The Australia Institute
Research that matters.

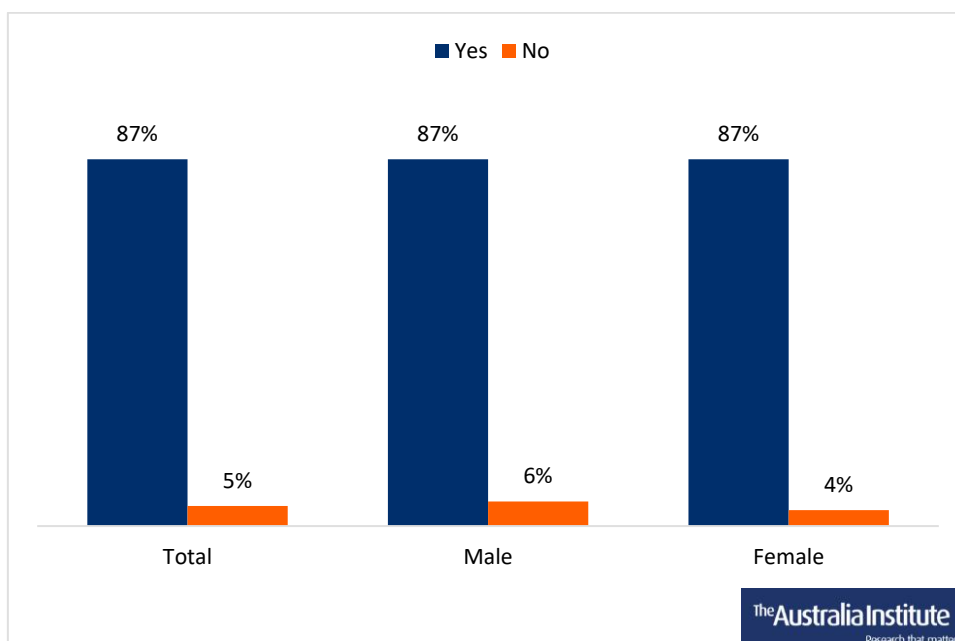# Polling - Truth in political advertising in Queensland

December 2020

Key results

The Australia Institute surveyed a representative sample of 1,447 Queenslanders about political advertising. Results show that the vast majority of Queenslanders want truth in political advertising laws, consistent with the last four years of national polling.

- Nine in 10 Queenslanders (87%) say Queensland should pass truth in political advertising laws, compared to 5% who say it should not.
- Agreement is similarly high among all voting intentions.
    - 86% of LNP, 88% of Labor, 89% of Greens, 84% of One Nation, 95% of Katter's Australian Party and 79% of Independent/Other voters say Queensland should pass truth in political advertising laws.
- Men and women support truth in political advertising laws for Queensland in equal numbers (87% for both).

Figure 1: Should Queensland pass truth in political advertising laws?

Figure 2: Should Queensland pass truth in political advertising laws?
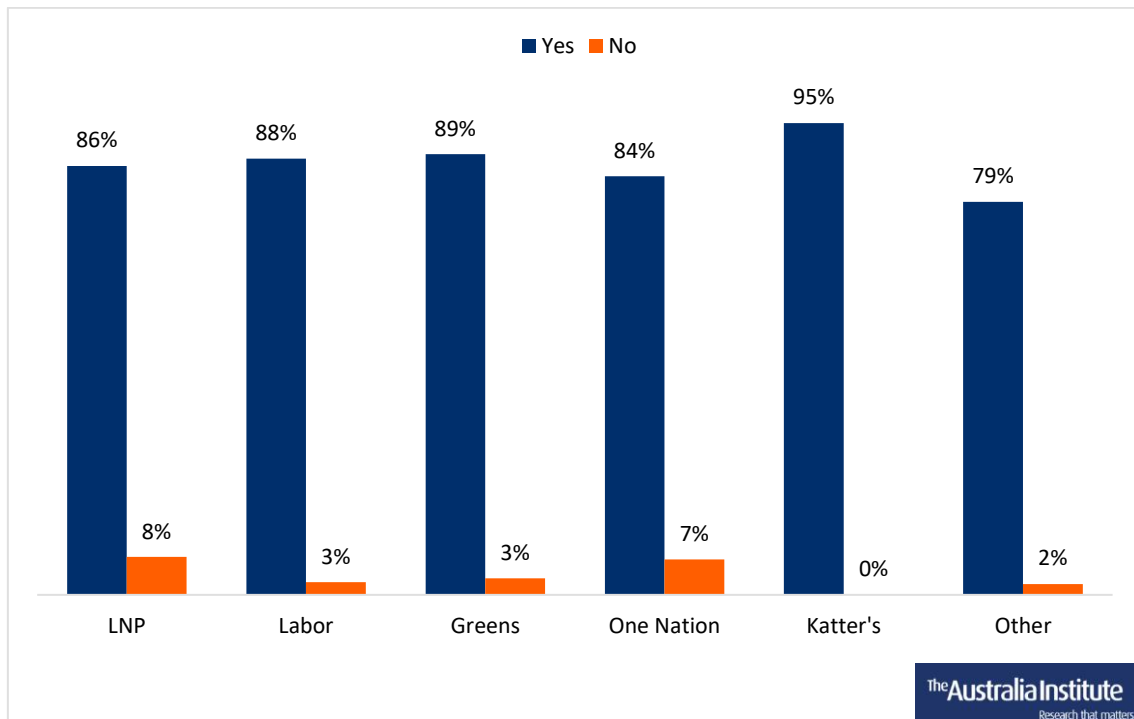
The result is consistent with support for federal truth in political advertising laws in Australia-wide polls since 2016 (84–89% support) and support in the ACT for territory-level truth in political advertising laws (89% support).[1]

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[1] Browne (2019) *We can handle the truth: Opportunities for truth in political advertising*, https://www.tai.org.au/content/we-can-handle-truth-opportunities-truth-political-advertising; The Australia Institute (2020) *Majority of Canberrans Want Truth in Political Advertising Laws*, https://www.tai.org.au/content/majority-canberrans-want-truth-political-advertising-laws; (2020) *Polling - Truth in political advertising*, https://www.tai.org.au/content/29-prominent-australians-call-truth-political-advertising-laws-next-election

Recent developments

Since our flagship report *We can handle the truth* was written, there have been some significant developments in the areas of social media and truth in political advertising.[2]

ACT passes truth in political advertising legislation

In August 2020, the ACT Legislative Assembly passed truth in political advertising laws based on the existing South Australian laws, with the unanimous support of the Assembly's Labor, Liberal and Greens members. The amendment was proposed by Greens MLC Caroline Le Couteur. The laws will come into effect in time for the 2024 ACT election.[3]

The laws establish an offence for misleading political advertising, and empower the ACT Electoral Commissioner to request that the person who placed the advertisement not disseminate it or retract it in stated terms and in a stated way. The laws are limited to electoral material that requires authorisation, and do not burden publishers any more than existing rules about defamation or offensive material do.[4]

Speaking to her amendment, Le Couteur said:[5]

> Unfortunately, in Australia there is no shortage of examples of false or misleading electoral advertising. While not perfect, the South Australian system has worked well there for decades and has been upheld as constitutionally sound by the full bench of the South Australian Supreme Court.

ACT Attorney-General Gordon Ramsay pointed to the normative function of such laws, saying:[6]

> I also note that, even though this provision will not be commencing prior to this election, I hope that the commitment of all three parties in support of this particular provision will at least morally and ethically bind each of the parties to support it.

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[2] Browne (2019) *We can handle the truth: Opportunities for truth in political advertising*

[3] ACT Legislative Assembly (2020) *Hansard (27 August)*, http://www.hansard.act.gov.au/hansard/2020/links/download.htm

[4] Le Couteur (2020) *Electoral Amendment Bill 2018 | Supplementary Explanatory Statement*, pp. 2–3, http://www.legislation.act.gov.au

[5] ACT Legislative Assembly (2020) *Hansard (27 August)*

[6] ACT Legislative Assembly (2020) *Hansard (27 August)*

Leader of the Opposition Alistair Coe similarly said:[7]

> The Canberra Liberals will be supporting this amendment. We agree that there is a need for truth in electoral advertising. I understand the need for this legislation, from personal experience; that is, I and others have been the victims of fake social media posts and many other issues along the way. There should be a level of accountability when something demonstrably false is disseminated. It severely undermines public confidence in the Assembly and its members.

Ramsay and Coe indicated that they thought there may be practical issues with implementation that would need to be addressed with the Electoral Commissioner after the 2020 election. However, it is not clear at this point which issues they thought existed.

Support for national reform

The 2019 Labor campaign review, chaired by Craig Emerson and Jay Weatherill, made a strong recommendation for truth in political advertising:

> We recommend spending caps and truth in political advertising legislation based on the South Australian model be investigated and pursued in the Australian Parliament.[8]

A joint submission to JSCEM from Independent MP Zali Steggall and Liberal MP Jason Falinski called for truth in political advertising laws to be investigated:

> In order to help combat the confidence-deficit in democracy, taking a clear stand against misinformation is critical.

> Whilst the South Australian example gives a good indication as to what is possible; any provision in favour of truth in political advertising must balance concerns related to freedom of speech. A Commonwealth law would need to be designed so as to ensure it does not breach the constitutionally implied freedom of political communication. …

> In order for Australia to keep up with international best practice and build confidence in our democratic systems we strongly urge that the Joint Standing

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[7] ACT Legislative Assembly (2020) *Hansard (27 August)*

[8] Emerson & Weatherill (2019) *Review of Labor's 2019 federal election campaign*, p. 64, https://alp.org.au/media/2043/alp-campaign-review-2019.pdf

Committee on Electoral Matters investigates options to ensure truth in political advertising.[9]

A submission from the Australian Greens also called for truth in political advertising:

The Greens recommend amendments to the Commonwealth Electoral Act 1918 (Cth) in line with the current South Australian model, making it an offence to authorise or publish an advertisement purporting to be a statement of fact when the statement is inaccurate and misleading to a material extent. However, we recognise that the AEC is neither willing, nor well placed, to enforce such provisions.

We therefore recommend that an independent body be established to implement new 'truth in political advertising' laws. The ACCC has expertise in making determinations in relation to misleading statements in commercial advertising.[10]

Queensland state election

The Queensland state election on 31 October 2020 has seen further complaints of disinformation campaigns on social media.

Most prominent was a "death tax" advertising campaign from Clive Palmer's United Australia Party (UAP), which academics at the Digital Media Research Centre at Queensland University of Technology (QUT) say could be considered "disinformation". The UAP spent about $160,000 on Facebook advertising in October.[11]

During the election campaign, the Labor Party wrote to Facebook to complain about the UAP "death tax" ads and to Twitter to complain about Clive Palmer's tweets on the same topic.[12]

[9] Steggall & Falinski (2019) *Submission 123*, pp. 4–5, https://www.aph.gov.au/DocumentStore.ashx?id=a8c3470a-24a0-4045-b738-d3875b47cd6a&subId=670947

[10] Australian Greens (2019) *Submission 112*, p. 7, https://www.aph.gov.au/DocumentStore.ashx?id=f454d75f-63d0-45de-950b-dca567aad1b5&subId=670810

[11] Dennien (2020) *How the Queensland election was run and won on social media*, https://www.brisbanetimes.com.au/politics/queensland/how-the-queensland-election-was-run-and-won-on-social-media-20201104-p56bda.html

[12] Pollard (2020) *"Outrageous lies": Labor complains to Facebook and Twitter over Palmer party death tax claim*, https://www.abc.net.au/news/2020-10-16/qld-election-2020-labor-complains-says-uap-death-tax-claim-a-lie/12774238

The Queensland election campaign featured one of the country's first political "deepfakes": a "fake press conference from Pannastacia Alaszczuk" from Advance Australia. A deepfake is an AI-generated simulation of a person doing or saying something they did not do or say. In this case, since the ad is clearly identified as a manipulation, it is not disinformation in itself – but it is worth noting since there are concerns that deepfake technology could be used to spread convincing disinformation in the future.[13]

Some progress from digital platforms

Twitter has banned political ads on its platform, although not issue ads.[14] It has also begun labelling tweets that are potentially misleading or that glorify violence, with a link to more accurate information. This approach has been criticised as involving ambiguous messages[15] and as being opportunistic and limited.[16]

Twitter has deleted or hidden some tweets containing misinformation, including tweets from Donald Trump and his son Donald Trump Jr with misinformation concerning COVID-19. Donald Jr's Twitter account was suspended until he deleted the tweet.[17] Facebook has also deleted COVID-19 misinformation posted by Donald Trump, although less frequently than Twitter has done.[18]

Around the 2020 US presidential elections, Twitter labelled 300,000 tweets as containing disputed content that could be misleading (0.2% of related tweets). Only

[13] Advance Australia (2020) 🚨 *BREAKING* 🚨 *Watch this fake press conference from Pannastacia Alaszczuk now!*, https://www.youtube.com/watch?v=JPiIrpCH5cE; Dennien (2020) *How the Queensland election was run and won on social media*; Wilson (2020) *Australia's First Deepfake Political Ad is Here and it's Extremely Cursed*, https://www.gizmodo.com.au/2020/11/australias-first-deepfake-political-ad-is-here-and-its-extremely-cursed/

[14] For details, see Stewart (2019) *Twitter is walking into a minefield with its political ads ban*, https://www.vox.com/recode/2019/11/15/20966908/twitter-political-ad-ban-policies-issue-ads-jack-dorsey

[15] Journalist Sarah Frier points out that the wording of Twitter's warning is ambiguous: Frier (2020) *The wording of Twitter's notice at the bottom doesn't make it sound like a warning about the tweet -- it makes it sound like a warning about mail-in ballots.*, https://twitter.com/sarahfrier/status/1265400975554011136

[16] Manavis (2020) *Twitter fact-checking Donald Trump's tweets is performative and nothing more*, https://www.newstatesman.com/science-tech/social-media/2020/05/twitter-fact-checking-donald-trumps-tweets-joe-scarborough-obamagate-jack-dorsey

[17] Gartenberg (2020) *Twitter forced Donald Trump Jr. to delete tweet spreading COVID-19 misinformation*, https://www.theverge.com/2020/7/28/21344967/twitter-donald-trump-jr-delete-tweet-misinformation-masks-hydroxychloroquine

[18] BBC News (2020) *Trump Covid post deleted by Facebook and hidden by Twitter*, https://www.bbc.com/news/technology-54440662

456 were "restricted", meaning that they cannot be shared, liked or replied to. Most of the people who viewed the tweets did so after they were labelled. Labelling a tweet as disputed appeared to reduce how often it was shared.[19] Among those labelled as disputed or misleading were several tweets from President Donald Trump.[20]

Facebook sometimes adds labels with links to more detailed information prepared by its fact-checkers below posts on election topics. However, these labels were added to posts by Democratic candidate Joe Biden without misinformation as well as to posts by President Donald Trump that made unfounded claims.[21]

[19] Conger (2020) *Twitter says it labeled 0.2% of all election-related tweets as disputed.*, https://www.nytimes.com/2020/11/12/technology/twitter-says-it-labeled-0-2-of-all-election-related-tweets-as-disputed.html

[20] Conger (2020) *How Twitter Policed Trump During the Election*, https://www.nytimes.com/2020/11/06/technology/trump-twitter-labels-election.html

[21] O'Sullivan & Cohen (2020) *Facebook begins labeling, but not fact-checking, posts from Trump and Biden*, https://www.cnn.com/2020/07/21/tech/facebook-label-trump-biden/index.html

Appendix: Polling details

Method

The Australia Institute surveyed 1,447 people between 3 and 7 November 2020, online through Dynata's Rapid Results polling, with representative samples by gender and age. Only people who voted in the Queensland state election were included.

The margin of error (95% confidence level) for the state results is 3%.

Voting crosstabs are from respondent's vote in the 31 October 2020 Queensland state election. "Other" refers to Independent/Other.

Detailed results

Should Queensland pass 'truth in political advertising' laws so that it is illegal for political parties and candidates to publish ads that are inaccurate and misleading?

	Total	Male	Female
Yes	87%	87%	87%
No	5%	6%	4%
Don't know / Not sure	9%	7%	9%

	Total	LNP	Labor	Greens	One Nation	Katter's	Other
Yes	87%	86%	88%	89%	84%	95%	79%
No	5%	8%	3%	3%	7%	0%	2%
Don't know / Not sure	9%	6%	10%	8%	9%	5%	19%