

28 February 2023

The Hon. Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Copies to: Senators and Members of the House of Representatives

Dear Prime Minister

The Federal government must ensure the Voice to Parliament debate is free and fair

The Institute of Public Affairs was founded in 1943 as a non-profit educational research organisation with the objectives: to further the individual, social, political, and economic freedom of the Australian people; and to maintain and enhance the Australian way of life.

A central strand of the IPA's research for 80 years has been on Australia's democratic traditions, including in relation to freedom of speech, egalitarianism, and tolerance for the diverse views of the community.

Foundational to the Australian way of life is that every Australian should have an equal say over the big issues facing our nation's future, and for debate to be conducted in a free and fair manner.

It is in this context that I am writing to you and your colleagues to bring to your attention a critical matter relating to the actions of major digital platforms, or 'big tech' companies, to attempt to manipulate public discourse in favour of one side of the debate. This letter outlines three recent acts of censorship by major digital platforms in relation to the Voice debate.

On 18 January 2023, during an interview with Ben Fordham on 2GB Radio, you confirmed that Australians should 'come forward' with suggested improvements to the Voice, saying 'you've got my phone number: make a suggestion.' The IPA is sharing our suggestions in this letter for how the government can act to ensure Australians can have a free and fair debate.

Google restricts IPA video on the Voice

On 14 February 2023, Google refused an attempt by the IPA to promote a video entitled 'IPA research leads debate forcing Federal Government backflip on Voice pamphlet.' The video contained IPA analysis of the federal government's proposed Referendum (Machinery Provisions) Bill 2022.

The cited reason for refusing to allow the IPA to promote its video, and therefore share its research into a critical public policy issue, was that it was an 'Australian election Ad' featuring

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‘An Australian federal political party, a candidate for the Australian House of Representatives or Senate, or a current elected federal officeholder in the Australian House of Representatives or Senate.’ This was incorrect: the video featured only IPA Research Fellow John Storey, and no political candidates or representatives of any political party. Despite the obvious error, Google has not reversed its decision.

Facebook restricts IPA video on the Voice

In September 2022 the IPA sought to communicate our research on Facebook to ensure it reached a broad cross section of the community. The research video was entitled ‘Race has no place’ and featured the comments of senators Jacinta Nampijinpa Price and James McGrath, and leading academic and public intellectual Anthony Dillon on the Voice.

On four separate occasions Facebook acted to ensure the visibility of the video was minimised. The IPA had attempted to pay a fee to share the video to more social media users but was rejected on the basis that the video was inconsistent with Facebook’s policy regarding “Ads about Social Issues, Elections or Politics policy”.

Meta, the parent company of Facebook, did not explain how a research video discussing racial equality violated Facebook’s policies. And there was no explanation for Facebook’s decision to remove the ban, then reapply the ban a short time later. Facebook later admitted they made the mistake and admitted they were wrong to have removed the ban on the promotion of the video, though they wrongly maintained that the content of the IPAs video required a ‘disclaimer’.

Facebook restricts second IPA video on the Voice

On 30 September 2022, the IPA published a research video, ‘Is big tech seeking to influence the referendum?’, which analysed the recent actions of the big tech companies in restricting the use of their platforms to those who were critical of the Voice. That video was rejected for promotion on the same day. To date, Facebook has not lifted this prohibition.

These three events expose a trend by major digital platforms to influence the public debate on the Voice. In a liberal democratic society, powerful—and in many cases foreign-owned—companies should not interfere in domestic debate, much less critical votes undertaken by the Australian people.

In an address to the Australian National University’s National Security College on 14 February, the Minister for Home Affairs Clare O’Neil MP stated: ‘Foreign interference is relentless, it is insidious, and it not only affects individuals, it fundamentally undermines our democratic processes.’ One of the most pressing examples of this kind of interference is large, foreign owned, corporations deciding how a domestic vote is debated.

There can be no confidence in the outcome of a referendum if it is plainly evident that Australians were not given an opportunity to engage in a free and fair debate about the question.

To this end, we are calling on the federal government to ensure the proposed referendum, if it takes place, will be enacted in a manner that allows Australians to say and hear all arguments for and against constitutional change. This means making a commitment to:

- Ensure big tech companies do not use their power to influence who is allowed to speak in relation to the Voice referendum debate:

The federal government should pass laws to prevent censorship of political viewpoints by digital platforms. Currently, Schedule 2, Part 2, Section 3 of the *Broadcasting Services Act 1992* requires broadcasters to offer political parties the opportunity to broadcast election material during an election.

This provision should be temporarily amended for the period of the referendum to: apply during a referendum campaign; expand the definition of broadcasters to apply to digital platforms; apply the requirement to give opportunity to broadcast referendum material to all referendum participants (not just political parties as is currently the case); and should clarify that digital platforms censoring referendum material (for instance, through shadow banning or posting misinformation warning) is unlawful.

At the conclusion of the referendum period these amendments should automatically repeal by way of a sunset provision.

- Ensure the ‘yes’ and ‘no’ cases receive equal government funding and equal regulatory treatment:

We note your comments made at the National Press Club on 22 February 2023 in which you state ‘We’re giving equal funding, of zero, to both the Yes and No cases’. This is only part of the story: separate from the question of direct funding is disparate regulatory treatment to ‘yes’ and ‘no’ campaigners. The government you lead gave the ‘yes’ campaign direct and immediate financial support in the October 2022 federal budget by granting deductible gift recipient status to Australians for Indigenous Constitutional Recognition, an advocacy group campaigning in favour of the ‘yes’ case, without any comparable status granted to a group campaigning for a ‘no’ vote at the referendum. If the government is going to provide financial support to participants in the referendum, it must do so on an equal basis.

- Ensure the referendum pamphlet is prepared and distributed in the traditional manner, and not drafted by an unrepresentative ‘expert’ or ‘independent’ panel:

The IPA welcomes the reports that the federal government has reversed its intention to abolish the traditional pamphlet explaining the arguments for and against a proposed constitutional change. However, the federal government must commit to ensuring the pamphlet is not drafted by an unrepresentative ‘expert’ or ‘independent’ panel.

Regardless of political party, all members of parliament are custodians of the Australian way of life, and central to the Australian way of life are the principles of liberal democracy, and the right of Australians to be given a fair go and have their say.

Regards,

A handwritten signature in blue ink, appearing to read 'Morgan Begg'. The signature is fluid and cursive, with the first name 'Morgan' and the last name 'Begg' clearly distinguishable.

Morgan Begg
Director of Research
Institute of Public Affairs