Administration of the Voice referendum

The Australia Institute
Research that matters.

Submission

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Summary

The Australia Institute welcomes preparations for the referendum to enshrine an Aboriginal and Torres Strait Islander Voice in the Australian Constitution.

The Australia Institute is based on Ngunnawal/Ngunawal, Ngambri, and Ngarigo Country in the ACT and recognises the participation of Aboriginal and Torres Strait Islander people as central to Australian democracy.

To limit the impact of misinformation on the referendum debate, we recommend that the Parliament legislate truth in political advertising laws.

With the terms of reference identifying misinformation and disinformation via social media or technology platforms as a particular concern, we also summarise some of our existing research on coordinated online misinformation and disinformation.

Introduction

The Australia Institute welcomes the opportunity to make a submission to the inquiry into the administration of the referendum into an Aboriginal and Torres Strait Islander Voice. This submission is based on previous submissions we have made (to the 2021 inquiry into foreign interference through social media and the 2022 inquiry into the referendum machinery bill), but the content has been edited and updated.

The Australia Institute's Democracy & Accountability Program was founded in 2021 to improve the quality of Australian governance and increase public trust in politics and democracy. Although the program is new, the Australia Institute has written about democracy and accountability issues since it was founded in 1994.

There are real concerns that the Voice referendum debate could become the subject of misinformation. Exaggerated claims have been a feature of many earlier

referendums.[1] Constitutional experts warn that misinformation could distort how people vote[2] and factchecking has already found some claims made in relation to the Voice were incorrect or misleading.[3] Vitriolic comments are already being anticipated, given the ugly and hyperbolic statements made by some opponents of the same-sex marriage plebiscite.[4] The impact of misinformation will be amplified on social media.

This submission recommends measures to reduce or counter misinformation in relation to the Voice referendum, as well as reforms to facilitate future referendums.

The Institute would welcome the opportunity to discuss research findings in further detail at any committee hearing.

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[1] Bennett (2003) *The Politics of Constitutional Amendment*, https://www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/pubs/rp/rp0203/03rp11

[2] Appleby & Hill (2022) *When the Indigenous voice referendum is upon us, be wary of misinformation and scare campaigns*, https://www.theguardian.com/australia-news/commentisfree/2022/sep/07/when-the-indigenous-voice-referendum-is-upon-us-be-wary-of-misinformation-and-scare-campaigns

[3] RMIT ABC Fact Check (2022) *We fact checked claims about the Voice to Parliament being a "third chamber". Here's what we found*, https://www.abc.net.au/news/2022-09-23/fact-check-indigenous-voice-to-parliament-not-a-third-chamber/101460726; RMIT Australia (2022) *Will the proposed Indigenous Voice to Parliament become a third chamber?*, https://www.rmit.edu.au/news/factlab-meta/will-the-proposed-indigenous-voice-to-parliament-become-a-third-; Summers (2022) *Greens senator wrong on Indigenous consultation claim*, https://www.aap.com.au/factcheck/greens-senator-wrong-on-indigenous-consultation-claim/; Tan (2022) *Posts make false claims about proposed Indigenous consultative body to Australian parliament*, https://factcheck.afp.com/doc.afp.com.32G9699; Woods (2019) *Is it a beat-up? We fact check the IPA's campaign against a Voice to Parliament*, https://www.crikey.com.au/2019/11/01/ipa-voice-to-parliament-fact-check/

[4] Butler (2022) *Marcia Langton warns of risk of 'nasty, eugenicist' debate about race ahead of voice referendum*, https://www.theguardian.com/australia-news/2022/dec/05/indigenous-voice-to-parliament-referendum-marcia-langton-warns-risk-eugenicist-race-debate; Collard (2022) *'Toxic rhetoric': marriage equality plebiscite offers ugly lessons for Indigenous voice to parliament referendum*, https://www.theguardian.com/australia-news/2022/dec/11/toxic-rhetoric-marriage-equality-plebiscite-offers-ugly-lessons-for-indigenous-voice-to-parliament-referendum; Kelly (2022) *Loud and 'nasty' voices may not speak the truth on the Voice*, https://www.smh.com.au/politics/federal/loud-and-nasty-voices-may-not-speak-the-truth-on-the-voice-20221211-p5c5cd.html

Truth in political advertising

To prevent misleading advertising influencing the Voice referendum, Parliament should pass truth in political advertising laws that cover referendums and elections.

The Albanese Government has committed to legislating truth in political advertising laws after they have been considered by the Joint Standing Committee on Electoral Matters in their inquiry into the 2022 election.[5]

The Australia Institute strongly recommends that these laws be in place as soon as possible in the lead up to the Voice referendum.

Zali Steggall MP has prepared a private member's bill that would regulate misleading advertising in both referendum matter and electoral matter.[6] The Government could support Steggall's bill or introduce its own.

Advertisement libraries/databases

Advertisements containing electoral matter or referendum matter should be required to be submitted to a publicly accessible database.

The development of Internet ad libraries (including the Facebook Ad Library, Twitter's Ad Transparency Centre and Google's Transparency Report) demonstrate that it is possible for political ads to be recorded in a publicly accessible database. These libraries have already led to important journalism on political ads.[7]

In practice, each of these libraries is lacking – but their existence shows the principle is sound. Government regulation is needed to guarantee that these databases of political ads are up-to-date, complete, accessible and easy to use.

The public are also entitled to know how ads are targeted. Existing, private ad libraries provide some information on targeting, but not necessarily details like which particular interests are targeted or how those interests were attributed to the viewer.

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[5] Karp (2022) *Labor aims to legislate spending caps and truth in advertising, says Don Farrell*, https://www.theguardian.com/australia-news/2022/jul/10/labor-aims-to-legislate-spending-caps-and-truth-in-advertising-says-don-farrell

[6] *Commonwealth Electoral Amendment (Stop the Lies) Bill 2022* (Cth), https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r6947

[7] Browne (2019) *We can handle the truth: opportunities for truth in political advertising*, pp. 25–30, https://australiainstitute.org.au/report/we-can-handle-the-truth-opportunities-for-truth-in-political-advertising/

Weak regulation of digital platforms

In the Australia Institute's Centre for Responsible Technology report *Distorting the public square,* Jordan Guiao finds despite the size of the social media platforms and their domination of the online advertising markets, the regulatory framework surrounding political advertising on social media is almost non-existent – especially in contrast to strict election advertising rules for other forms of media.[8]

The ACCC Digital Platforms Inquiry 2019 final report finds that few of the laws, regulations and codes that apply to news media – like journalistic codes of ethics, broadcasting licensing conditions, telecommunications regulations and peak body self- and co-regulation – apply to the social media platforms. Social media is not subject to the broadcaster election blackout.[9] The lack of real alternatives to Facebook and YouTube/Google makes regulatory oversight even more important.[10]

Social media platforms allow advertisers to engage in "micro-targeting", which uses complicated combinations of personal data to personalise advertising messages. Micro-targeting can and has been used to amplify fringe views and discriminate against vulnerable groups.[11]

Digital platforms trade association DIGI (Digital Industry Group Inc) developed an Australian Code of Practice for Disinformation. However, the Australia Institute's Centre for Responsible Technology warned last year that "while signatories have made some positive steps to comply with the Code, they have failed to take the meaningful and material actions that would properly address the severity and influence of mis- and disinformation". The regulator responsible, the Australian Communications and Media Authority, has also proposed a number of changes to the code.[12]

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[8] Guiao (2019) *Distorting the public square*, pp. 3–8, https://australiainstitute.org.au/post/public-supports-tighter-social-media-controls-over-elections/

[9] ACCC (2019) *Digital Platforms Inquiry: Final report*, pp. 176, 192, https://www.accc.gov.au/publications/digital-platforms-inquiry-final-report; Guiao (2019) *Distorting the public square*, pp. 4–5

[10] Guiao (2022) *No choice, no rules*, https://australiainstitute.org.au/report/no-choice-no-rules/

[11] Guiao (2019) *Distorting the public square*, pp. 5–6

[12] ACMA (2022) *Digital platforms announce review of disinformation code*, https://www.acma.gov.au/articles/2022-06/digital-platforms-announce-review-disinformation-code; Guiao (2022) *Meaningful action, not more misinformed pledges*, https://www.centreforresponsibletechnology.org.au/publications

Evidence of coordinated disinformation online

Research released by the Australia Institute in 2020, in conjunction with the Queensland University of Technology, has found coordinated COVID-19 misinformation and disinformation on Twitter, for either commercial or political purposes.

Like a virus[13] used the Twitter Streaming API to collect tweet and retweet data, analysing the results to determine bot-like behaviour relating to retweeting coronavirus-related content. Suspicious behaviour, such as accounts retweeting a tweet within one second of one another, are likely to be "bot" (computer-controlled) or hybrid accounts.

The report systematically identified ten "clusters" of bot-like co-retweet networks and analyses their behaviours and potential motivations. It found that even commercially oriented bot networks can amplify political disinformation when hashtags overlap.

In some ways, the spread of COVID-19 disinformation mimics the outbreak of the virus itself, with the disinformation amplified and given authenticity by the wider fringe community that spreads it after it has been introduced by the inauthentic actors.

The report identified four ways governments, non-government actors and technology platforms could address coordinated disinformation campaigns:

> **Increased detection and mitigation.** Our analysis demonstrates that such behaviour can be detected by technical means, and most social media platforms are using detection tools and suspensions to a greater or lesser extent. Independent critical investigation by scholarly social media researchers is crucial in this context, both to develop new and innovative detection approaches and to track and evaluate the activities of the platform operators themselves.

> **Digital literacy.** While there are a number of digital media literacy initiatives in train, there is a significant need for further funding and institutional support for such initiatives at all levels, and for all age groups.

> **Mainstream media.** Media outlets should be encouraged to reduce click-bait conspiracy theory coverage, which puts substantial new audiences in contact

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[13] Graham, Bruns, Zhu, & Campbell (2020) *Like a virus: The coordinated spread of coronavirus disinformation*,
https://www.centreforresponsibletechnology.org.au/pro_trump_accounts_coordinated_spread_of_china_bio_weapon_covid_conspiracy_theory

with mis- and disinformation. Coverage of official responses to this content also needs to be cautious not to contribute to the spreading of conspiracy theories.

Scholarly research. Studies such as this draw on advanced computational methods and forensic qualitative analysis of large-scale, real-time social media data. Such work requires secure funding and access to data. Data access is increasingly constrained by the leading social media platforms.

Conclusion

The Voice referendum is a rare opportunity for Australians to decide whether to change the Australian Constitution. It is also an important opportunity for Australians to decide on the next step for reconciliation. That choice should be informed by the best possible information and be free from misinformation.

Truth in political advertising laws should be legislated ahead of the referendum, to ensure that referendum material is not misleading or inaccurate. Requiring referendum matter to be submitted to a public ad library would help hold campaigns to account for the claims that they make, and reduce the risk that micro-targeting goes unnoticed.