

Australia Media Studies

Authenticity and Regulation of Political Advertising

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ABSTRACT

Since the 20th century, advertising has evolved into a critical social communication in capitalist society. Political advertising, as a type of advertising, can influence or comment on current political issues and cause public controversy. It encompasses publicity about political parties, politicians, issues of public interest, and government policies. This study utilizes a news item in Australia to further discuss about the regulation of political advertising.

Keywords: Political advertising, social communication, Australia regulations.

1. INTRODUCTION

Candidates are increasingly using political ads to reach a broad publicity through electronic media. In general, a candidate or political party purchases or selects various possibilities to communicate with voters via mass media to affect their cognition, attitude, and behaviour. Thus, political advertising can be viewed as a form of communication [14]. This study will use a news item in Australia to demonstrate the types of political advertising, the intent and effect of deviating from the truth content, examine the problems associated with political advertising supervision and compare it with consumer advertising supervision legislation. Furthermore, it investigates the impact of political ads regulations on media practitioners.

2. CASE STUDY OF AUSTRALIA'S POLITICAL ADVERTISING

On 7 June 2021, a political advertising broadcast on Radio Queensland deliberately disrupted vaccination efforts by spreading false information [13]. The Guardian, a political advertisement, which ran on Radio Queensland, stated: "According to the Therapeutic Products Administration (TGA), 210 people have died, and over 24,000 have experienced severe reactions after getting COVID-19 vaccines [13]." Clive Palmer, a Queensland state political senator, licensed this content exclusively. The TGA quickly responded that the AD was incorrect, and the agency had never linked the vaccine to any cases [16]. According to ABC News, the TGA ultimately issued a strong warning to Palmer,

accusing him of spreading misleading information about COVID-19 vaccinations, endangering people's health and potentially sparking widespread panic in the community. On the other hand, TGA displays helplessness in its inability to prevent the harm caused by such advertisement communication because there is no requirement that the political advertisement's substance is accurate [15].

Clive Palmer has always been a proponent of employing political advertising to advance his political position since entering the election and party fight in 2019. In elections, campaign ads are often aimed at promoting a candidate or attacking/discrediting the other party. Clive Palmer spent "almost \$60 million" on political advertising on television, print, and digital platforms in the months preceding up to the 2019 election through the United Australia Party (UAP) [17]. Meanwhile, Palmer's UAP spent more than \$4.5 million attacking the opposition party on TV, newspapers, and social media with unfounded claims to increase support during the election and damage the "rival" parties [19]. These unverified political ads have generated huge controversy and attention. Political advertising is critical for public interest communication, particularly during elections, which implies that controlling political advertising rules in Australia has become important.

3. SUPERVISION OF POLITICAL ADVERTISING

Since 2019, the range of political advertising appears to be above average, exploding every year. In

this regard, the essence of political advertising can be seen as the dissemination of political messages by governments, political parties, candidates and various political groups through mass media to gain more support. Alternatively, using such a method can also influence people's political attitudes and behaviour. Especially in election ads, political ads replace products and services with political figures. In this way, the image of a political figure is created first to gain attention, and the public supports political figures via publicity to understand their characteristics and political process. Political advertising includes but is not limited to election ads, which, as the most important category, is more concerned with turnout [1]. Besides, election ads is not restricted to political parties or candidates running for office, it may also involve ads linked to the election that occurs outside of the election period.

The Australian government's control of political commercials directed at citizens is primarily concerned with content approval and broadcasting laws. The Australian Electoral Commission (AEC) is a powerful organization that assists with political or election advertising. Previously, it stated "Anyone intending to communicate about elections, referendums, or other political topics must ensure that such communication is appropriately authorised". Its responsibility is to verify that electoral advertising is adequately authorised and voters understand who is responsible for the statements [8]. On March 15, 2018, section XXA set out new authorization requirements, that was, ensuring that those disseminating election information are responsible for their information, and that any violations of the new requirements will be tracked down and held legal responsibility [7]. This means that all election and political advertising on television and radio must contain the essential specific information to promote the transparency of the electoral system.

Additionally, under the Broadcasting Services Act, the Australian Communications and Media Authority (ACMA) regulates political and electoral affairs in the broadcast media. All political parties, whether or not participate in the final meeting before election, have to broadcast electoral materials and make speeches after political ads [5]. Media organizations are required to preserve personal data for at least six weeks till the end of the election, including personal identity, residence and employment displayed in election and political ads [18]. Additionally, this legislation provides additional provisions for election advertising: organizations may broadcast other political advertisements on free streaming television throughout polls. From 6 p.m. to midnight, political ads will be available for an extra minute per hour [18]. With political ads continues to infiltrate digital media, Facebook claims that it will ban non-Australians buying political ads in the 2021 Australian election [10].

3.1. Supervision of the truth of political advertisements

In recent years, when Australia's election laws have been revised and enacted, the issue of whether parliament should restrict the accuracy of political advertisements has always been a contentious one. As Australia's primary advertising regulators, neither the ACMA nor the AEC has an exact responsibility to assess whether political information relating to the federal election has been distorted. The control of political advertising's authenticity is based on the successful execution of Section 52, Trade Practices Act 1974 — which regulates consumer ads. It prohibits enterprises from engaging in trade, commerce or other activities deemed deceptive [22]. On the other hand, consumption ads and political ads cannot be wholly equated. For instance, the false advertising of vaccine information led by Clive Palmer, meant the legislation was not widely used to regulate political advertising [16]. The Australian Capital Territory (ACT) Parliament has indicated that measures for regulating political ads' accuracy will come into force after legislation in 2020 [4].

Nevertheless, the Australian Capital Territory electoral commission has recently determined that false and misleading assertions in political ads represent a legitimate and reasonable breach of constitutional freedoms [11]. Conflicts between the constitution and the regulation of political ads authenticity have postponed the legislation until July 2021 [4]. Therefore, rules governing the truthfulness of political ads are awaiting.

3.2. Political advertising expenditures

The issue of political ad spending, particularly election expenditure, is also noteworthy. From 15 November 2020, a whopping \$181,500 had been cost on political ads in Australia [23]. Currently, parties and politicians can spend money on electoral campaigns and publish content that promotes organizations or persons [21]. Clive Palmer, for example, almost all of his campaign advertising spending are used to attack opposite political forces [19]. The administration should enact legislation to limit the amount of money that can be spent during elections to reduce the risk of political influence during elections, thereby ensuring equal political power and promoting confidence in Australian democracy.

4. MEDIA PROFESSIONALS AND THE REGULATION OF POLITICAL ADVERTISING

The media can educate individuals, encourage democracy, and constantly balance free speech with legitimate public interests. As one method of political ads propagation, media professionals and political advertising have reciprocal effects and constraints [6]. It is crucial to uphold reality as the fundamental premise of political ads and protect the public's right to be informed. This indicates that while media practitioners have the authority to censor and wield it, they are also accountable for their actions, and the public has a right to hold them responsible. Since 1944, The MEAA has regulated the media and journalists in Australia. Reporters are obligated to rely on facts when recording and disseminating information and to strive for truth, fairness, and integrity in all reporting

Furthermore, media professionals have a responsibility to investigate the motivations of their sources and any other possibly misleading sources to prevent adverse effects [15]. However, from a personal standpoint, media workers might have a political bias, incapable of achieving objective perspective. Nonetheless, journalists must be accountable for their reporting related to social identity and avoid allowing self-interests or convictions to trump the truth, impartiality, and independence of information transmission. Additionally, media professionals must pay close attention to the editorial assessment of media reports, particularly when publishing and reporting prominent persons' opinions and events [15].

The absence of a regulation for truthful political ads will substantially influence media professionals' working conditions. Due to the popularity of streaming media platforms, it is hard to control the validity of ads within information channels, supervise and rectify any violations. Owing to its extraordinary power and political characteristics, this type of deceptive political ad has emerged as one of the most serious challenges to national democracy and diplomacy [3]. To begin, fake political advertising has a pernicious effect on public, making it complicated for undecided voters to get online information from different political positions.[2]. Thus, preventing the creation of a politically open community and productive dialogue between political groups and the public [2]. Moreover, by lowering the report criterion, these changes raise the danger of making provocative claims and the possibility that incorrect statements would affect audiences. Simultaneously, this issue leads media practitioners to question the legitimacy of political ads, resulting in a progressive drop in voting engagement. The standard political message in the modern day is mainly pictorial

eloquence, with a special emphasis on the persuasive power of the media [12].

Although traditional advertising examines the authenticity of the content, it is more concerned with regulating deceptive and misleading advertising directed at consumers than the truthfulness of political commentary. It is only implemented in circumstances where it is required to be authorized. Opinions about media professionals, on the other hand, are not included. Individuals can make deceptive and misleading claims about their personal beliefs and attitudes at will. This circumstance has a plethora of implications for media professionals. The existing advertising standards are straightforward. If more restrictions are imposed on this basis, it may become more difficult for broadcasters to determine if an ad shall be properly broadcast [20].

Additionally, media practitioners should be relieved of some of their responsibilities. Due to the influence of financial and technological factors, media practitioners, especially those in remote areas, need to carry out multiple projects. For example, creating and reviewing each advertisement is done by one person. This means that an idealistic regulation on the authenticity of content will put more undue burden on media workers. Therefore, the enactment of clear political advertising law is crucial. It can not only enhance the discipline of advertising production, but also help media practitioners improve their scrutiny to political advertising content [1]. Additionally, clear rules and sanctions hold licensors accountable for the integrity of their advertisements, and require publishers, broadcasters, and platforms to avoid collusion with other malicious activities that engage in political advertising. This may enhance the ability of media practitioners to comply with existing regulations and take legal action against political parties/individuals who maliciously malign their platforms.

5. CONCLUSION

Changes in media formats result in shifts in communication modes. Meanwhile, the form of political advertisement becomes diversified. Nevertheless, misleading or false statements have a potential impact on political advertising. Allegations of campaign fraud distort election results, divert voters' attention from substantive issues, and even prevent eligible people from seeking the right to vote. Additionally, the law on the authenticity of political advertising has a mixed effect on media practitioners' moral and legal responsibilities. Considering the macro impact of political advertising, it is necessary to strengthen legislation on the authenticity of political ads. Setting higher standards for debate and the election campaign directly obeying the constitutional right to political discussion. Although the actual terms of many ads are difficult to enforce, their broad impact on political

culture should not be underestimated. Such legislation has the potential to influence Australia's political ethics and electoral practices.

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