

Impact of Social Media on Elections and Electoral Administration Submission

Discussion paper

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Summary and recommendations

The regulatory framework surrounding political advertising on social media is almost non-existent, in contrast to the strict rules for election advertising on other media. Partly because social media ads can be “micro-targeted” to small audiences, it can be hard to identify what political parties and candidates claim in ads or who they have made that claim to. Existing “Internet ad libraries” on some platforms do not fully address this problem.

Truth in political advertising laws can help reduce the disinformation that is common on, but not exclusive to, social media platforms. The long-standing existence of these laws in South Australia, and their recent adoption in the Australian Capital Territory with Labor, Liberal and Green support, shows that these laws are popular, effective and legally sound.

The SA and ACT model of having the electoral commission responsible for misleading political advertising complaints works well, but other agencies could be used – or a new Election Complaints Authority could be established specifically for political advertising.

Truth in political advertising laws are at their most effective when misleading advertising is addressed during the election campaign, although fines can still be an effective deterrent after the election. Suggestions for resolving complaints more quickly include allowing regulators to investigate complaints on their own initiative, allocating more resources for complaints management, finding a solution for retractions during the advertising blackout period – such as the commissioner issuing a public statement after each determination – and encouraging digital platforms to proactively address misleading advertising.

The Australia Institute’s polling research shows that nine in 10 Victorians (88%) support truth in political advertising laws at the national level, with most supporting three potential penalties for misleading and inaccurate advertising: fines, retractions and losing some or all public funding.

Recent developments are promising, including the ACT legislating for truth in political advertising in August 2020, and support for national truth in political advertising laws from prominent Labor, Liberal, Independent and Green politicians and party figures.

There has been some limited progress from social media platforms to flag and remove misleading and inaccurate content, although reports of disinformation continue – including for the Queensland state election in October. That election also saw one of the first uses of a “deepfake” (AI-generated manipulation) in political advertising in Australia, although in this case it was clearly identified as artificial.

We have also taken the opportunity to respond to some of the reservations raised by the Victorian Electoral Commission (VEC) in their submission to this inquiry.

Recommendations

The Australia Institute recommends that:

1. Victoria introduce truth in political advertising laws based on the South Australian and ACT model.
2. The VEC be given additional resources necessary to conduct this role *or* a separate Election Complaints Authority be established.
3. Digital platforms be required to maintain a fully functioning ad library for all political advertisements that they accept, including information such as the advertisement's cost, purchaser, outcomes and targeting criteria.
4. The inquiry consider whether electoral advertisements should not be permitted to use extensively manipulated audio, images or video of a politician or political candidate (such as "deepfakes").

Introduction

The Australia Institute welcomes the opportunity to make a submission to the Inquiry into the Impact of Social Media on Elections and Electoral Administration.

Our submission concerns the second term of reference:

2) whether online electoral advertising is appropriately regulated in Victoria;

And the seventh question in your survey:

What do you think about the following ideas? New laws requiring truth in political advertising.

The issue of whether and how to regulate for truth on political advertising is one that The Australia Institute has explored in detail. Attached are two Australia Institute reports: *We can handle the truth*, released in August last year for submission to the Joint Standing Committee on Electoral Matters (JSCEM), and *Distorting the public square*, released in November last year.

We can handle the truth gives examples of successful political advertising regulation in Australia and around the world, polling showing which models of truth in political advertising reform Australians prefer, and case studies from South Australia's long-running truth in political advertising laws.

Distorting the public square discusses social media issues that came to light during the 2019 Australian federal election, including misleading advertising and the targeting of ads.

The Institute hopes this information is of assistance to the committee, and would welcome the opportunity to discuss research findings in further detail at any committee hearing.

Social media and truth in political advertising

Regulatory framework¹

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.

The ACCC Digital Platforms Inquiry 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.

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.

Ad libraries/databases²

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.

In practice, each of these libraries is lacking – but their existence shows the principle is sound. Government regulation may be 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 being targeted to users. The ad libraries provide some information on targeting, but not full details like which interests or affiliations are targeted by a particular ad or what activity leads to a person being identified as having that interest.

¹ From Guiao (2019) *Distorting the public square*, pp. 3–8, <https://www.tai.org.au/content/public-supports-tighter-social-media-controls-over-elections>

² From Browne (2019) *We can handle the truth: Opportunities for truth in political advertising*, pp. 25–30, <https://www.tai.org.au/content/we-can-handle-truth-opportunities-truth-political-advertising>

Responsible agencies

South Australian and ACT truth in political advertising laws assign the responsibility for deciding if an electoral advertisement is inaccurate or misleading to their electoral commissioner, who has the power to request a withdrawal or retraction. The Electoral Commission of South Australia (ECSA) receives legal advice from the Crown Solicitor's Office to assist in making its determination.³

Electoral commissions are trusted, non-partisan, familiar with electoral processes and used to ramping up during election periods. ECSA has successfully handled misleading advertising complaints for 23 years.⁴ In 2016 Elections ACT expressed reservations about truth in political advertising laws⁵ but in 2020 the ACT Legislative Assembly still chose it to regulate these laws. In other jurisdictions, electoral commissions would also be a good choice of agency to oversee truth in political advertising laws.

That said, there are alternatives to making electoral commissioners responsible for misleading advertising complaints, including creating a separate branch within the electoral commission, using consumer affairs regulators or establishing a separate organisation.

In a submission to this inquiry, Monash University Associate Professor Luke Beck has suggested a consumer affairs-style provision; the Australian Greens suggestion that the Australian Competition and Consumer Commission (ACCC) could oversee laws.⁶

When federal truth in political advertising laws were considered in the 1990s, the Australian Electoral Commission proposed that a new, separate agency called the Election Complaints Authority be established with "strong coercive powers of investigation".⁷ Giving the agency investigative powers helps resolve one of the weaknesses of current laws, which is that they can be slow to resolve.

³ Electoral Commission SA (2018) *2018 State Election Report*, p. 80, <https://ecsa.sa.gov.au/about-ecsa/publications/publications-state-election-and-by-election-reports>

⁴ South Australia has had a criminal offence relating to truth in political advertising since 1985, but the power of the Electoral Commissioner to require a withdrawal or retraction was introduced in 1997.

⁵ ACT Electoral Commission (No 2) (2017) *Submission 14: Select Committee on the 2016 ACT Election and Electoral Act*, https://www.parliament.act.gov.au/__data/assets/pdf_file/0003/1086231/Sub-14-ACT-Electoral-Commission-Sub-2.pdf

⁶ The Greens submission also floats the idea of an independent body being established. Australian Greens (2019) *Submission 112*, p. 7, <https://www.aph.gov.au/DocumentStore.ashx?id=f454d75f-63d0-45de-950b-dca567aad1b5&subId=670810>; Beck (2020) *Submission to the Electoral Matters Committee Inquiry into the impact of social media on elections and electoral administration*, <https://www.parliament.vic.gov.au/emc/inquiries/article/4561>

⁷ AEC (1996) *Supplementary submission to the Joint Standing Committee on Electoral Matters*, https://www.aec.gov.au/Elections/australian_electoral_system/files/jssem/1996_election/sub109.pdf

VEC reservations

The Victorian Electoral Commission (VEC) has expressed reservations about truth in political advertising laws such as those that exist in South Australia.⁸ We address each of the major issues identified below, and do not consider that the evidence supports the VEC’s claim that the South Australian scheme is “ineffective”.

Limited scope

The VEC is correct that these laws are limited; they do not cover misinformation outside of advertising, advertising that is not misleading to a “material extent”, or “wrong” opinions or failed predictions of the future.

There are good reasons to protect opinion and predictions, and to limit laws to advertising. Truth in political advertising laws are not intended to, by themselves, address all the problems with dishonesty in politics. They can still make a valuable contribution – as shown by the fact that in most South Australian elections, ECSA requires some political ads to be withdrawn or retracted.

The “material extent” element of truth in political advertising laws could be removed, as recommended by ECSA in 2009.⁹ This would make the laws easier to enforce, but risk censoring political parties and candidates for minor errors of fact.

Political controversy

The VEC says that “it is sometimes difficult for [ECSA] to perform its role without being involved in political controversy” and that truth in political advertising provisions “can be manipulated by parties and candidates for electioneering purposes”.

It is not clear to the authors how South Australia’s provisions can be used for “electioneering” since complaints are processed privately by ECSA.

In terms of political controversy, case studies from South Australia show that ECSA’s determinations are on the whole respected and acted on promptly, and ECSA’s decisions are generally reported on in a matter-of-fact way, not attracting criticism.¹⁰

⁸ Victorian Electoral Commission (2020) *Inquiry into the impact of social media on elections and electoral administration: Submission*, pp. 12–16, <https://www.parliament.vic.gov.au/emc/inquiries/article/4561>

⁹ Renwick & Palese (2019) *Doing Democracy Better*, pp. 25–26, <https://www.ucl.ac.uk/constitution-unit/news/2019/mar/new-report-doing-democracy-better>

¹⁰ Browne (2019) *We can handle the truth: Opportunities for truth in political advertising*, pp. 9–11

Arbiter of truth

The VEC says that it does not consider its role to be an arbiter of “truth” and it is not an expert on all election issues.

If Victoria does make the VEC responsible for misleading advertising complaints, the VEC could consult legal practitioners and political scientists, just as ECSA relies on legal advice from the Crown Solicitor’s Office.

Time delays and resources required

The VEC correctly notes that timely resolution of complaints is needed, and reviewing complaints can be resource-intensive. Some suggestions for resolving complaints more quickly are included below.

However, it is important to keep these problems in perspective. ECSA has time limits for processing complaints; it is complainants that cause most of the delays – which is inevitable when the public can make complaints. The courts can always apply financial penalties after the fact, since they are a deterrent rather than a corrective.

In terms of resources required, in its 2014 election report ECSA recommended three full-time employees be allocated to truth in political advertising during the election period – which does not seem too heavy a burden for these important reforms.¹¹ With proper resourcing, there should be no circumstance in which complaints about misleading advertising “divert resources away from the delivery of an election” as the VEC fears.

Cooperation from publishers

The VEC says that truth in political advertising requires cooperation from online platforms to avoid “significant delays or outright failure” when an advertiser refuses to take down material that is in breach of the law.

The failure of online platforms to respect Australian laws and regulators should be addressed by making online platforms obey the law – not by changing which laws are adopted to suit Facebook and Google.

That said, withdrawals and retractions are not the only remedies available under the South Australian law. Misleading political advertising is a criminal offence with a fine attached. The deterrent effect of a fine applies even if it will not be imposed until after an election has ended.

¹¹ Electoral Commission SA (2014) *2014 State Election Report*, sec. 5.3, <https://ecsa.sa.gov.au/about-ecsa/publications/publications-state-election-and-by-election-reports>

Resolving complaints quickly

While ECSA has not published data on how long the average complaint process takes, their commentary in the 2014 and 2018 election reports shows that timeliness is a concern: they identify obstacles to rapid resolution of alleged breaches,¹² explain how the blackout period makes retractions in the last days of a campaign difficult, and say criminal prosecution of offenders is not feasible given how long it takes relative to an election campaign.¹³

ECSA's Complaints Protocol has details on their planned timeframes:

When a complaint is received in writing, the Electoral Commission SA will acknowledge the complaint as being received and aims to do this within 48 hours. All complaints regarding electoral offences are handled as expeditiously as possible. To ensure this, the Electoral Commissioner may provide deadlines for responses when seeking information from parties involved.

The Electoral Commission SA aims to resolve most issues within 3-4 days. In cases where conflicting evidence and counter submissions occur, matters may take some 1-2 weeks to resolve. Where there is the likelihood of prosecution action, this may extend the resolution for some months.¹⁴

There is one example in the 2018 election report, which appears to have been selected to demonstrate the worst-case scenario, not the average scenario.¹⁵

In the example, the complaint turned out to be valid, but took 10 days to be resolved. The major delay was that the complainant only provided evidence substantiating the complaint on day 8. Two days after receiving the substantiation, ECSA had reviewed the evidence and referred it to the Crown Solicitor's Office, the Crown Solicitor's Office had given advice and ECSA had made a determination, written to the publisher requesting removal and published a media release.

There are several ways in which the truth in political advertising process could be sped up.

¹² Electoral Commission SA (2018) *2018 State Election Report*, p. 80

¹³ Electoral Commission SA (2014) *2014 State Election Report*, pp. 56–57

¹⁴ Electoral Commission SA (n.d.) *Complaints protocol for State elections*, <https://ecsa.sa.gov.au/?view=article&id=435:complaints-protocol-for-state-elections>

¹⁵ Electoral Commission SA (2018) *2018 State Election Report*, p. 80

Reducing the amount of back and forth

A major cause of delays appears to be the communication with complainant or the subject of the complaint.

ECSA says that most complainants fail to fill in the complaints form correctly, either not providing sufficient information about the ad or not articulating exactly what they allege to be misleading.¹⁶ Better form design might help; more leeway for those processing the complaint to investigate on their own initiative may help too.

It can be difficult to track down an ad, especially one on TV or radio. Requiring electoral advertisements to be submitted to a publicly accessible archive could help complainants or the commission locate an ad more quickly.

Prioritising the initial Electoral Commissioner decision

ECSA notes that Supreme Court injunctions and criminal prosecutions are too slow to be effective in an election.¹⁷ In practice, the initial finding of misleading advertising by the commissioner and request for withdrawal/retraction is the most effective remedy available under the act, partly because it is the quickest remedy.

Greater resources

In 2014, ECSA identified that it needed more staff dedicated to complaints management, and that the staff it did have should have been engaged earlier. They recommended three full-time employees (for the duration needed).¹⁸

Having a dedicated body for reviewing complaints, instead of leaving this to electoral commissions, could address this concern too.

A solution for retractions close to election

The blackout period means that retractions for ads close to the election date cannot be published in a similar manner and form to how they originally appeared; even before the blackout period it can be difficult to book ad space.¹⁹

In 2014, during the blackout, ECSA requested a political party publish a retraction on their website instead.

¹⁶ Electoral Commission SA (2018) *2018 State Election Report*, p. 80

¹⁷ Electoral Commission SA (2014) *2014 State Election Report*, sec. 5.3

¹⁸ Electoral Commission SA (2014) *2014 State Election Report*, sec. 5.3

¹⁹ Electoral Commission SA (2014) *2014 State Election Report*, sec. 5.3

There could be an exception to the blackout introduced for retractions. However, that risks creating a perverse incentive for candidates to engage in misleading advertising if the benefit of appearing during the blackout (even in the form of a retraction) ameliorates the cost of admitting misleading advertising.

One solution is a suggestion that the commissioner could issue a public statement where an ad is found to be misleading, instead of being limited to correspondence with the offender and complainant. ECSA explains:

This method has the potential to generate media coverage and reach a wider audience than any order for retraction and would counter the limitations imposed by the advertising blackout.

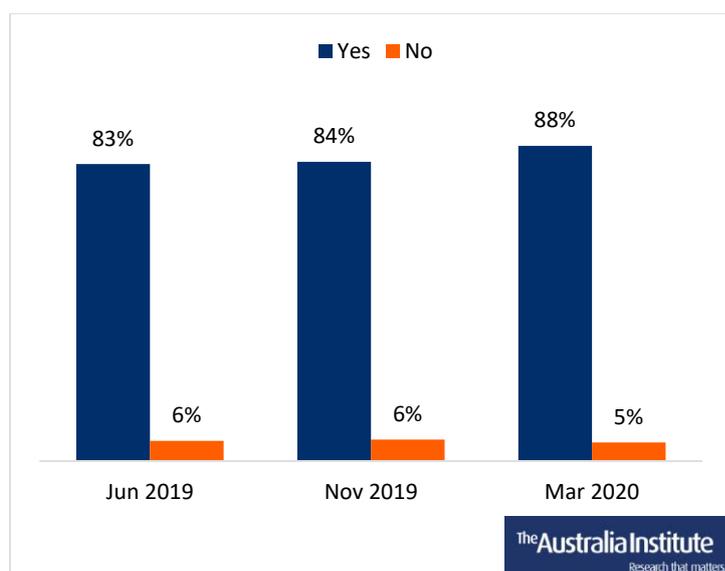
Distributed responsibility

Although not mentioned in the election reports, another point is that digital platforms already engage in some fact checking. If these platforms were prepared to fact check political candidates and parties (as Twitter has started to do), then some misleading advertising may be addressed before complaints to ECSA arise.

Public opinion

The Australia Institute routinely polls support for truth in political advertising laws. In the most recent poll (March 2020), almost nine in 10 Victorians (88%) support national truth in political advertising laws, with only 5% opposed. As shown in Figure 1, this is a modest increase from 2019, when around 84% supported truth in political advertising laws.

Figure 1: Should Australia pass truth in political advertising laws? (Victorians only)



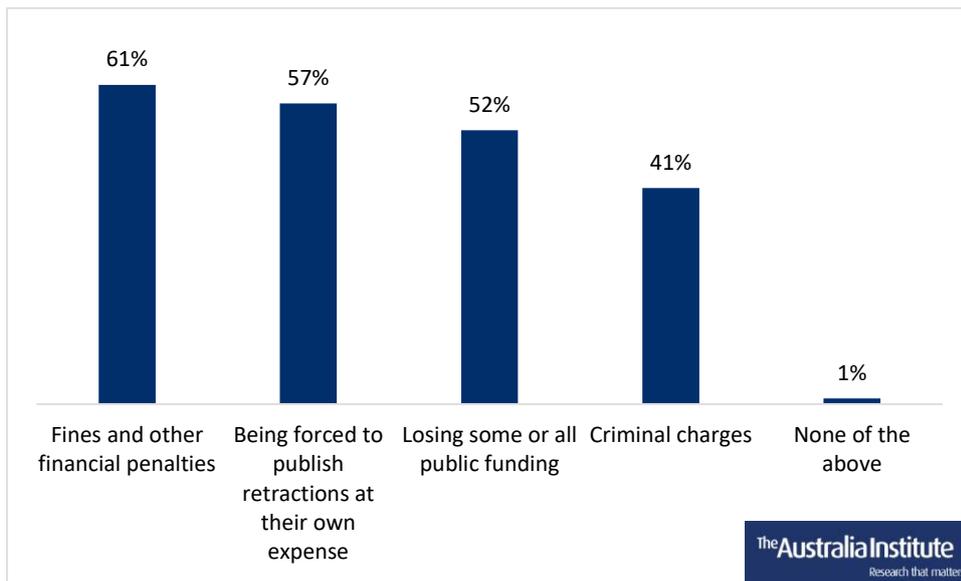
Truth in political advertising propositions

In June 2019, the Australia Institute asked Australians a series of more specific questions about truth in political advertising.²⁰

As shown in Figure 2, most Victorians support fines and other financial penalties, being forced to publish retractions and losing public funding as penalties for misleading and inaccurate advertising. When asked to choose between four options for who should adjudicate truth in political advertising complaints, the electoral commission (30%), magistrates and judges (27%) and an industry body (20%) were more popular than a special panel of former politicians (8%).

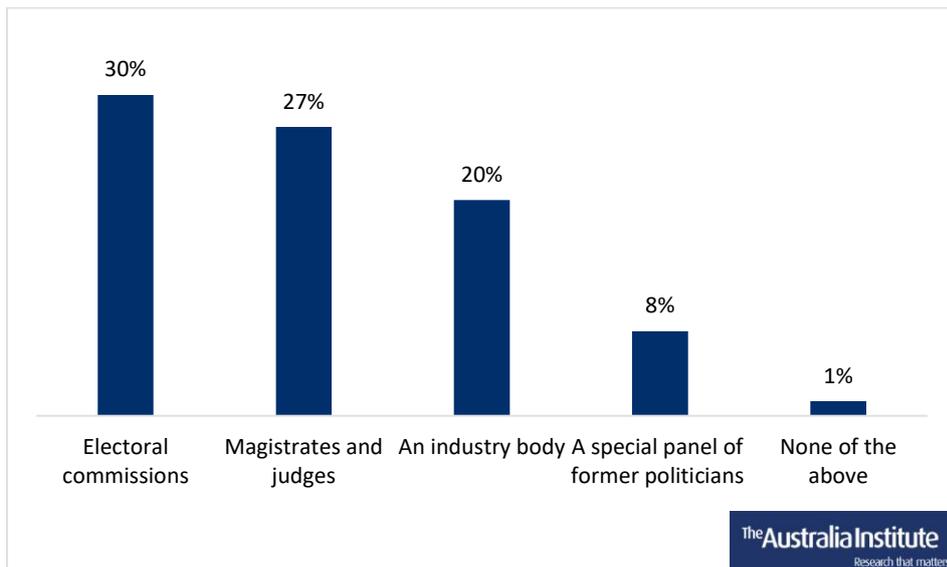
²⁰ For national results, see Browne (2019) *We can handle the truth: Opportunities for truth in political advertising*

Figure 2: Support for potential penalties for misleading and inaccurate advertising (Victorians only)



Note: Respondents could choose one or more penalties, none of the above or “Don’t know / Not sure”

Figure 3: Options for adjudication (Victorians only)



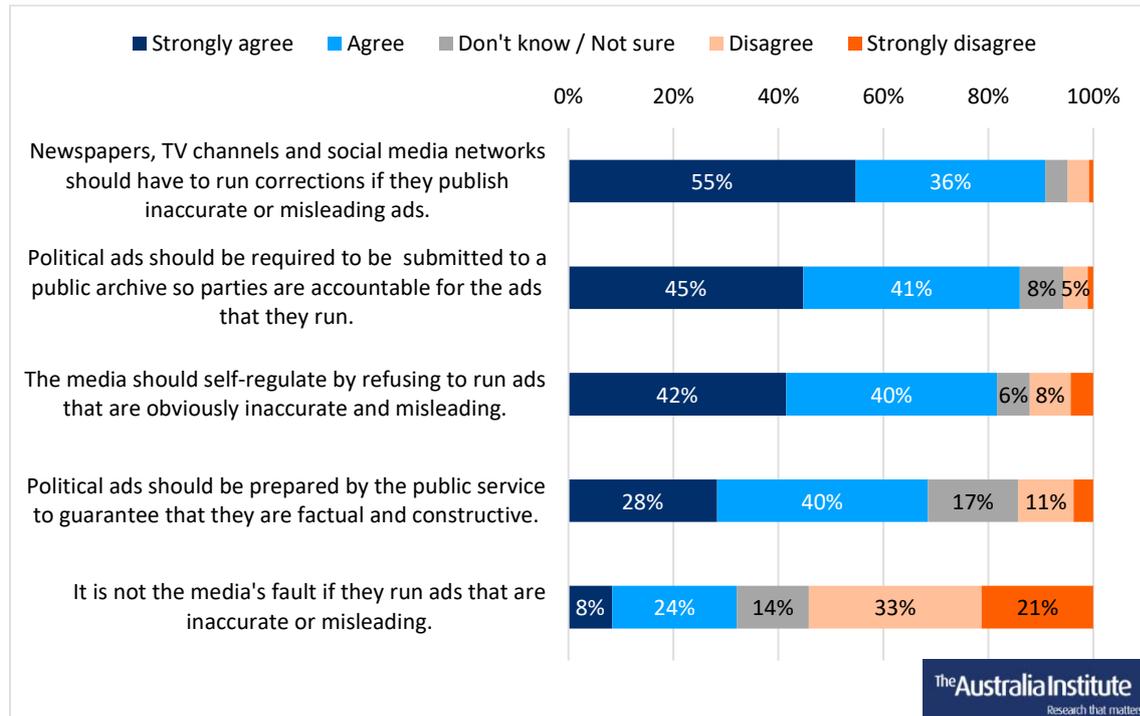
There was majority agreement among Victorians on four political advertising propositions (Figure 4):

- 91% agree that media companies should have to run corrections if they publish inaccurate or misleading ads.
- 86% agree that political ads should be required to be submitted to a public archive.
- 82% agree that the media should self-regulate by refusing to run ads that are obviously inaccurate or misleading.

- 68% agree that political ads should be prepared by the public service to guarantee that they are factual and constructive.

Only 32% agree that it is not the media’s fault if they run ads that are inaccurate or misleading, compared to 54% who disagree.

Figure 4: Political advertising propositions (Victorians only)



Political advertising on social media

Most Australians support greater controls on political advertising on social media platforms (state-level results not provided for this survey):²¹

- Three in four (73%) say that social media platforms should be required to ensure political ads are factual.
- Seven in 10 (70%) say social media platforms should be required to confirm organisations advertising politically are registered locally.
- Two in three (66%) say social media platforms should be prevented from “micro-targeting”.
- Three in five (60%) say political advertising on social media should be banned altogether.

²¹ Guiao (2019) *Distorting the public square*, pp. 14–15

Recent developments

Since our attached reports were written, there have been some significant developments in the areas of social media and truth in political advertising.

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.²²

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.²³

Speaking to her amendment, Le Couteur said:²⁴

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:²⁵

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.

Leader of the Opposition Alistair Coe similarly said:²⁶

²² ACT Legislative Assembly (2020) *Hansard (27 August)*, <http://www.hansard.act.gov.au/hansard/2020/links/download.htm>

²³ Le Couteur (2020) *Electoral Amendment Bill 2018 | Supplementary Explanatory Statement*, pp. 2–3, <http://www.legislation.act.gov.au>

²⁴ ACT Legislative Assembly (2020) *Hansard (27 August)*

²⁵ ACT Legislative Assembly (2020) *Hansard (27 August)*

²⁶ ACT Legislative Assembly (2020) *Hansard (27 August)*

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.²⁷

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 Committee on Electoral Matters investigates options to ensure truth in political advertising.²⁸

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

²⁷ Emerson & Weatherill (2019) *Review of Labor's 2019 federal election campaign*, p. 64, <https://alp.org.au/media/2043/alp-campaign-review-2019.pdf>

²⁸ Steggall & Falinski (2019) *Submission 123*, pp. 4–5, <https://www.aph.gov.au/DocumentStore.ashx?id=a8c3470a-24a0-4045-b738-d3875b47cd6a&subId=670947>

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.²⁹

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.³⁰

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.³¹

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.³²

²⁹ Australian Greens (2019) *Submission 112*, p. 7

³⁰ 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>

³¹ 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>

³² Advance Australia (2020)  **BREAKING**  *Watch this fake press conference from Pannastacia Alaszczuk now!*, <https://www.youtube.com/watch?v=JPilrpCH5cE>; 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/>

Some progress from digital platforms

Twitter has banned political ads on its platform, although not issue ads.³³ 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 messages³⁴ and as being opportunistic and limited.³⁵

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.³⁶ Facebook has also deleted COVID-19 misinformation posted by Donald Trump, although less frequently than Twitter has done.³⁷

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 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.³⁸ Among those labelled as disputed or misleading were several tweets from President Donald Trump.³⁹

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 make unfounded claims.⁴⁰

³³ 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>

³⁴ 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>

³⁵ 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>

³⁶ 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>

³⁷ BBC News (2020) *Trump Covid post deleted by Facebook and hidden by Twitter*, <https://www.bbc.com/news/technology-54440662>

³⁸ 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>

³⁹ Conger (2020) *How Twitter Policed Trump During the Election*, <https://www.nytimes.com/2020/11/06/technology/trump-twitter-labels-election.html>

⁴⁰ 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>