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THE ARBITERS OF TRUTH

Analysis of fact checking organisations
during the 2023 Voice Referendum

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Executive Summary

The 2023 Voice to Parliament Referendum was characterised by the censorship and regulation of public debate in the name of combatting ‘misinformation’. In partnership with social media companies, ‘fact checking’ organisations assessed the ‘truth’ of claims made about the referendum proposal and sought to stop the circulation of claims found to be ‘false’ or ‘misleading’.

The three fact checking organisations in Australia—Australian Associated Press (AAP) FactCheck, RMIT FactLab, and RMIT ABC Fact Check—are all signatories

to the International Fact-Checking Network’s (IFCN) Code of Principles. These principles mandate that signatories uphold commitments to fairness and impartiality including that they ‘not concentrate their fact-checking unduly on any one side’.

An analysis of articles published by fact checkers relating to the Voice to Parliament referendum finds the fact checking organisations were manifestly biased, and disproportionately scrutinised opponents and critics of the Voice. The results are as follows:

	ARTICLES	TARGETING YES	TARGETING NO	% TARGETING NO
AAP FactCheck	107	8	99	93%
RMIT FactLab	41	0	41	100%
RMIT ABC Fact Check	39	9	30	77%
Total	187	17	170	91%

- 187 fact checking articles related to the Voice were published between 22 May 2022 and 14 October 2023. 170 fact checks (91%) assessed claims made by opponents of the Voice. Only 17 (9%) assessed claims made by proponents of the Voice.
- Fact checkers were far more likely to find claims by the No case to be false than the Yes case. Of the articles targeting the No case, 99% were deemed false, whereas only 59% of the comparatively few articles assessing the Yes case were deemed false.
- Significantly, 8 of the 17 (47%) articles assessing the veracity of claims made by the Yes case were published after the Sky News exposé, the Fact Check Files. This suggests that even the limited scrutiny of Voice advocates was motivated by a desire to appear balanced, rather than any genuine commitment to objectivity.
- In addition to targeting one side of the referendum debate, the subjective standards applied by fact checkers meant that any opinion or statement that was contrary to the biases of the fact checkers would likely be deemed ‘false’.

The findings of this research further highlight the dangers associated with the federal government’s proposed Communication Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. Under the proposed laws, the major technology companies, such as Meta, would have legal obligations to remove material from their platforms that is assessed as falling into the categories of misinformation or disinformation. In practice, one of the mechanisms used by the technology companies to make this assessment is ‘fact checking’ undertaken by one of the three fact-checking organisations analysed in this report. The apparent pro-government bias of these fact checking organisations reinforces concerns the government’s misinformation laws could result in opinions being censored on the basis of their political content.

Introduction

On the night of the 14 October Voice referendum, Yes23 campaign director Dean Parkin denounced the No campaign as ‘the single largest misinformation campaign that this country has ever seen’.¹

The truth is otherwise.

Far from being the ‘largest misinformation campaign’ in history, the 2023 referendum on whether to enshrine an Indigenous Voice to Parliament and the Executive Government in the Australian Constitution likely featured the most unfair targeting and censorship of one side of a political debate—the No case—in Australian history.

The organisations with perhaps the greatest power to silence and censor so-called ‘misinformation’—the three Australian ‘fact checking’ organisations that are signatories to the International Fact Checking Network (IFCN)—overwhelmingly targeted the No case.

Between 22 May 2022, when Prime Minister Albanese reiterated the federal government’s commitment to implementing the Uluru Statement from the Heart, and the referendum voting day on 14 October 2023, RMIT FactLab, RMIT ABC Fact Check, and the Australian Associated Press (AAP) Fact Check collectively published 187 fact checking articles related to the Voice referendum. Of these, 170, or 91 per cent, targeted claims made by the No case. In the case of RMIT FactLab, not a single article ever targeted the Yes case.

Under the IFCN Code of Principles, signatories are required to ‘not concentrate their fact-checking unduly on any one side’.² In respect to their conduct during the Voice referendum, RMIT FactLab, RMIT ABC Fact Check, and AAP Fact Check demonstrably breached this standard.

This bias had real consequences. Large technology companies and social media platforms rely on these ‘official’ fact checkers to moderate online content. A finding that a claim or social media post is ‘false’ can result in it being deprioritised, blocked, or hidden, limiting its reach online. The inconsistent and unfair treatment of content by the fact checkers meant information and views opposed to the Voice were censored at a substantially greater rate than views supporting the Voice.

Correcting the narrative that the 2023 Voice referendum involved misinformation by the No case, when the reality was unprecedented censorship of the No case, is important. The federal government has proposed sweeping new ‘misinformation and disinformation’ laws in the form of the proposed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. Those dissatisfied with the referendum result may seek to use alleged misinformation during the campaign to justify proceeding with these laws that target online speech.

In reality, the 2023 Voice referendum has highlighted a glaring problem with attempts at censorship. Ultimately, an agency or organisation must be tasked with and empowered to determine whether claims or statements are true or false, or harmful or valid. The asserted problem of people spreading misinformation would simply be replaced by the far worse problem of the biases and political leanings of censors dictating what views are—and are not—expressed and heard.

1 Paul Karp, ‘Yes campaign sheds tears for a brutal result—but also for the dark victory of misinformation’, *The Guardian Australia* (14 October 2023): <https://www.theguardian.com/australia-news/2023/oct/14/yes-campaign-sheds-tears-for-a-brutal-result-but-also-for-the-dark-victory-of-misinformation>.

2 International Fact Checking Network, *Guidelines for Applications: The IFCN Code of Principles* (Online, accessed 8 November 2023): https://drive.google.com/file/d/1e-A_AmU3B3G8cbC9NfksY0nH1zfWeH67/view.

The role of the fact checkers

Allegations that opponents of the Voice were disseminating ‘misinformation’ (spreading misleading or incorrect information) or ‘disinformation’ (spreading deliberately deceptive information) were made liberally throughout the Voice referendum campaign debate.

As early as February 2023, Prime Minister Anthony Albanese accused critics of the Voice of deliberately spreading falsehoods:

There are already people out there pushing misinformation on social media. Drumming up outrage, trying to start a culture war. That’s an inevitable consequence of trying to achieve change.³

As the polls suggested declining support for the Voice leading up to the 14 October referendum, Voice proponents ratcheted up ‘misinformation’ rhetoric. For example, in July, Thomas Mayo, director of Australians for Indigenous Constitutional Recognition and spokesperson for Yes23, wrote, ‘On one side is misinformation, fearmongering and the defence of a failed approach to Indigenous affairs, and on the other is truth, hope and a better way’.⁴

In September, architect of the Uluru Statement from the Heart Megan Davis lamented the arrival of ‘Trumpian misinformation,’ stating, ‘There’s a lot of misinformation and disinformation circulating, particularly on Facebook, but also through mainstream media as a consequence of that. And it makes our job harder’.⁵

On the night of the referendum, with the Voice having been comfortably defeated, the narrative had not changed. Yes23 campaign director Dean Parkin also denounced ‘what has been the single largest misinformation campaign that this country has ever seen’.⁶ Thomas Mayo blamed the result on a ‘disgusting No campaign, a campaign that has been dishonest, that has lied to the Australian people’. He placed sole blame on the lies of the No Campaign. ‘It is not [Prime Minister Albanese’s] fault, it is not the Australian people’s fault, it is the people that have lied to the Australian people—they are the ones we should be blaming’.⁷

But it was not solely rhetoric and denunciations that were wielded against the No case during the campaign. The campaign was marred by efforts to silence the arguments of opponents of the Voice. This research paper analyses one such method: the process of ‘fact checking’.

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- 3 [Anthony Albanese, ‘Address to the Chifley Research Conference’ \(5 February 2023\): https://www.pm.gov.au/media/address-chifley-research-conference.](https://www.pm.gov.au/media/address-chifley-research-conference)
 - 4 [Thomas Mayo, ‘Australians I talk to are optimistic about the voice – even in the face of fear and misinformation,’ *The Guardian* \(30 July 2023\): https://www.theguardian.com/commentisfree/2023/jul/30/indigenous-voice-to-parliament-yes-campaign-no-campaign-thomas-mayo](https://www.theguardian.com/commentisfree/2023/jul/30/indigenous-voice-to-parliament-yes-campaign-no-campaign-thomas-mayo)
 - 5 [Megan Davis, ‘“Trumpian era” of disinformation makes voice yes campaign job more difficult, Megan Davis says,’ *The Guardian* \(3 September 2023\): https://www.theguardian.com/australia-news/2023/sep/03/trumpian-era-of-disinformation-makes-voice-yes-campaign-job-more-difficult-megan-davis-says](https://www.theguardian.com/australia-news/2023/sep/03/trumpian-era-of-disinformation-makes-voice-yes-campaign-job-more-difficult-megan-davis-says)
 - 6 [Paul Karp, ‘Yes campaign sheds tears for a brutal result – but also for the dark victory of misinformation’ \(14 October 2023\): https://www.theguardian.com/australia-news/2023/oct/14/yes-campaign-sheds-tears-for-a-brutal-result-but-also-for-the-dark-victory-of-misinformation.](https://www.theguardian.com/australia-news/2023/oct/14/yes-campaign-sheds-tears-for-a-brutal-result-but-also-for-the-dark-victory-of-misinformation)
 - 7 [‘Voice to Parliament advocate Thomas Mayo calls out ‘disgusting’ No campaign as Linda Burney promises ‘it is not the end of reconciliation,’ *ABC News* \(14 October 2023\): https://www.abc.net.au/news/2023-10-14/voice-to-parliament-yes-campaign-reacts-to-defeat/102977664](https://www.abc.net.au/news/2023-10-14/voice-to-parliament-yes-campaign-reacts-to-defeat/102977664)

Some of the large social media platforms, upon which so much of the 'misinformation and disinformation' was alleged to have taken place, seek to censor such content. To protect themselves from potentially damaging allegations that they are engaged in politically biased censorship, in recent years social media companies have partnered with 'fact checking' organisations. These organisations claim to be independent and investigate claims made online to determine if they are true or false.

In Australia there are three main fact checking institutions: RMIT FactLab, RMIT ABC Fact Check, and AAP Fact Check. When these organisations make a finding that a statement or claim is 'false', 'wrong', 'debunked' or 'misinformation', the social media platforms use such findings to legitimise their censorship by hiding, deprioritising, putting warnings on content or otherwise suppressing content that contains the alleged falsehoods.

RMIT ABC FactLab, ABC Fact Check, and AAP Fact Check are all members of the International Fact-Checking Network (IFCN). The IFCN was established by the Poynter Institute for Media Studies, a non-profit journalism training institution in Tampa, Florida.⁸ The IFCN issues a verified signatory status to fact-checking organisations that are found to meet its code of principles.⁹ The verification follows an independent assessment process, after which approved signatories may display an IFCN badge on their site, indicating that they have been found to be compliant. They must comply with five principles: 1) commitments to non-partisanship and fairness; 2) standards and transparency of sources; 3) transparency of funding and organization; 4) standards and transparency of methodology; and 5) an open and honest corrections policy.¹⁰

Importantly, in respect to the first principle, the code of principles explicitly states that signatories 'do not concentrate their fact-checking unduly on any one side'.¹¹ This requires that they do not subject only one side of a political debate to scrutiny; there must be balance. For both sides of a given debate IFCN signatories must 'follow the same essential process for every fact check and let the evidence dictate the conclusions'.¹²

8 Poynter Institute, '[International Fact-Checking Network Transparency Statement](https://www.poynter.org/international-fact-checking-network-transparency-statement/),' *Poynter Institute*, last accessed 19 October 2023, <https://www.poynter.org/international-fact-checking-network-transparency-statement/>

9 Fact-Checking Network, '[Application process for the IFCN code of principles](https://ifcncodeofprinciples.poynter.org/process),' *Poynter Institute*, last accessed 19 October 2023, <https://ifcncodeofprinciples.poynter.org/process>

10 International Fact-Checking Network, '[The commitments of the code of principles](https://ifcncodeofprinciples.poynter.org/know-more/the-commitments-of-the-code-of-principles),' *Poynter Institute*, last accessed 19 October 2023, <https://ifcncodeofprinciples.poynter.org/know-more/the-commitments-of-the-code-of-principles>

11 Ibid.

12 Ibid.

Maintaining this balance and fairness is important because the fact checkers can wield substantial influence on civic debate. As the IFCN website notes, signatories are afforded significant power in not only determining the truthfulness of a claim, but to halt its circulation online. It is the 'power not only to declare claims that public figures and others make credible, or otherwise, but to reduce the claims' circulation – most notably on Facebook'.

Having an independent and external assessor of truth is valuable to social media platforms like Facebook, given they have frequently been accused of functioning as hotbeds for the spread of misinformation, most notably during the 2016 and 2020 United States presidential elections and during the coronavirus pandemic. But censorship can be controversial and therefore damaging to the reputations of these social media companies. Since 2016, Facebook has exclusively partnered with verified signatories of the IFCN as part of its third-party fact-checking program, effectively outsourcing its censorship role. The ability to 'pass the buck' to these external parties is explicit:

We don't think a private company like Meta [parent company of Facebook] should be deciding what's true or false, which is exactly why we have a global network of fact-checking partners who independently review and rate potential misinformation across Facebook, Instagram and WhatsApp. Their work enables us to take action and reduce the spread of problematic content across our apps.¹³

Meta identifies potential misinformation based on feedback from users and other methods. The content is then gathered for review by fact-checkers, who are tasked with reviewing and rating the accuracy of claims. Meta then applies a warning label to content, while also reducing the distribution of the content.¹⁴ The search engine behemoth Google also highlights fact-checking websites with IFCN accreditation in search results.¹⁵

It is the IFCN accreditation that gives these fact checking organisations the veneer of legitimacy, enabling them to effectively conduct censorship on behalf of social media platforms. Notably, six weeks prior to the referendum, RMIT ABC Fact Check was suspended from its role as a third-party factchecker by Meta, following the revelation that its IFCN signatory status had expired in December 2022. The expiration of its signatory status was made public by Sky News on 23 August 2023 in its exposé, the *Fact Check Files*.¹⁶ The Sky News report also raised serious questions about the independence and rigour of the verification process conducted by the IFCN, its competence, and its sources of funding.

13 'How Meta's third-party fact-checking program works,' *Facebook*, published 1 June 2021, <https://www.facebook.com/formedia/blog/third-party-fact-checking-how-it-works>

14 Ibid.

15 Olivia Ma and Brandon Feldman, 'How Google and YouTube are investing in fact-checking,' *Google News Initiative* (29 November 2022): <https://blog.google/outreach-initiatives/google-news-initiative/how-google-and-youtube-are-investing-in-fact-checking/>

16 Jack Houghton, 'THE FACT CHECK FILES: Inside the secretive and lucrative fact checking industry behind a foreign-funded bid to censor Voice debate,' *Sky News Australia* (23 August 2023): <https://www.skynews.com.au/business/media/the-fact-check-files-inside-the-secretive-and-lucrative-fact-checking-industry-behind-a-foreignfunded-bid-to-censor-voice-debate/news-story/31915e1eb03b029b86a2f03aac19338b>

Methodology

The IPA has analysed fact checking articles published by RMIT FactLab, RMIT ABC Fact Check and AAP Fact Check to determine whether these organisations met the IFCN requirements on impartiality throughout the referendum campaign, by assessing and comparing the scrutiny placed on both sides of the debate.

The methodology used was to review all fact checking articles relating to the Voice referendum and related Indigenous and referendum issues from the election of the Albanese government on 22 May 2022 to the referendum itself on 14 October 2023. The IPA has identified each distinct claim being fact-checked, whether the claim was in support of the Yes or the No case, and then identified the verdict of the fact-checker.

On the occasions where there were multiple claims fact checked in one article, the IPA analysed each individual claim separately.

The weekly publication CheckMate is published on the RMIT ABC Fact Check website and includes a summary of fact checking work done by both RMIT FactLab and RMIT ABC Fact Check.¹⁷ In some instances, the CheckMate newsletter published by RMIT ABC Fact Check reported on recent fact checking articles written by RMIT FactLab. The IPA considered this a double-up and therefore excluded these articles from the analysis.

¹⁷ RMIT ABC Fact Check, 'Fact Check,' last accessed 19 October 2023: <https://www.abc.net.au/news/factcheck>.

Analysis of 'fact checking' at the 2023 Voice Referendum

The analysis demonstrates that the fact checkers overwhelmingly targeted claims made by opponents of the Voice. Out of a total of 187 referendum-related claims fact-checked by AAP Fact Check, RMIT Fact Lab, and RMIT ABC Fact Check, 170 (91 per cent) related to claims made by those opposed to the Voice.

Strikingly, just one of the 170 fact checks targeting critics of the Voice returned an assessment of 'true'. Conversely, 5 of 17, or 29 per cent, of claims fact checked against Yes supporters were found to be true, while 2 of 17, or 12 per cent, were found to be mixed.

For AAP Fact Check, a total of 107 claims relating to the referendum were fact checked from the election of the Albanese government in May 2022 to the Referendum on 14 October 2023. Of the 107 claims fact checked, 99 targeted claims made by No supporters, while just eight targeted claims made by Yes supporters. Of the 99 claims fact checked against No supporters, all 99 were found to be false, while seven claims by Yes supporters were found to be false, and one was mixed.

For RMIT FactLab, a total of 41 claims relating to the referendum were fact checked. All 41 related to claims made by No supporters, with all claims found to be false.

For RMIT ABC Fact Check, a total of 39 claims relating to the referendum were fact-checked. Of the 39 claims fact-checked, 30 targeted claims made by No supporters, while just nine targeted claims made by Yes supporters. Of the 30 claims fact checked against No supporters, 29 were deemed to be false, while one was found to be true. Of the nine claims fact checked against Yes supporters, three were found to be false, one was deemed neutral, and five were found to be true.

The IPA has also analysed whether the scrutiny placed on fact checkers by the broadcast of the *Fact Check Files* on 23 August 2023 by Sky News may have influenced the behaviour of the fact checkers. We found that three quarters of AAP's fact-checks targeting Yes supporters were published *after* the release of the *Fact Check Files*, while the figure was 2/9 for RMIT ABC Fact Check. RMIT FactLab's last fact-check was 25 August, shortly after the broadcast of the *Fact Check Files* and the organisation's suspension by Meta.

Breach of IFCN code of principles

By concentrating disproportionately on one side of the Voice referendum debate, each fact checking organisation in Australia breached its obligations under Principle 1 of the IFCN code of principles, namely, the 'commitment to non-partisanship and fairness.'¹⁸ Over 90 per cent of fact checking articles relating to the referendum targeted claims made by No supporters or opponents of the Voice. In the case of RMIT FactLab, it was 100 per cent. This fails to satisfy the IFCN requirements that fact checkers "do not concentrate their fact-checking unduly on any one side".¹⁹

Further, the fact that such a high proportion of articles targeting the Yes case were released after the Sky News exposé is strong circumstantial evidence that they did so in order to *appear* balanced. This strongly suggests that articles were being chosen for fact checking on the basis of a political agenda, rather than journalistic merit.

This perceived bias was amplified by those proponents of the Voice who appeared to treat fact checkers as a part of their campaign. Megan Davis stated 'The fact-checking is going really well, I think the No Campaign is up to their fiftieth lie that's been fact-checked and has been deemed as not correct. And that's really important ... the work of the fact-checkers'.²⁰ Marcia Langton, co-chair of the Calma-Langton Report, the proposed model for the Voice, agreed: 'If you look at any reputable fact checker, every one of them says the No case is substantially false. They are lying to you.'²¹

This paper does not seek to verify or challenge the accuracy of the fact check articles that were published. However, the analysis does identify that, in addition to the demonstrated concentration on only one side of the debate, there were other aspects of the conduct of the fact checkers which indicate a clear bias. For example, there were numerous fact checking articles on topics that cannot be definitively proven as 'true' or 'false', such as legal opinions.

Based on these standards, if an equivalent standard had been applied to arguments made by the Yes case, many claims and statements would have similarly been found to be false.

¹⁸ International Fact-Checking Network, 'The commitments of the code of principles,' *Poynter Institute*, last accessed 19 October 2023, <https://ifcncodeofprinciples.poynter.org/know-more/the-commitments-of-the-code-of-principles>

¹⁹ International Fact-Checking Network, 'The commitments of the code of principles,' *Poynter Institute*, last accessed 19 October 2023, <https://ifcncodeofprinciples.poynter.org/know-more/the-commitments-of-the-code-of-principles>

²⁰ ABC RN Breakfast, 'Megan Davis: 'There's outright lies'', *ABC News* (17 August 2023): <https://www.abc.net.au/listen/programs/radionational-breakfast/megan-davis-there-s-outright-lies-/102738492>

²¹ Joseph Huitson, 'Watch the moment top Voice campaigner Marcia Langton labels criticism 'based in racism'', *Sky News Australia* (12 September 2023): <https://www.skynews.com.au/australia-news/voice-to-parliament/base-racism-professor-marcia-langtons-criticism-of-indigenous-voice-to-parliament-opponents-amid-dire-new-polling/news-story/898cac6f6122cbb8103c285f11f74bd6>

Fact checking legal opinions

The fact checkers assessed various opinions about the potential legal consequences of the proposed referendum. This included the claims that the Voice would introduce a third chamber into parliament, that it would give Indigenous people the right to challenge legislation in the High Court, and that it would have power over the parliament.²² The IPA was also fact checked for arguing that New Zealand's Waitangi Tribunal, which was originally intended as an advisory body, ultimately ended up gaining binding powers and exercising a veto over legislation.²³

There is an obvious issue with fact checking legal opinions. It is of course legitimate for commentators to disagree with another person's opinion, including a legal opinion. But the nature of 'fact' checking and the 'verdicts' that the fact checkers issue are largely binary: true or false. In reality, legal opinions cannot be determined to be true or false by a media organisation. They can only ever be proven or disproven by a properly constituted court of law. But frequently the fact checkers held a legal opinion to be 'false' merely by quoting a legal 'expert' with a different opinion.

In correspondence with the IPA, RMIT University maintained that obtaining contrary expert opinions constitutes fact checking. In a statement to the IPA, the University wrote:

It is also a legitimate and common form of fact checking for a researcher to, when examining an assertion, ask experts who have relevant knowledge and experience in the field to provide analysis or exploration of a statement or topic, and then publish this as part of their fact check.²⁴

In response to the suggestion that this merely constitutes the use of one opinion to shut down another opinion, RMIT argued that experts were 'an entirely appropriate resource for fact checking purposes.'²⁵ The citation of contrary opinions, therefore, is a standard upheld by fact-checking organisations as sufficient to prove something 'false'.

Of course, the exact interpretation of the powers of the Voice, had it passed, would have been a matter for the High Court to decide, as the High Court has exclusive jurisdiction to interpret the Constitution. Significantly, a future High Court can also overturn a previous ruling. Thus, no matter what the qualifications of the 'expert' concerned, they cannot prove a legal claim about the Constitution 'false'. They can only express their opinion.²⁶ It is not as if the legal matters in question were obvious or undisputed. A quick glance at the submissions to the Parliamentary Inquiry on the Voice demonstrates that there were a plurality of views on the possible effects of the proposed wording.²⁷

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- 22 [Renee Davidson, 'Will the proposed Indigenous Voice to Parliament become a third chamber?', RMIT FactLab \(14 September 2022\): https://www.rmit.edu.au/news/factlab-meta/will-the-proposed-indigenous-voice-to-parliament-become-a-third-;](https://www.rmit.edu.au/news/factlab-meta/will-the-proposed-indigenous-voice-to-parliament-become-a-third-) Kate Atkinson, 'High Court claim misleads on power of the voice,' AAP Fact Check (17 April 2023): [https://www.aap.com.au/factcheck/high-court-claim-misleads-on-power-of-the-voice/;](https://www.aap.com.au/factcheck/high-court-claim-misleads-on-power-of-the-voice/) Mikele Syron, 'False warnings of voice's power over parliament,' AAP FactCheck (4 October 2023): <https://www.aap.com.au/factcheck/false-warnings-of-voices-power-over-parliament/>
- 23 Ellen McCutchan and David Campbell, 'Does New Zealand's parliament really play second fiddle to a 'Māori Voice'?' RMIT ABC Fact Check (14 April 2023): <https://www.abc.net.au/news/2023-04-14/fact-check-checkmate-maori-voice-waitangi-tribunal/102217998>
- 24 Bec Taube, email correspondence with the IPA, 5 June 2023.
- 25 Ibid
- 26 John Storey, email, Lisa Davies and Kate Atkinson, 1 May 2023, <https://ipa.org.au/wp-content/uploads/2023/06/21062023-Response-to-AAP-Fact-Check.pdf>
- 27 [Australian Parliament House, Submissions to the Inquiry into the Aboriginal and Torres Strait Islander Voice Referendum, last accessed 19 October 2023, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/Aboriginal_and_Torres_Strait_Islander_Voice_Referendum/VoiceReferendum/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/Aboriginal_and_Torres_Strait_Islander_Voice_Referendum/VoiceReferendum/Submissions)

Many submissions showed a concern that the Voice would have far greater powers than claimed by the government, or that this would develop over time through subsequent decisions of the High Court.²⁸

But the central problem is the very approach of deeming something 'false' based only on the fact checkers having found an expert with a contrary opinion. This sets the bar so low that, in effect, any opinion can be deemed false. Almost any contentious issue will have an 'expert' on either side with contrary views. Experts with differing opinions occupy positions across all sides of current public policy issues, from climate change, to economic policy, to social issues, and more. By relying on their chosen 'experts', fact checkers can deem any opinion or claim to be 'false'.

To illustrate, assume fact checkers have a bias against the proposed constitutional change, and such fact checkers were keen to silence Yes campaigner Marcia Langton. They might do a fact check on her comment that the Constitution of Australia is 'explicitly racist and was written by white male colonists who totally excluded Indigenous people from the national fabric'.²⁹ The biased fact checker need only cite the views of an expert such as University of Queensland Law Professor Nicholas Aroney who has argued that the Constitution is not racist as it 'does not, on the whole, draw distinctions between people on the basis of race, and accord certain rights to some because of their race, or place special detriments on people based on their race'.³⁰ That observation would be enough to meet the standard set during the Voice debate, and sufficient to deem Langton's comment 'false'.

Similarly, a Tweet from the official Yes campaign account declared that 'Yes means recognition, not exclusion'.³¹ That implies that Indigenous Australians are currently excluded from Australia, which is technically false, as they have the same voting rights as any other Australian citizen. As Aroney notes, '[The Constitution] presupposes that we are all citizens, and that we are equal citizens and therefore we all have an equal opportunity to be involved in politics'.³²

Thus, the 'false' findings of anti-Voice viewpoints could just as easily have been applied to pro-Voice viewpoints, if the fact checkers were so inclined. Given how easy it is to determine a claim false, to overwhelmingly target one side of the debate is a clear political and editorial decision, not one based on any objective demonstration of falsehood.

FIGURE 1: Example of a social media post by Yes23



28 For example, see submissions by Louise Clegg, and Professor Nicholas Aroney and Professor Peter Gerangelos.

29 Marcia Langton, 'Indigenous Australians must finally get a say over their fate,' *NikkeiAsia* (28 July 2023): <https://asia.nikkei.com/Opinion/Indigenous-Australians-must-finally-get-a-say-over-their-fate>

30 John Anderson, 'Is The Constitution 'Racist'? | Prof. Nicholas Aroney' (YouTube, 12 April 2023): https://youtu.be/B_gk7ZPyIAI?si=aXWVs0WlzB8URUCO.

31 Yes23 (@yes23au), 'Yes means recognition, not exclusion,' X (formerly Twitter), 2 October 2023, 8:00pm, <https://twitter.com/yes23au/status/1708768826463031580>

32 John Anderson, "Is The Constitution 'Racist'? | Prof. Nicholas Aroney," published 12 April 2023, 9:54, quote at 1:05, https://youtu.be/B_gk7ZPyIAI?si=aXWVs0WlzB8URUCO https://youtu.be/B_gk7ZPyIAI?si=-hkoj7qcMfhJFQDg&t=65

Pedantic fact checks

Some of the claims that fact checkers chose to target also demonstrate a mean spiritedness, focusing on alleged errors that, even if they were false, were pedantically assessed. There have been fact checks on the advertising on the Sydney Opera House, what signs Linda Burney has been photographed next to, and defending whether Anthony Albanese has been 'lost for words'.³³ The fact checking of satire perfectly exemplifies the obsession with monitoring and correcting every aspect of the No case. An online graphic, clearly intended as a mockery of the Referendum and the Australian Labor Party, depicted an Australian Electoral Commission (AEC) issued ballot paper with two 'yes' options.³⁴ The ballot described the proposed law as 'changes to the Australian Constitution which will allow privileges to a small section of the population at the expense of the larger section'.³⁵ RMIT FactLab took the claim seriously, concluding it had the 'potential to mislead'.³⁶ FactLab cited a comment from the AEC which, while recognising it as 'deliberately inauthentic satire' nonetheless 'condemn[ed] the use of any altered ballot paper image in communication—especially with an AEC logo and government crest included'.³⁷ While it could easily have been ignored as an act of obvious satire, FactLab felt the need to correct the narrative.

Some categories of language, such as hyperbole, satire, and rhetoric are understood to contain exaggeration. This can always be fact checked because it is not literally true. The example of the ballot paper with two 'yes' options was obviously not true, but was intended to express a deeper point—that the speaker believed the referendum process to be unfair and biased in favour of the proposed change. The same pedantic standards and obsession with technicalities was not applied to proponents of the Voice.

For example, fact checkers could have applied the same standard to shut down Senator Patrick Dodson, who claimed that a No vote would be a denial of a 'people whose culture has been here for 60,000 years'. For him, a No vote equated to telling Indigenous Australians 'You people have no history here, you have no legitimacy here, you have no right to be here'.³⁸ It could be said that, as the proposed constitutional insertion contained no mention of 60,000 years of history but rather proposed a body called the Voice, Senator Dodson was technically wrong and therefore misleading the public.

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- 33 Eiddwen Jeffery, 'Fake image of Sydney Opera House used to promote 'No campaign' in Voice referendum, *RMIT FactLab* (1 March 2023): <https://www.rmit.edu.au/news/factlab-meta/fake-image-used-to-promote-no-campaign-in-voice-referendum>, AAP FactCheck journalists, 'Altered photo paints false picture of minister's voice stance,' *AAP Fact Check* (17 August 2023): <https://www.aap.com.au/factcheck/alterd-photo-paints-false-picture-of-ministers-voice-stance/>; Jacob Shteyman, 'Videos concoct PM's silence on key voice question,' *AAP Fact Check* (21 August 2023): <https://www.aap.com.au/factcheck/videos-concoct-pms-silence-on-key-voice-question/>
- 34 Caitlin Cefair, 'Voters fooled by satirical Voice ballot paper that only offers 'yes' choice,' *RMIT FactLab* (8 June 2023): <https://www.rmit.edu.au/news/factlab-meta/voter-fooled-by-satirical-voice-ballot-paper>
- 35 Ibid.
- 36 Ibid.
- 37 Caitlin Cefair, 'Voters fooled by satirical Voice ballot paper that only offers 'yes' choice,' *RMIT FactLab* (8 June 2023): <https://www.rmit.edu.au/news/factlab-meta/voter-fooled-by-satirical-voice-ballot-paper>
- 38 Rosie Lewis, 'Voice referendum: Patrick Dodson says nation faces path akin to post-apartheid South Africa if yes fails,' *The Australian* (11 October 2023): <https://www.theaustralian.com.au/nation/politics/voice-referendum-patrick-dodson-says-nation-faces-path-akin-to-postapartheid-south-africa-if-yes-fails/news-story/d94d2bfbdf0ff9a24f59c8e0da375f32>.

He was clearly expressing an emotional opinion, in the same way that opponents of the Voice had, but any scrutiny of his claim remained conspicuously absent. Dodson went on to make comparisons between an Australia post a failed referendum and 'post-apartheid South Africa'. Such a demonstratively false claim was far more outlandish than almost any of the fact checks listed above in this paper, yet Dodson was never fact checked because his political views align with the preferences of the fact checkers.³⁹

To be clear, the comments of Marcia Langton, Senator Dodson or any other Yes campaigner should not be censored. Citizens should be able to express themselves freely, and the validity of those expressions should be weighed and determined by the contest of ideas. The point is that, given the manner in which the Yes campaign was conducted and the low standard for what constitutes a newsworthy fact check and what constitutes a 'false' claim, the Yes case could have been subject to an equivalent or greater number of fact checks. This is because the Yes case was heavily reliant on emotion and moral appeals, such as the claims that the Voice was 'the right thing' to do or a 'generous offer'.⁴⁰ It involved frequent contested legal opinions and speculative opinions, such as whether the Voice would be able to make representations about Australia Day, or be limited by Parliament.⁴¹ And it involved numerous unproven claims, such as the claims that the Voice would 'save money' or 'close the gap'.⁴²

Based on the standard set by the fact checkers, these claims could have been easily fact checked and 'proven' to be 'false', simply by quoting the many experts who disagreed with these views.

39 Ibid.

40 Tamsin Rose, 'Noel Pearson urges voters to 'let go of your political party affiliations' and vote yes for Indigenous Voice,' *The Guardian* (30 July 2023): <https://www.theguardian.com/australia-news/2023/jul/30/noel-pearson-urges-voters-to-let-go-of-your-political-party-affiliations-and-vote-yes-for-indigenous-voice>; Anthony Albanese, 'A gift to our country,' (speech, Garma Festival, NT, 5 August 2023), Australian Labor Party, <https://alp.org.au/news/a-gift-to-our-country/>

41 Adrian Rollins, 'Voice will focus on closing the gap, not changing Australia Day, says Linda Burney,' *The Canberra Times* (9 July 2023): <https://www.canberratimes.com.au/story/8263139/voice-will-focus-on-closing-gap-not-changing-australia-day-says-burney/>; Prime Minister, Minister for Indigenous Australians, Attorney-General, Assistant Minister for Indigenous Australians, Special Envoy for Reconciliation and the Implementation of the Uluru Statement from the Heart, 'Next Step Towards Voice Referendum: Constitutional Alteration Bill,' Prime Minister of Australia, media release, Canberra, 23 March 2023, <https://www.pm.gov.au/media/next-step-towards-voice-referendum-constitutional-alteration-bill>

42 Callan Morse, 'Gap is not closing, but Voice can help: Burney,' *National Indigenous Times* (15 June 2023): <https://nit.com.au/15-06-2023/6375/gap-is-not-closing-but-voice-can-help-burney>; Jim Chalmers, 'A vote for an Indigenous voice to parliament makes economic sense,' *The Australian* (28 July 2023): <https://www.theaustralian.com.au/commentary/a-vote-for-an-indigenous-voice-to-parliament-makes-economic-sense/news-story/a11b5608eaea37e35942d73f3fa526d4>

Conclusion

Throughout the Voice referendum campaign, RMIT ABC FactLab, ABC Fact Check, and AAP Fact Check conducted themselves with demonstrable bias:

- The fact checkers adopted a low standard adopted for determining the accuracy of a claim or statement simply required a contrary expert opinion. Given the contested nature of the debate, this meant they could in effect prove almost any opinion in respect to the Voice 'false'.
- The fact checkers adopted a similarly low standard for what was considered worthy of scrutiny, acting in a pedantic manner including the targeting of satire.
- Therefore, the findings that they almost exclusively targeted claims made by opponents of the Voice, with minimal scrutiny given to the Yes campaign, demonstrates a clear bias, in flagrant disregard of the IFCN code of principles requiring that one side not be unduly targeted.

Far from the Voice referendum campaign being dominated by the misinformation of the No case, a key feature of the debate was the unprecedented attempt to silence one side. This process was led and championed by fact checking organisations, whose codes of principles explicitly require that they act in a neutral and unbiased manner.

Correcting this narrative is important. The federal government has proposed radical new censorship laws in the form of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. This law would empower a government agency, the Australian Communications and Media Authority, to punish social media platforms that fail to censor 'misinformation' and 'disinformation'. It is likely that the blame attributed to misinformation for the failed referendum will give impetus to censorious new laws.

But the referendum should instead be a cautionary warning against such laws. The fundamental problem with censoring 'misinformation' is deciding who determines truth and falsehood. In the case of the referendum, organisations that purported to be neutral, and to whom responsibility was given to determine truth and falsehood, acted in a demonstrably one sided and biased manner. If organisations like these were empowered to censor online communications, the damage done to free political debate in this country would be profound.

Appendix A: Full analysis of AAP Fact Check articles

DATE	CLAIM	PERSPECTIVE TARGETED	VERDICT
26/08/2022	Sixty per cent of people participating in the First Nations Regional Dialogue events were non-Indigenous.	No	FALSE
8/03/2023	Aboriginal people were not the first to inhabit Australia.	No	FALSE
14/03/2023	The Uluru Statement from the Heart was written by only 250 Indigenous Australians.	No	MISLEADING
17/03/2023	Anthony Albanese spoke against Indigenous Australians being recognised in the preamble to the Constitution in 1999.	No	FALSE
20/03/2023	Prime Minister Anthony Albanese is breaching referendum rules by not providing equal funding to both sides of the voice to parliament campaign.	No	FALSE
23/03/2023	Indigenous Australians already have at least 50 organisations providing them with a voice.	No	FALSE
13/04/2023	A former federal court judge has raised concerns about an alleged voice to parliament action plan	No	FALSE
13/04/2023	The National Indigenous Australians Agency (NIAA) has proposed an 11-point plan it wants enacted if the voice to parliament is approved.	No	MISLEADING
17/04/2023	The voice will give Indigenous people the right to change anything that parliament approves by taking it to the High Court.	No	MISLEADING
19/04/2023	New Zealand's Waitangi Tribunal has the power to veto legislation and government decisions.	No	FALSE
21/04/2023	Secret voice documents reveal plans to change the flag and pay reparations to Indigenous Australians.	No	MISLEADING
27/04/2023	Linda Burney and Zoe Daniel were pictured with 'no' voice to parliament posters.	No	FALSE
28/04/2023	The government has chosen not to provide brochures outlining the 'yes' and 'no' cases ahead of the voice to parliament referendum.	No	FALSE
5/05/2023	Every piece of legislation going through federal parliament would have to be approved by the voice to parliament.	No	FALSE
8/05/2023	The South Australian government put its voice to parliament in legislation but did not change the state's constitution.	No	FALSE
9/05/2023	A voice to parliament would mean Indigenous Australians lose their basic legal rights.	No	FALSE
15/05/2023	The voice to parliament will require landowners to pay one per cent of their income in rent to an Aboriginal council.	No	FALSE
18/05/2023	There is no mention of race in the Australian Constitution.	No	FALSE
22/05/2023	The executive government must take into account relevant representations from the voice to parliament or else be at risk of judicial review under administrative law.	No	MISLEADING
26/05/2023	Australia cannot become a republic until Aboriginal and Torres Strait Islander people are included in the constitution.	No	FALSE
26/05/2023	The proposed Aboriginal and Torres Strait Islander voice to parliament has been registered as a private company.	No	FALSE
30/05/2023	A Freedom of Information (FoI) request has revealed the voice will propose Indigenous people only pay 50 per cent the rate of income tax.	No	FALSE
31/05/2023	The constitution states that a property owner must be provided with their certificate of title in paper form.	No	FALSE
1/06/2023	The federal government has given tax deductibility for donations to the voice's 'yes' campaign but not the 'no' campaign.	No	FALSE
6/06/2023	Secret documents reveal Australians will be forced to pay rates, land tax and royalties to the Indigenous voice to parliament.	No	MISLEADING
9/06/2023	A passage about Indigenous sovereignty is included in the voice referendum bill.	No	FALSE

DATE	CLAIM	PERSPECTIVE TARGETED	VERDICT
12/06/2023	Labor has used \$360m of taxpayer money to fund the 'yes' vote.	No	FALSE
15/06/2023	The voice to parliament will put Australia's land and resources into conservatorship, just like those imposed on US singer Britney Spears.	No	FALSE
15/06/2023	The 1967 referendum removed race from the constitution.	No	FALSE
19/06/2023	The voice to parliament will become a fourth constitutional power.	No	FALSE
21/06/2023	The voice to parliament proposal contradicts the Racial Discrimination Act 1975.	No	FALSE
22/06/2023	Indigenous Australians will lose rights over their land if they are recognised in the constitution.	No	FALSE
26/06/2023	Prime Minister Anthony Albanese has funded Thomas Mayo's The Voice to Parliament handbook.	No	FALSE
28/06/2023	Recognising Indigenous people in the Australian Constitution will prevent them from pursuing a treaty.	No	FALSE
5/07/2023	New legislation in Western Australia is linked to the proposed voice to parliament and will outlaw land-based activities on private property without Aboriginal approval.	No	FALSE
5/07/2023	The Indigenous voice to parliament will convert all private land in Australia into native title land.	No	FALSE
5/07/2023	There will be five questions asked in the voice to parliament referendum.	No	FALSE
7/07/2023	A recently created government position will help transfer land to Indigenous peoples as part of the proposed voice to parliament.	No	FALSE
10/07/2023	The voice will grant paramount rights favouring Indigenous people that would breach discrimination laws in normal circumstances.	No	FALSE
10/07/2023	The proposed Indigenous voice would be null and void as it would be enshrined in a fictional constitution.	No	FALSE
11/07/2023	The voice to parliament referendum has not been approved because the governor-general has not issued the royal assent.	No	FALSE
11/07/2023	Until the mid-1960s, it was illegal for Aboriginal people to live within one mile of a white settlement unless they had a permit.	Yes	FALSE
12/07/2023	Access will be denied to sporting venues such as the MCG, SCG and Allianz Stadium if the Indigenous voice is enshrined in the constitution.	No	FALSE
13/07/2023	One of the questions at the upcoming referendum will ask if Australia should become a republic.	No	FALSE
19/07/2023	Aboriginal people were not counted in Australia's censuses before 1967.	Yes	MIXED
20/07/2023	Placing the proposed Indigenous voice in Section 122 of the constitution will give it the power to create new states.	No	FALSE
25/07/2023	Indigenous people have been recognised in the Australian Constitution since 1967.	No	FALSE
26/07/2023	The Indigenous voice to parliament would give the federal government the power to form new states.	No	MISLEADING
26/07/2023	The 'yes' campaign in the Indigenous voice referendum is being funded by taxpayers.	No	FALSE
26/07/2023	The Indigenous voice to parliament will rename all Australian cities, towns and landmarks.	No	FALSE
28/07/2023	Prime Minister Anthony Albanese said in a speech that anyone who votes no in the Indigenous voice to parliament referendum is racist.	No	FALSE
3/08/2023	A New Zealand court ruling in 1987 granted the Waitangi Tribunal binding powers over the government.	No	MOSTLY FALSE

DATE	CLAIM	PERSPECTIVE TARGETED	VERDICT
9/08/2023	Australian federal politicians would have to consult the Indigenous voice to parliament about private members' bills they put forward.	No	FALSE
9/08/2023	Aboriginal sovereignty is written into the Australian Constitution.	No	FALSE
9/08/2023	When previous constitutional changes have been proposed there's been a constitutional convention, but there hasn't been one for the voice to parliament.	No	MISLEADING
11/08/2023	The Uluru Statement from the Heart is 26 pages.	No	FALSE
11/08/2023	The Canadian government has an initiative in which consumers pay an Indigenous land tax or rent.	No	FALSE
15/08/2023	If the upcoming referendum is successful, anything relating to Indigenous people or the voice to parliament can be added to the constitution.	No	FALSE
15/08/2023	The referendum will have two questions - one for the voice and one for constitutional recognition of Indigenous people.	No	FALSE
17/08/2023	Linda Burney was photographed with a sign campaigning against the voice.	No	FALSE
17/08/2023	The 'yes' case in the official Indigenous voice to parliament referendum pamphlet is twice as long as the 'no' case.	No	FALSE
21/08/2023	Anthony Albanese was lost for words when asked whether the voice to parliament will have primacy over the government.	No	MISLEADING
22/08/2023	Indigenous people own or control 49.4 per cent of Australia.	No	FALSE
23/08/2023	Nyunggai Warren Mundine spoke of his full support for a constitutionally enshrined national Indigenous voice at a 2017 event.	Yes	FALSE
24/08/2023	Indigenous people were previously classified as fauna	Yes	FALSE
25/08/2023	Senator Jacinta Nampijinpa Price wrote a letter about the proposed Indigenous voice that pushed sovereign citizen theories.	Yes	FALSE
30/08/2023	Voice advocate Thomas Mayo told an Indigenous man to "sit down and shut up" at a 'yes' campaign event.	No	FALSE
31/08/2023	The Australian Electoral Commission has changed the rules on what constitutes a valid vote for the voice referendum.	No	FALSE
31/08/2023	Nyunggai Warren Mundine said "Saying No to a voice will be to our eternal shame" in early 2023.	Yes	FALSE
31/08/2023	The proposed indigenous voice was previously rejected at the 1999 referendum.	No	FALSE
1/09/2023	The Australian government is a corporation.	No	FALSE
5/09/2023	There is no historical evidence of the traditional names of Indigenous groups and locations.	No	FALSE
5/09/2023	Indigenous people were granted citizenship at the 1967 referendum.	No	FALSE
6/09/2023	Ticks in the 'no' box may be counted as a 'yes' vote in the voice referendum.	No	FALSE
7/09/2023	Anthony Albanese did not mention marginalised Indigenous Australians in his speech at the launch of the voice 'yes' campaign.	No	FALSE
8/09/2023	The High Court of Australia ruled that the voice referendum is unconstitutional.	No	FALSE
8/09/2023	Taxpayer funds were used to pay John Farnham for the use of his 1986 song You're the Voice in a pro-Indigenous voice advert.	No	FALSE
8/09/2023	Voice legislation proves the advisory body will have the power to seize private property, land and assets.	No	FALSE
8/09/2023	Opposition Leader Peter Dutton has voted consistently for a constitutionally enshrined Indigenous voice.	Yes	FALSE
13/09/2023	Linda Burney has been in charge of spending on Indigenous affairs for nearly two decades.	No	FALSE

DATE	CLAIM	PERSPECTIVE TARGETED	VERDICT
15/09/2023	Postal votes are only allowed for elections, not referendums.	No	FALSE
20/09/2023	The voice would increase the number of Indigenous parliamentarians to 35.	No	FALSE
21/09/2023	A successful 'yes' vote will result in Indigenous people becoming Australian citizens and losing their sovereignty.	No	FALSE
22/09/2023	There are two Australian constitutions, one legitimate and one corporate.	No	FALSE
26/09/2023	The voice referendum fraudulent because no writ was issued for the House of Representatives at the 2022 federal election.	No	FALSE
28/09/2023	The prime minister already has his own advisory body in the Indigenous Advisory Council.	No	FALSE
28/09/2023	The writ for the Indigenous voice referendum has not been issued.	No	FALSE
29/09/2023	Senator Jacinta Nampijinpa Price has quit the 'no' campaign.	Yes	FALSE
29/09/2023	School teacher Geoffrey Bardon invented Aboriginal dot painting in 1971.	No	FALSE
2/10/2023	Employed Indigenous people are able to get zero per cent interest home loans.	No	FALSE
3/10/2023	If the voice is implemented the government will no longer have to seek approval from Indigenous people about developments on their land.	No	FALSE
4/10/2023	A video shows Anthony Albanese saying the United Nations will control all land in Australia if the voice referendum is successful.	No	FALSE
4/10/2023	The Indigenous voice will have power over parliament.	No	FALSE
5/10/2023	The voice referendum writ is invalid because a government minister signed it in place of the governor-general.	No	FALSE
5/10/2023	Russia and Australia are the only two countries still considered sovereign.	No	FALSE
6/10/2023	Australian governments spend around \$39.5 billion a year on direct support for Indigenous people.	No	MISLEADING
6/10/2023	A 2004 document provides proof the rules have changed about using an 'X' on referendum ballot papers.	No	FALSE
6/10/2023	Donations for the 'yes' campaign in the voice referendum are tax deductible, but not for the 'no' campaign.	No	FALSE
9/10/2023	The Uluru Statement from the Heart is a copy of the Zaire Statement from the Heart.	No	FALSE
9/10/2023	Indigenous people will become British subjects if the 'yes' vote succeeds at the voice referendum.	No	FALSE
11/10/2023	If you leave your ballot paper blank, your vote will automatically count as 'yes' in the voice referendum.	No	FALSE
12/10/2023	Yes23 Campaign material for the Voice referendum does not feather the required "authorised by" small print.	No	FALSE
12/10/2023	Aboriginal land will be transferred to the British monarch if the Indigenous voice succeeds.	No	FALSE
13/10/2023	The Voice to Parliament is part of a broader plan for the United Nations to seize Australian land.	No	FALSE
13/10/2023	Anthony Albanese never mentioned the Indigenous voice before the last election.	No	FALSE
13/10/2023	Indigenous people were forced to sign around the edge of a blank piece of paper - not knowing the Uluru Statement from the Heart would later be inserted.	No	FALSE
13/10/2023	Voting in the Indigenous voice referendum is not compulsory.	No	FALSE

Appendix B: Full analysis of RMIT FactLab articles

DATE	CLAIM	PERSPECTIVE TARGETED	VERDICT
14/09/2022	The proposed Indigenous Voice to Parliament would become a third chamber.	No	FALSE
23/12/2022	Proposed Indigenous Voice to Parliament will confer "special rights" to one race of people	No	FALSE
1/03/2023	The Sydney Opera House featured a light display with the text "Vote No to the Voice" as part of a campaign against the referendum on an Indigenous Voice to Parliament.	No	FALSE
6/03/2023	Race is not mentioned once in the 144 pages of the Australian Constitution.	No	FALSE
24/03/2023	An image of two senior Aboriginal men featured in Facebook posts opposing the Indigenous Voice to Parliament gives the impression the men support the No campaign	No	FALSE
28/03/2023	Indigenous Australians already have a Voice to Parliament	No	FALSE
31/03/2023	Creating a Voice to Parliament will allow the United Nations to seize property and declare a totalitarian republic, according to a 1990 statement made in Parliament by Kim Beazley.	No	FALSE
5/04/2023	109 Aboriginal 'agencies' are equivalent to the Voice	No	FALSE
5/05/2023	The result of the Voice to Parliament referendum could be delayed to allow time for votes to be rigged.	No	FALSE
15/05/2023	Stewart Lingiari, the grandson of the late land rights activist Vincent Lingiari, is voting No in the Voice referendum.	No	FALSE
15/05/2023	RMIT FactLab is set to rig the Voice referendum	No	FALSE
19/05/2023	Indigenous Australians will cede sovereignty under the Voice due to 1973 "change" to constitution	No	FALSE
29/05/2023	The 1967 referendum removed race from the Australian Constitution and a successful Yes vote in the Voice referendum will "erase" that result.	No	FALSE
30/05/2023	The federal government has committed more than \$1 million to fund a Yes campaign for the upcoming Voice to Parliament referendum.	No	FALSE
1/06/2023	A prominent Indigenous rights activist is opposed to the Voice, with comments made by her forming part of an advertising campaign on Facebook against the proposed Indigenous Voice to Parliament.	No	FALSE
7/06/2023	A "secret list" of proposals by Indigenous Australians reveals that the "real agenda" behind the Voice is to change the Australian flag and pay a fixed percentage of GDP in reparations, among other things.	No	FALSE
8/06/2023	The ALP has approved a ballot paper for the Indigenous Voice to Parliament referendum that only gives voters the option of voting 'yes'.	No	FALSE
9/06/2023	The Voice could veto a future referendum seeking to remove it from the constitution	No	FALSE
13/06/2023	The United Nations is advocating for a separate Indigenous nation within Australia	No	FALSE

DATE	CLAIM	PERSPECTIVE TARGETED	VERDICT
19/06/2023	If the "dominion voting system" doesn't rig the Yes vote in the Voice referendum, Prime Minister Anthony Albanese will "just pass it anyway" through legislation.	No	FALSE
20/06/2023	The Voice referendum will end private land ownership in Australia	No	FALSE
21/06/2023	The proposed Aboriginal and Torres Strait Islander Voice referendum is a "scam" as it is already registered by two private companies on the Australian Business Register.	No	FALSE
21/06/2023	Voice to Parliament will lead to different laws for "settlers" and "original custodians"	No	FALSE
23/06/2023	The Voice to Parliament is a treaty by another name that will place Australia's land and resources under conservatorship and have veto power over legislation. And Indigenous people were once considered part of the nation's "flora and fauna".	No	FALSE
13/07/2023	Aboriginal leader Bess Nungarrayi Price wrote an essay shared on Facebook that says Australia was terra nullius at the time of European settlement, among other things.	No	FALSE
14/07/2023	There are 21 locations in Australia that only Indigenous people can visit, despite all taxpayers funding the upkeep of key natural sites.	No	PARTLY FALSE
20/07/2023	The proposed Indigenous Voice to Parliament amounts to a "special chamber" of parliament.	No	FALSE
21/07/2023	Once enshrined in the Australian Constitution, the Indigenous Voice to Parliament, will be there "forever" and Australians will be forced to pay a percentage of GDP to the Voice.	No	FALSE
28/07/2023	The Indigenous Voice to Parliament will create apartheid in Australia.	No	FALSE
31/07/2023	Two Queensland airports have renamed Brisbane as Meeanjin, the local Aboriginal name for the city.	No	MISSING CONTEXT
2/08/2023	The Voice referendum will include a second question about whether about Australia should become a republic	No	FALSE
4/08/2023	The NIAA spends \$30 billion a year on Indigenous programs	No	FALSE
10/08/2023	The Indigenous Voice to Parliament referendum is illegal because the legislation to enable it does not exist.	No	FALSE
10/08/2023	The Uluru Statement from the Heart is 26 pages long	No	FALSE
11/08/2023	WA's cultural heritage laws would have the same function as the proposed Voice and a successful Yes vote would establish cultural heritage rights in the constitution	No	FALSE
14/08/2023	The federal government is funding the Yes campaign for the upcoming referendum.	No	FALSE
15/08/2023	If you boycott the Voice referendum, your vote will automatically be counted as a Yes vote.	No	FALSE
16/08/2023	The federal government will rig the referendum for an Aboriginal and Torres Strait Islander Voice to Parliament to ensure a successful Yes vote.	No	FALSE
25/08/2023	There will be two questions in the upcoming Voice referendum.	No	FALSE

Appendix C: Full analysis of RMIT ABC Fact Check articles

DATE	CLAIM	PERSPECTIVE TARGETED	VERDICT
3/02/2023	Barnaby Joyce says Labor hasn't released the wording to enshrine the Voice to Parliament in the constitution.	No	FALSE
17/02/2023	Pauline Hanson's claims a 'race-based rent tax' would throw millions of Australians into poverty.	No	FALSE
17/03/2023	A list of 51 organisations focused on Aboriginal and Torres Strait Islander people and issues implies that a constitutionally enshrined Indigenous voice is unwarranted.	No	FALSE
28/03/2023	Indigenous Australians already have a Voice to Parliament	No	FALSE
31/03/2023	Kim Beazley foreshadowed a 'totalitarian republic' of the United Nations in the 1990s, which is the real reason behind the Voice	No	FALSE
14/04/2023	New Zealand's parliament is subservient to the Waitangi Tribunal	No	FALSE
21/04/2023	The NIAA has devised an 11 point plan to put into action should the Voice be successful, including handing over all beaches and national parks.	No	FALSE
30/06/2023	The Voice would not offer advice about changing Australia Day.	Yes	MIXED
30/06/2023	The Voice could overturn government decisions by the High Court.	No	FALSE
7/07/2023	Non-Indigenous people are banned from a list of natural wonders in Australia.	No	FALSE
14/07/2023	WA premier said that the Voice would do the same thing as WA's scrapped cultural heritage laws.	No	FALSE
19/07/2023	Australia lags behind other first-world countries in terms of lacking constitutional recognition for Indigenous People.	Yes	TRUE
19/07/2023	Aboriginal people already have a Voice to Parliament through the NIAA	No	FALSE
19/07/2023	The 1967 Referendum was the last time Australians voted for constitutional change relating to First Nations people	Yes	TRUE
19/07/2023	A Treaty should be between governments, not between groups of citizens and the government	No	FALSE
19/07/2023	Aboriginal and Torres Strait Islander peoples have "a life expectancy 8 years shorter than non-Indigenous Australians", "worse rates of disease and infant mortality" and "a suicide rate twice as high" as that for non-Indigenous Australians.	Yes	TRUE
19/07/2023	The Voice to Parliament referendum has had less scrutiny than previous referendums, namely the lack of a constitutional convention.	No	FALSE
21/07/2023	The federal government has offered tax-payer money as bribes for participation in Yes Campaign activities.	No	FALSE
28/07/2023	Tony Abbott says the NIAA disburses \$30b a year on Indigenous programs. *	No	FALSE
28/07/2023	The Voice would force Indigenous Australians into a Treaty.	No	FALSE
2/08/2023	Anthony Albanese says surveys show between 80 and 90 per cent of Indigenous Australians support the Voice. Is that correct?	Yes	TRUE
11/08/2023	The No campaign is using AI in its ads.	Yes	FALSE
11/08/2023	The Uluru Statement is 26 pages long.	No	FALSE

DATE	CLAIM	PERSPECTIVE TARGETED	VERDICT
18/08/2023	No campaigner Warren Mundine formerly supported the Voice.	Yes	FALSE
25/08/2023	The No Campaign has been treated unfairly in receiving tax-deductibility status.	No	FALSE
1/09/2023	Indigenous Australians were once classified by authorities as flora and fauna.	Yes	FALSE
8/09/2023	Gerard Rennick says there's no archaeological evidence to prove Indigenous Australians have been here for 60,000 years	No	FALSE
22/09/2023	Jacinta Price says there are 'no ongoing negative impacts' of colonisation.	No	FALSE
22/09/2023	An online list of Indigenous agencies constitutes a pre-existing voice for Indigenous people.	No	FALSE
22/09/2023	Taxpayers foot the bill for John Farnham's Voice anthem.	No	FALSE
28/09/2023	Geoffrey Blainey says Indigenous people were counted in the census before 1967	No	TRUE, BUT MORE TO IT
6/10/2023	Another referendum would be needed to change the composition of the Voice.	No	FALSE
6/10/2023	Jacinta Price was snubbed by the National Press Club.	No	FALSE
6/10/2023	A young Indigenous man more likely to go to jail than to university.	Yes	TRUE
13/10/2023	When it comes to Indigenous disadvantage, geography matters more than race.	No	OVERSIMPLIFIED
13/10/2023	Writing your name on your ballot can undermine the secret voting system.	No	FALSE
13/10/2023	The AEC included Yes Campaign material in postal vote envelopes.	No	FALSE
13/10/2023	A cross on the ballot paper should be counted as a no vote.	No	FALSE
13/10/2023	You can legally vote multiple times.	No	FALSE

About the Institute of Public Affairs

The Institute of Public Affairs is an independent, non-profit public policy think tank, dedicated to preserving and strengthening the foundations of economic and political freedom. Since 1943, the IPA has been at the forefront of the political and policy debate, defining the contemporary political landscape. The IPA is funded by individual memberships, as well as individual and corporate donors.

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About the author

John Storey is the Director, Legal Rights Program at the Institute of Public Affairs. John is a lawyer, author and military historian. John has been a practicing lawyer for two decades. He was a partner in a large national law firm and founded and managed his own law firm as managing director. His recent book *Big Wars – Why do they happen and when will the next one be?* looks at global historical trends in military technology and tactics and what they can tell us about how warfare will look into the future.

John joined the IPA because he is passionate about free speech, the rule of law, and protecting Australia's classical liberal heritage. John is an avid reader on the topics of history, politics and security issues and is a sought-after public speaker on tax, legal and military matters

Margaret Chambers is a Research Assistant at the Institute of Public Affairs.

A lover of people and ideas, Margaret is particularly interested in the study of sociology, religion, and Australian settlement. She studied history, Asian Studies, and Chinese at the University of Melbourne. Before the pandemic, Margaret lived and worked in southwest China.

In valuing the wisdom to be gained from studying the past, Margaret previously worked in historical conservation. Outside of work, Margaret volunteers regularly at a food relief center. She enjoys food, film, and travelling.

