizations of the Chinese Communist Party. Beijing Zhongxin Chinese Technology Development is a wholly owned subsidiary of *China News Service* (CNS), one of the most resourceful state news agencies that targets Taiwan, Hong Kong, Macau, and Chinese diasporic communities. CNS is directly supervised by the United Front Work Department (UFWD) and the Overseas Chinese Affairs Office (OCAO). The Nan Hai Culture & Media Group, on the other hand, has developed close relations with the Chinese government. China's OCAO system has consecutively awarded the Nan Hai Group with major contracts to organize high-profile Chinese cultural events and bilateral media forums in Australia. The PRC Consulate General at Sydney provided policy/logistic support for these lucrative business events. The Group's website proudly showcases frequent visits by OCAO leadership and PRC foreign officers, and its senior executives have regularly attended high-level conferences organized by the Chinese government (mainly the propaganda system or UFWD).

Melbourne *WeLife* (墨尔本微生活) content is coordinated by Melbourne based Lion Media Group; however, the ownership of Melbourne *WeLife* (墨尔本微生活) OA is connected to previously PRC based company n+media (北京恩家壹传媒科技有限公司).

In summary, prominent Australian audience focussed WeChat Official Accounts (OAs) in Australia are legally owned by one of China's state media corporations and are daily operated by an Australian media company that has maintained intimate business and political relationship with PRC propaganda, overseas Chinese affairs, and foreign affairs systems. The owners and employees in those marketing companies that operate these accounts are bound to norms and pressures and legal structures of the PRC law and CCP political will and largesse to continue to operate a business and avoid the proverbial 'cup of tea' with the CAC and MSS.

If that then this?

Foreign Influence Transparency Scheme commenced on 10 December 2018. As a result of the Foreign Influence Transparency Scheme Act 2018 (the FITS Act) individuals or entities are required to register certain activities (registrable activities) under the scheme if they are taken on behalf of a foreign principal. Some of the individuals and companies detailed above conduct as 'communications activities' and/or undertake registrable activities or enter into a registrable arrangement, in Australia on behalf of a foreign principal.⁸ In addition – arguably – the activity is undertaken for the purpose of

⁷ The copyright and IP status of this material is unknown, but if unlicensed may be journalistic plagiarism. Taking that as indicative of ethical non-biased journalism may not be persuasive. In addition, this might require further investigation as the material is generally taken from major news outlets like *The Australian Financial Review* and *The Sydney Morning Herald* and *The Age*.

⁸ NB: The Foreign Influence Transparency Scheme Amendment Bill 2019 has tightened and clarified aspects of this issue because loopholes which enabled avoidance to disclose registrable activities in section 13

political or governmental influence. Some matters related communication activities of WeChat OAs deployed for use in Australia clearly fit section 11 (1,2,3) of the FITS Act. One interpretation suggests that this condition alone means entities and/or individuals need to register under Part 2 Division 1 of the Act. The act indicates ‘*influence* includes affect in any way.’(Definitions). However, another reading suggest the Act seeks both acting for a foreign principal and ‘political or governmental influence’ where ‘the sole or primary purpose, or a substantial purpose, of the activity is to influence the public, or a section of the public, in relation to a process or proceedings’ (Section 12). The definition of ‘activity in Australia for the purpose of political or governmental influence’ is closely related to formal processes, procedures, and decisions.

It might be argued that such definitions are designed for a political age where online politics had less effect on process. In one perception, the red line that the current legislation draws is not much bigger – metaphorically – than the roundabout of Capital Circle. While there is some fuzziness which may blur the red line out to encompass the powers to organisations just beyond State Circuit; that is insufficient a radius for where Australian politics – and even Australian sovereignty is now ‘processed’ within.

The definitions fail to incorporate the nature of influence as a form of interference in an era of cyberspace. Social media global politics have produced a unique conundrum. Depending on interpretation, organisations, and individuals in Australia may not at all be required to be registered for certain activities under the FITS. Equally the Government and the Attorney General’s Department is required to write legislation, which is concise, considered and in line with a host of other established requirements including the Constitution, the Criminal Code and other legislation and arguably – feasibly - cannot ever capture the entire gamut of possible activity in this (cyber)space. Indeed, WeChat is a kind of Schrödinger's Cat – where political interference and influence and the absence of those states is a kind of ‘superposition’ and both things at once, depending on how and who is looking. However, it may be worthwhile for the Committee to explore how to deal with this persistent, advanced entanglement of digital communications activity and political process.

Entanglement is emergent from the technological affordance of WeChat. To achieve one core objective may result in a secondary impact. The CCP’s primary goal may not be to directly influence and interfere in the Australian politics (it may even be agnostic to Australian party political outcomes of elections) as we understand it via jurisprudence frames, but to capture the PRC ethnic and national diaspora who are physically located in Australia to ensure that any state of that population does not diffuse into a Mainland society and culture.⁹ The technology and shared data relations of the Tencent ecosystem enable the CCP to extend the digital sovereignty of PRC borders.¹⁰ The collateral damage is kind of new political interference capability, perhaps even inadvertently. The framing questions of this Committee seek to identify active instantiation and iteration within an existing political process. But technology has hacked the political process at meta scales. Inaction not action defines WeChat interference. WeChat is a critical infrastructure of the CCP, but not an infrastructure that is critical of the CCP.

‘communications activity’. This was designed to ‘ensure that it is transparent to the people who receive the information or material on whose behalf that material is being communicated.’

Section 14 has also been altered accordingly to incorporate people’s beliefs WRT Section 13. In addition Section 57 in reference to omission and the criminal code.

⁹ This a deliberate and ostensibly false generalisation to progress the argument. Of course, to aggregate and ‘Other’ an entire population of Australians in such a concise way denies agency. That’s a no brainer. The issue is that the Xi Stack of WeChat necessitates such a formulation and result polarisation as *Discourse Power*-play. Equally, those studies which simplistically seek to prove necessary agency – while necessary and important in themselves - also progress position beyond heuristics little.

¹⁰ Tom Sear, ‘The internet is now an arena for conflict, and we’re all caught up in it’, <https://theconversation.com/the-internet-is-now-an-arena-for-conflict-and-were-all-caught-up-in-it-101736>

So, is the FITS Act and related Interference legislation fit for purpose in an era of online politics? Foreign principals literally own the main WeChat OA accounts which operate in Australia. Necessarily interconnected, individuals and businesses deploy censored, editorialised information via those communication vectors. Logically one interpretation might be that those Australian-based WeChat OA accounts are involved in affecting a political process – but by capturing an entire polity – instead of a separate ‘political process’ that is the measure of interference defined in Australian legislation. However, none of those individuals or businesses exist in the FITS register. Why? Much of the answer is systemic to an emergent politics.

We all know things are different. Planetary scale political warfare is conducted ‘left of bang’ within a connected infosphere not just with obvious Old School direct action. Law is based around individuals and individual entities, but political change is now immanent from network models subject to turbulence and online segregation. Homophilic Political ends can be met via means of social media data manipulation. Moreover, the temporal escalation of activity online means that algorithmic amelioration is unlikely even with planetary scaled automated AI response. Further, the materialism of international trade is governed by a nomos of data matrices. Own the information vector and the behaviouralist outcome is moot. Vectors are Phase 0. Data is strategic depth. Scientific based data research can comprehensively verify the depth of strategic influence as interference is taking place.¹¹

The CCP are acting on this problem. The CCP have used the post COVID19 era to reboot and secure the tech sector and social applications. The CCP have restructured social media policy in the last six months. The CCP are acting in the PRC cryptosphere to defend data and digital infrastructure. 2021 has seen the maturation and implementation by the CCP in the PRC of a swathe of cyber security and data legislation in the People’s Republic of China since the introduction of the Cybersecurity Law of the People’s Republic of China (Effective June 1, 2017). Personal Information Protection Law of the People’s Republic of China came into effect on November 1, 2021. This law is the People’s Republic of China’s first major data privacy legislation. The Cyberspace Administration of China also published in late October the draft details for comment of ‘Outbound Data Transfer Security Assessment Measures’ while implementing ‘Guiding Opinions on Strengthening Overall Governance of Internet Information Service Algorithms’ and Critical Information Infrastructure Security Protection Regulations (Effective Sept. 1, 2021).

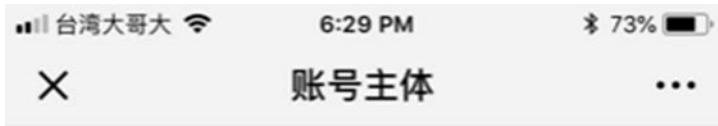
This is as much about the need for an emergent consumer data economy as political control. While cyber security might be weak, the CCP has one key advantage over a democratic system like Australia to competitive pivoting: the speed of centralised authority. The entire PRC office that controls competition policy of trillions of RMB PRC economy is about 60 people. A decision just happens. However, a key recent report from our own ACCC did not even have the word Tencent or WeChat in it. A political economy of over 1.2 million people in Australia – one our nations smartest most valuable migrant engine rooms of growth and prosperity – has been largely ignored. Instead, the data of all those people and their transactions flows through a few core servers and is associated with a

¹¹ Tom Sear, Titus Chen, Mike Jensen., <https://theconversation.com/how-digital-media-blur-the-border-between-australia-and-china-101735>
Tom Sear., ‘#MakeTVShowsAustralian, Maria Sharapova and MH17: Internet Research Agency (IRA) Russian troll activity in Australian cyberspace.’ *Journal of the Australian Institute of Professional Intelligence Officers*, 28(2–3), 83–105.
Tom Sear: Awarded funding by the Defence Science and Technology and the Australian National University. The resultant study: ‘Cross-Platform Propaganda: Tracking Foreign Influence in Australian Politics,’ researched disinformation and cyber manipulation – live - during the 2019 Federal Election. The research captured approximately 4.8 million data points in Australian online media mapped topics and content of every relevant and important WeChat Official Account (OA) in the PRC. In addition to PRC influence, Russian influence was also mapped. Report was finalised and submitted to DST/ANU in 2020. Featured media coverage:
•Chinese media mocks Australia and Prime Minister in WeChat posts’, ABC, 9 May 2019, <https://www.abc.net.au/news/2019-05-09/pm-targeted-by-chinese-communist-party-related-wechat-accounts/11092238>
•Chinese media mocks Australia and Prime Minister in WeChat posts’, 9 Nine News, 9 May 2019, <https://www.9news.com.au/world/federal-election-2019-chinese-social-media-ridicules-the-prime-minister-and-coalition-government-on-wechat/726b5352-6819-49e1-ba5a-47b3a5aadd4e>
•The project was also discussed in an interview broadcast on ABC RN Drive, Thursday 9 May 2019 6:35PM, ‘Chinese social media propaganda target Scott Morrison, Liberal Government’, <https://www.abc.net.au/radionational/programs/drive/chinese-social-media-propaganda-target-scott-morrison-liberal/11098706>

handful of Official Accounts owned and controlled by the CCP. A PRC fearful of the CCP may reduce the strategic depth of the pivot and this is where Australia has an advantage – the capacity to reduce manage data regulation (even reduce regulation) to increase Sovereign data security of the new political process.

APPENDIX A: Evidence demonstrating ownership of PRC based WeChat Official Accounts





主体
企业

企业名称
北京中新唐印科技发展有限公司

工商执照注册号
9111010207857387XP

该帐号部分功能由以下服务商提供
传扬信息科技(上海)有限公司

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Account Entity



Entity

Company

Company Name

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Business License Registration No.

9111010207857387XP

Some account features are powered by the following service providers:

传扬信息科技(上海)有限公司

提子科技(北京)有限公司

武汉夜莺科技有限公司

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Weixin ID

wesydney

Entity

Company

Account Entity

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Business License Registration No./Uniform Social Credit Code

9111010207857387XP

APPENDIX B: OFFICIAL ACCOUNTS



今日悉尼

今日悉尼成立于2010年，是悉尼最大的华人生活平台，提供各种澳洲生活资讯，例如：工作、租房、二手交易、同城活动等。欢迎下载我们的官方App：今日澳洲。

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玩乐、衣食住行、新闻热点，尽在微悉
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身体这个地方不好，会导致
癌症、肥胖、口臭等各种...



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推广|微赢销+线下活动

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APPENDIX C: RELATED MATERIAL - United Front Activity

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2017/02/08 编辑: admin 无评论



2月8日,由中国新闻社澳大利亚分社主办的澳大利亚华文媒体“一带一路”座谈会在南海传媒旗下的悉尼亚洲艺术空间举行,正在悉尼访问的中国国务院侨务办公室副主任谭天星出席会议并发表重要讲话。

随后,谭天星走访澳大利亚南海文化传媒集团,并与集团负责人及员工进行了亲切而深入的交流。

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2月8日,由中国新闻社澳大利亚分社主办的澳大利亚华文媒体“一带一路”座谈会在南海传媒旗下的悉尼亚洲艺术空间举行,正在悉尼访问的中国国务院侨务办公室副主任谭天星出席会议并发表重要讲话。

随后,谭天星走访澳大利亚南海文化传媒集团,并与集团负责人及员工进行了亲切而深入的交流。



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作为“文化中国·四海同春”在澳大利亚的承办机构，澳洲南海文化传媒集团已荣幸地连续七年成为这一有“海外春晚”之称的大型文化活动在悉尼的承办方，本次继续发挥自身的全媒体平台优势，为弘扬中华文化、促进中澳交流创造更加广阔的空间。

同时，中国驻悉尼总领事馆、澳洲中国和平统一促进会、澳洲中华经贸文化交流促进会、澳大利亚华人团体协会等机构，以及中国银行、Homart Group活曼特药业集团、特邀赞助商泸州老窖等商家也对本场演出给予了大力的支持。

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(摄影：Yisha Liu, Allan Bai)

演出信息：

时间：2018年3月2日7.00pm

地点：ICC Darling Harbour Theatre

主办：中国国务院侨务办公室
中国海外交流协会

承办：澳大利亚南海文化传媒集团

协办：悉尼华星艺术团

支持：中国驻悉尼总领事馆
澳洲中国和平统一促进会
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Tan Tianxing, deputy director of the Overseas Chinese Affairs Office, visited the South China Sea Culture Media Group

2017/02/08 Edit: admin No comment



On February 8th, the Australian Chinese Media "Belt and Road" symposium hosted by China News Agency Australia Branch was held in the Asian Art Space of Sydney, under the Nanhai Media. Tan Tianxing, Deputy Director of the Overseas Chinese Affairs Office of the State Council in Sydney, attended the meeting and delivered an important speech. Speak.

Later, Tan Tianxing visited Australia's Nanhai Cultural Media Group and had a cordial and in-depth exchange with the group's leaders and employees.



programs showcase the Chinese cultural characteristics to overseas audiences, and bring home-like warmth. In the past ten years, "Four Seas in the Spring" captured the hearts of overseas Chinese and Chinese at the level of professional art. Not only that, but it has gradually stepped out of Chinatown, is closer to the local people, and has attracted many foreign friends. 144 countries, 69 art groups, 303 cities, 417 performances, 6.1 million viewers... Ten years of adherence, "Cultural China-Sihai Tongchun" not only strengthens the emotional exchanges with overseas Chinese and overseas Chinese, but also Enriched the multiculturalism of the country.

As the organizer of "Cultural China-Sihai Tongchun" in Australia, Australia Nanhai Culture Media Group has been honored to be the organizer of this large-scale cultural event called "Overseas Spring Festival Evening" in Sydney for seven consecutive years. The advantages of its own all-media platform create a broader space for promoting Chinese culture and promoting Sino-Australian exchanges.

At the same time, the Chinese Consulate General in Sydney, the Australian China Peaceful Reunification Promotion Association, the Australian China Economic and Cultural Exchange Promotion Association, the Australian Chinese Association and other institutions, as well as the Bank of China, the Homart Group, the Mante Pharmaceutical Group, and the special sponsor Luzhou Laojiao The merchants also gave strong support to the performance.

Although the gathering is short, but the friendship is long, although this year's performance has come to an end, we look forward to seeing you in front of the "Cultural China-Sihai Tongchun" stage next year.

(Photo: Yisha Liu, Allan Bai)

Performance information:

Time: March 2, 2018, 7.00pm

Location: ICC Darling Harbour Theatre

Host: China Overseas Chinese Affairs Office

China Overseas Exchange Association

Undertake: Australian South China Sea Culture Media Group

Co-organizer: Sydney Huaxing Art Troupe

Support: Chinese Consulate General in Sydney

Australia China Peaceful Reunification Promotion Association

Australian China Economic and Trade Cultural Exchange Promotion Association

Australian Chinese Association

Huaxing Art Troupe for their superb artistic standards. The audience brings a double enjoyment of sight and hearing that cannot be missed.

The "Culture China-Sihai Tongchun" Spring Festival visit was launched in 2009 and was initiated by the Overseas Chinese Affairs Office of the State Council of China. During the Spring Festival every year, "Cultural China-Sihai Tongchun" will hold large-scale performances in countries and regions where overseas Chinese and Chinese gather in five continents, and promote traditional Chinese festival culture through song and dance performances, strengthen emotional exchanges and cultural ties with overseas Chinese and overseas Chinese, and enhance The understanding and cognition of Chinese culture by the people of the world. Since the launch of the "Cultural China-Sihai Tongchun" campaign, 52 art groups have been dispatched to visit 223 cities in 109 countries and Hong Kong and Macao in six continents, and 320 performances have been performed. The audience has reached more than 4 million people. The audience is over 100 million. As the organizer of "Cultural China-Sihai Tongchun" in Australia, Australia's Nanhai Culture Media Group has held this event known as "Overseas Spring Festival Evening" for six consecutive years, and has achieved good reputation and fully demonstrated in Australian multiculturalism. The splendour and charm of Chinese culture.

In 2017, "Cultural China-Sihai Tongchun" received strong support from the Chinese Consulate General in Sydney, the Australia China Peaceful Reunification Promotion Association, the Australian China Economic and Trade Cultural Exchange Promotion Association, and the Australian Chinese Association.

Show Information:

Time: February 12, 2017 7.00pm

Location: Sydney Town Hall, 483 George St, Sydney

Hosted by: Overseas Chinese Affairs Office of the State Council of

China, China Overseas Exchange Association

: Australia South Sea Culture Media Group

Co-organizer: Sydney Huaxing Art Troupe

Support: Chinese Consulate General in Sydney,

Australia China Peaceful Reunification Promotion Association,


Australia China Economic and Cultural Exchange Promotion Association,

Australian Chinese Association

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Australla Nanhai Culture Media Co., Ltd. cooperates with China News Agency. The creative team is located in Beijing and Sydney. With the advantage of news reports, Nanhai Company cooperates with local Australian information to create a global vision and local content. Boutique readings.

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