

AUSTRALIAN PARLIAMENT

**THE REGULATION OF ASTROTURFING:
A SUBMISSION TO THE SENATE SELECT COMMITTEE ON
INFORMATION INTEGRITY ON CLIMATE CHANGE AND ENERGY**



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<https://commons.wikimedia.org/wiki/File:Astroturf.jpg>*

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EXECUTIVE SUMMARY

This submission focuses on the origins, growth, and prevalence of astroturfing and its impact on public policy and debate. It highlights that astroturfing is a significant problem in various fields – including climate change, public health, and information technology. This submission discusses the application of *Australian Consumer Law* in dealing with the problem of astroturfing. It also notes the utility of intellectual property in dealing with passing off and impersonation of personalities – which can be an element of astroturfing. Astroturfing can also raise questions of defamation law if there are attacks on individual reputation. This submission observes that corporations law can address astroturfing by corporations, as part of its remit to deal with false and misleading information. At a political level, there could be a reform of laws in respect of political lobbying. This submission argues that truth in political advertising laws could address the problem of astroturfing. Likewise, legislation on misinformation and disinformation could cover the problem of astroturfing within its remit. Astroturfing by foreign governments could raise larger issues in respect of foreign interference.

RECOMMENDATIONS

Recommendation 1

The Australian Senate investigation into the origins, growth and prevalence of astroturfing and its impact on public policy and debate is to be welcomed – given the persistence of the problem, and its expansion in an age of digital platforms, social media, and artificial intelligence.

Recommendation 2

Astroturfing has been a blight on public policy debate in Australian politics, and internationally. This has been an acute problem in the regulatory fields of environmental protection, biodiversity conservation, renewable energy, and climate action. There is a need for the Australian Government to take action to address the problem of astroturfing – much like it has encouraged regulators to take enforcement action over greenwashing. There is a further urgent call for the Australian Government to oppose the spread of climate misinformation and disinformation.

Recommendation 3

In the field of public health, there have been concerns about Big Tobacco, e-cigarette companies, and pharmaceutical drug companies engaging in astroturfing during debates over Australian politics. There is a need for stronger measures to control the influence of commercial interests in public health debates, and prevent undue interference in the political process.

Recommendation 4

Astroturfing has also been a problem in the information technology sectors. Big Tech Companies have relied upon front groups and faux grassroots organisations in an effort to ward off government regulation.

Recommendation 5

Australian Consumer Law could address astroturfing by corporations – particularly where there were false and misleading representations. Intellectual property law and defamation may also be relevant to certain cases of astroturfing.

Recommendation 6

Corporations law could be potentially deployed to deal with astroturfing by companies (particularly where there are financial products involved). Better corporate disclosure rules would also provide greater transparency.

Recommendation 7

Political integrity reforms could provide greater transparency and accountability in Australian politics, and unmask astroturfing operations.

Recommendation 8

Federal Truth in Political Advertising Laws would help address political forms and variants of astroturfing.

Recommendation 9

If the Australian Government reintroduces legislation on combatting misinformation and disinformation, astroturfing should be included within its scope as a recognised form of misinformation and disinformation.

Recommendation 10

Astroturfing by foreign governments on matters of Australian politics could raise issues in respect of foreign interference.

Introduction

The Senate Select Committee on Information Integrity on Climate Change and Energy was appointed by resolution of the Senate on 30 July 2025, to inquire into and report on: (a) the prevalence of, motivations behind and impacts of misinformation and disinformation related to climate change and energy; (b) how misinformation and disinformation related to climate change and energy is financed, produced and disseminated, including, but not limited to, understanding its impact on: (i) Australian politics, (ii) domestic and international media narratives, and (iii) Australian public policy debate and outcomes; (c) the origins, growth and prevalence of ‘astroturfing’ and its impact on public policy and debate; (d) connections between Australian organisations and international think tank and influence networks associated with the dissemination of misinformation and disinformation related to matters of public policy; (e) the role of social media, including the coordinated use of bots and trolls, messaging apps and generative artificial intelligence in facilitating the spread of misinformation and disinformation; (f) the efficacy of different parliamentary and regulatory approaches in combating misinformation and disinformation, what evidence exists and where further research is required, including through gathering global evidence; (g) the role that could be played by media literacy education, including in the school curriculum, in combating misinformation and disinformation; and (h) any other related matters.’¹

This submission considers the nature of astroturfing, the problems arising from astroturfing, and the regulation of astroturfing. Part 1 focuses on the origins, growth and prevalence of ‘astroturfing’ and its impact on public policy and debate. Part 2 considers astroturfing in the fields of environmental protection, biodiversity conservation, and climate action. Part 3 focuses on astroturfing in realms of public health – tobacco control; e-cigarette regulation; and pharmaceutical drug regulation. Part 4 notes the use of astroturfing in areas of information technology and social media. Part 5 considers the application of *Australian Consumer Law* to matters of astroturfing. It also notes that intellectual property and defamation issues may be also raised in some matters of astroturfing. Part 6 explores the role of corporations law in dealing with astroturfing by corporations. Part 7 explores the role of political integrity laws in

¹ Senate Select Committee on Information Integrity on Climate Change and Energy, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Information_Integrity_on_Climate_Change_and_Energy/ClimateIntegrity

dealing with astroturfing. Part 8 discusses the relevance of the public policy debate about truth in political advertising to the problem of astroturfing. Part 9 explores the regulation of misinformation and disinformation. Part 10 notes in passing that astroturfing by foreign governments could raise larger questions about foreign interference (although a full exploration of that issue is beyond the scope of this paper).

1. Origins of Astrourfing

It is worthwhile considering the origins, growth and prevalence of astrourfing and its impact on public policy and debate.

James Faria and Robert Wright of the chemical company Monsanto invented the synthetic grass and artificial turf known as ‘astrourf’.² The company filed a patent for astrourf in 1965; and the patent was granted by the United States Patent Office in 1967. The term was also registered as a trademark. The current owners of the Astrourf company promote the product in these terms:

The inventor of synthetic turf, reinvented yet again. AstroTurf® is one of the most iconic brands in American sports — as legendary as the athletes who’ve battled on it. The brand that created the category is once again the leading innovator in synthetic turf. American-owned and operated, AstroTurf® is the only synthetic turf brand with true vertical asset integration, ensuring that every inch of product meets and exceeds the highest standards of performance, quality and durability. With over 40 years of experience and 160,000,000 square feet of turf in use worldwide, AstroTurf® brings more technological expertise and real world know-how to the game than any other brand.³

However, the term ‘astrourf’ has been picked up in political discourse. The term "astrourfing" was first coined in 1985 by former US Senator Lloyd Bentsen (D–Texas) when he said, "a fellow from Texas can tell the difference between grass roots and AstroTurf... this is generated mail."⁴ The term has since been used to refer to political advertising, and public relations campaigns, which are designed to disguise the corporate origins of messaging, with faux grassroots participants.

Recommendation 1

The Australian Senate investigation into the origins, growth and prevalence of astrourfing and its impact on public policy and debate is to be welcomed – given

² James Faria and Robert Wright, ‘Monofilament Ribbon Pile Product’, U.S. patent #3332828

³ Astrourf, <http://www.astrourf.com/about-us/about-astrourf/> [source]

⁴ Ryan Sager, ‘Keep off the Astrourf’, *New York Times*, 18 August 2009, http://www.nytimes.com/2009/08/19/opinion/19sager.html?_r=0

the persistence of the problem, and its expansion in an age of digital platforms, social media, and artificial intelligence.

2. Astroturfing, the Environment, Biodiversity, Renewable Energy, and Climate Change

There has been a long history of the use of front groups and astroturfing as a means to block and delay regulation to enable environmental protection, biodiversity conservation, and climate action.

In her prescient 1997 book, *Global Spin: The Corporate Assault on Environmentalism*, Sharon Beder flagged the problem of the use of front groups and astroturfing by the opponents of environmental regulation.⁵ She was concerned about the use of corporate front groups:

When a corporation wants to oppose environmental regulations, or support an environmentally damaging development, it may do so openly and in its own name. But it is far more effective to have a group of citizens or experts – and preferably a coalition of such groups – which can publicly promote the outcomes desired by the corporation whilst claiming to represent the public interest. When such groups do not already exist, the modern corporation can pay a public relations firm to create them.⁶

Beder highlighted the way in which corporate interests were engaged in manufacturing grass roots: ‘Public relations firms are becoming proficient at helping their corporate clients convince key politicians that there is broad support for their environmentally damaging activities or their demands for looser environmental regulations’.⁷ She observed that ‘artificially created grassroots coalitions are referred to in the industry as “astroturf” (after a synthetic grass product).’⁸ Beder comments that ‘astroturf is a “grassroots program that involves the instant manufacturing of public support for a point of view in which either uninformed activists are recruited or means of deception are used to recreate them”’.⁹ She highlights the rise of a ‘new breed of public opinion entrepreneurs who have advised industry about the need for front groups and the manufacture of grass-roots coalitions to successfully counter environmentalism.’¹⁰

⁵ Sharon Beder, *Global Spin: The Corporate Assault on Environmentalism*, Foxhole: Green Books, 1997, revised 2002, 32.

⁶ Ibid., 27.

⁷ Ibid., 32.

⁸ Ibid., 32.

⁹ Ibid., 32.

¹⁰ Ibid., 44.

An Australian film-maker Taki Oldham has made a documentary on *(Astro) Turf Wars: How Corporate America is Faking a Grassroots Revolution*.¹¹ Amongst other things, the documentary considers the role of astroturfing groups in respect of the climate debate. Oldham maintains that the fossil fuel industry deployed such front faux grassroots groups to challenge Democrat efforts to pass climate legislation – the Cap-and-Trade bill - in the United States Congress, and derail the Copenhagen Climate talks. The documentary highlights the fossil fuel industry has sought to reposition global warming as theory – not fact.

In *Climate Change Denial*, Haydn Washington and John Cook consider the long history of denial of environmental issues.¹² The pair discuss the history of ‘greenscamming’, where front organisations, which sound like environment groups, are set up to create confusion and doubt. The pair comment upon the tradition of astroturfing:

‘Wise Use’ opposes efforts to maintain environmental quality in the US, denies the need for national parks or wilderness, and sees no need for constraints on the exploitation of resources for short-term economic gain. There exists also ‘greenscamming’, where groups are formed that masquerade as groups concerned about the environment, but actually work against the interests implied in their naes. Hoggan calls these ‘astroturf’ groups, while Ian Enting describes them simply as ‘front organizations’. Greenscamming is what biologists would call ‘aggressive mimicry’. Examples of such sham greenscam groups are the National Wetland Coalition, The Sahara Club, The Alliance for Environment and Resources, The Abundant Wildlife Society of North America, The National Wilderness Institute, The American Council on Science and Health, and the Global Climate Coalition. S Congressman George Miller stated that these groups were seeking to disguise their actual motives, which were driven by profits and greed.¹³

Washington and Cook comment that ‘PR companies have long been involved in “spin”, in seeking to modify the public’s view of reality, and this is certainly the case with the denial industry.’¹⁴ The pair identify five types of climate change denial argument – looking at

¹¹ Taki Oldham, *(Astro) Turf Wars: How Corporate America is Faking a Grassroots Revolution*, Melbourne: Larrikin Films, 2010.

¹² Haydn Washington and John Cook, *Climate Change Denial: Heads in the Sand*, London and Washington DC.: Earthscan, 2011.

¹³ Ibid., 72-73.

¹⁴ Ibid., 73.

conspiracy theories; fake experts; impossible expectations; misrepresentations and logical fallacies; and cherry-picking. Washington and Cook highlight the links between conservative think tanks and climate denial. They suggest: ‘Much of climate change denial is thus an *ideologically* driven attack on regulation, and one willing to abandon both reason and science’.¹⁵ In the conclusion, they find: ‘Climate change denial was shown to be part of the denial of the environmental crisis as a whole.’¹⁶ They suggest that climate change is a ‘major, inconvenient and unpalatable truth for a modernist and consumerist society.’¹⁷

In the 2012 memoir, *The Hockey Stick and the Climate Wars*, the climate scientist Michael Mann considers the problem of astroturfing in the public policy debate over climate change.¹⁸ He commented:

Industry groups sought to frame the public discourse by constructing, to use the characterization of Naomi Oreskes and Erik Conway in *Merchants of Doubt*, a virtual Potemkin village of pseudoscience institutions – think tanks, journals, news sites, and even a cadre of supposed experts, ideally with prestigious affiliations – to promote their own scientific (or, more aptly, antiscientific) messaging. These professed experts were used to promote industry-favorable views in the framing of policy-relevant matters of science, to manufacture doubt about mainstream scientific findings disadvantageous to their client, and to generate pseudoscientific sound bites that could be presented to the public under the auspices of neutral-sounding groups. Using this tactic, industry advocates, in the words of famed Stanford environmental scientists Paul and Anne Ehlich, ‘sowed doubt among journalists, policymakers, and the public at large about the reality and importance’ of an array of societal and environmental threats. The Ehlichs coined the term *browlash* to characterize this orchestrated backlash against ‘green policies’.¹⁹

Mann was concerned about the ‘Serengeti strategy’ of the climate change denial campaign: ‘The climate change deniers isolate individual scientists just as predators on the Serengeti Plain of Africa hunt their prey: picking off vulnerable individuals from the rest of the herd.’²⁰

¹⁵ Ibid., 153.

¹⁶ Ibid., 153.

¹⁷ Ibid., 155.

¹⁸ Michael Mann, *The Hockey Stick and the Climate Wars: Dispatches from the Front Lines*, New York: Columbia University Press, 2012.

¹⁹ Ibid., 60.

²⁰ Ibid.

Senator Peter Whish-Wilson of the Australian Greens has been concerned about the problem of astroturfing.²¹ He notes: ‘Aggressive and coordinated disinformation campaigns are increasingly spreading false information designed to deliberately mislead and influence public opinion on climate change.’²² The Senator cautions: As the dangers of climate change intensify, the need for reliable and accurate information on the climate crisis and the Australian parliament's response to it has never been more crucial.’²³ He comments: ‘For decades, vested interests have been waging a global war of disinformation against the clean energy transition, including environmental and climate legislation, and these vested interests have recently achieved significant political success in nations such as the US.’²⁴ The Senator observes: ‘In the last parliament, evidence was provided to the Senate Inquiry into offshore wind industry that strategies such as establishing fake community groups – otherwise known as astroturfing – were being used in Australia to spread lies about renewable energy.’²⁵ He emphasized: ‘It’s critical that parliament continues this work and now examines these interests for what they are and who they serve.’²⁶ Whish-Wilson has been particularly concerned and animated about the threat of foreign actors, spam engagement, and misinformation and disinformation in debates over the approval of renewable energy projects.²⁷

At COP29, a group of climate scientists and climate-oriented organisations signed an open letter, asking that governments take measures to oppose the spread of climate disinformation.²⁸ The letter observed: ‘We, the undersigned educational, climate and information integrity

²¹ Australian Greens, ‘Greens Establish Inquiry into Information Integrity on Climate Change’, Press Release, Australian Greens, 30 July 2025, <https://greens.org.au/news/media-release/greens-establish-inquiry-information-integrity-climate-change>

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Steve Cannane and Kevin Nguyen, ‘The Offshore Wind Debate could influence this Federal Election and it's Already an “Absolute Blood-Fest”’, *ABC News*, 30 March 2025, <https://www.abc.net.au/news/2025-03-30/illawarra-offshore-wind-farm-misinformation-in-federal-election/105097852>

²⁸ ‘Open Letter: Governments Should Act Now to Curb Climate Disinformation’, https://caad.info/wp-content/uploads/2024/11/Open-Letter_-_Governments-Should-Act-Now-to-Curb-Climate-Disinformation-1.pdf and Cited and discussed in Michael Mann and Peter Hotez, *Science Under Siege: How to Fight the Five Most Powerful Forces that Threaten Our World*, Melbourne: Scribe, 2025, 246.

organisations, including the members of the Climate Action Against Disinformation (CAAD) coalition and climate experts, call on governments worldwide to take immediate and decisive action to address this crisis’.²⁹ The letter noted: ‘With the COP negotiations setting the stage for global climate action and the G20 Summit offering a crucial platform for international cooperation, it is imperative that governments recognize the threat of climate disinformation and take concrete steps to ensure information integrity, paving the way for meaningful climate action’.³⁰ The letter pleaded: ‘Governments also need to encourage social media companies, advertising technology providers, and broadcast and publishing companies to be accountable and stop acting as enablers to planetary destruction.’³¹

In November 2024, the United Nations, together with UNESCO and the Government of Brazil, launched the Global Initiative for Information Integrity on Climate Change.³² The UN Secretary-General António Guterres said that the initiative will ‘work with researchers and partners to strengthen action against climate disinformation’.³³ He cautioned: ‘Coordinated disinformation campaigns are impeding global progress on climate change.’³⁴ Guterres commented: ‘We must fight the coordinated disinformation campaigns impeding global progress on climate change, ranging from outright denial to greenwashing to harassment of climate scientists.’³⁵ UNESCO’s Director-General Audrey Azoulay said that ‘without access to reliable information about this existential challenge, we can never hope to overcome it’.³⁶ She observed: ‘Through this initiative, we will support the journalists and researchers investigating climate issues, sometimes at great risk to themselves, and fight the climate-related disinformation running rampant on social media.’³⁷

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² United Nations, ‘New UN Initiative Aims to Counter Climate Disinformation’, United Nations News, 19 November 2024, <https://news.un.org/en/story/2024/11/1157191>

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

In 2024, the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression organised a Joint Declaration on the Climate Crisis and Freedom of Expression.³⁸ The Joint Declaration acknowledged: ‘Disinformation and misinformation (the dissemination of misleading or false information), about the climate crisis can have a serious detrimental effect on stakeholders, undermine public trust and hinder effective participation and decision-making’.³⁹ The Joint Declaration maintained: ‘States and other relevant actors, including corporations, online platforms and the media, should refrain from creating or disseminating false or misleading information, and take appropriate and proportionate measures to mitigate risks arising from misinformation, disinformation and other forms of manipulation of information’.⁴⁰ The Joint Declaration recommends states foster ‘quality, trustworthy and evidenced-based information, and promoting a healthy, i.e. free, safe and diverse, information ecosystem.’⁴¹

In 2025, Elisa Morgera, the UN special rapporteur on human rights and climate change, has called for stronger remedies to deal with fossil fuel misinformation and disinformation.⁴² She has observed that ‘climate misinformation practices through advertising have become a profit-making activity thanks to a revenue-sharing model with big tech (spreading misinformation on social media platforms by means of advertisements, including advertisements generated by artificial intelligence).’⁴³ Morgera calls on states to take action on ‘misinformation and misrepresentation (greenwashing) by the fossil fuel industry, including failure to disclose

³⁸ *Joint Declaration on the Climate Crisis and Freedom of Expression*, <https://www.osce.org/files/f/documents/6/b/567968.pdf>

³⁹ *Joint Declaration on the Climate Crisis and Freedom of Expression*, <https://www.osce.org/files/f/documents/6/b/567968.pdf>

⁴⁰ *Joint Declaration on the Climate Crisis and Freedom of Expression*, <https://www.osce.org/files/f/documents/6/b/567968.pdf>

⁴¹ *Joint Declaration on the Climate Crisis and Freedom of Expression*, <https://www.osce.org/files/f/documents/6/b/567968.pdf>

⁴² Nina Lakhani, ‘UN Expert Urges Criminalizing Fossil Fuel Disinformation, Banning Lobbying’, *The Guardian*, 30 June 2025, <https://www.theguardian.com/environment/2025/jun/30/un-expert-urges-criminalizing-fossil-fuel-disinformation-banning-lobbying>

⁴³ Elisa Morgera, ‘The Imperative of Defossilizing Our Economies’, Report of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change, A/HRC/59/42, 15 May 2025, <https://documents.un.org/doc/undoc/gen/g25/070/22/pdf/g2507022.pdf>

corporate lobbying activities or to provide remedies for harm.’⁴⁴ She also calls for states to take action in respect of ‘media and advertising firms for amplifying disinformation and misinformation.’⁴⁵

Recommendation 2

Astroturfing has been a blight on public policy debate in Australian politics, and internationally. This has been an acute problem in the regulatory fields of environmental protection, biodiversity conservation, renewable energy, and climate action. There is a need for the Australian Government to take action to address the problem of astroturfing – much like it has encouraged regulators to take enforcement action over greenwashing. There is a further urgent call for the Australian Government to oppose the spread of climate misinformation and disinformation.

⁴⁴ Ibid.

⁴⁵ Ibid.

3. Astroturfing and Public Health

Tobacco Tactics at the University of Bath has documented extensive astroturfing by the tobacco industry and the vaping industry.⁴⁶ Tobacco Tactics comments: ‘Astroturfing is the term used for the faking of a grassroots movement, when in reality the agenda and strategy is controlled by a hidden company or organisation’.⁴⁷ Tobacco Tactics explains: ‘In that sense, it is one of the typical Third Party Techniques – a very specific use of Front Groups, consisting of individuals pretending to be voicing their own opinions on their own initiative, mimicking genuine activist groups.’⁴⁸ Tobacco Tactics highlights the development of fake grassroots groups in the 1990s by Big Tobacco – such as the National Smokers Alliance created on behalf of Philip Morris. Tobacco Tactics also discusses fake grassroots activities in the 21st century – such as the Alliance of Australian Retailers; the JUUL Labs’ ‘Switch Network’ and the EU Citizen’s Initiative, ‘Let’s Demand Smart Vaping Regulation.’

In the field of public health, the tobacco industry has often relied upon think tanks, front groups, and astroturfing, because of a perceived lack of credibility and legitimacy. There has been a notable effort by Big Tobacco to support a range of front groups during debates over tobacco control and public health. Discussing the *Tobacco Plain Packaging Amendment Bill* 2018 (Cth), the Hon. Catherine King MP of the Australian Labor Party discussed the persistent problem of tobacco interference:

Tobacco control is one of Australia's best public health successes, but there is absolutely no room for complacency. That's because big tobacco companies are relentless. They never stop. They're always looking for new ways to hook new customers, even while they're publicly claiming that they're cleaning up their business—or even making plans to get out of smoking altogether—particularly in the guise of harm minimisation. They are morally bankrupt and cannot be believed. Here at home, they are still lobbying and using front groups. They are still using astroturfing campaigns. They are still walking the corridors of this place, taking any opportunity they can to meet with and influence members here; they do not meet with me. They're more likely than ever to use litigation to fight public health measures against governments and against other public institutions like universities. They are still buying and co-opting some so-called health experts. They're still trying to buy off journalists with expensive junkets and with hospitality. Overseas, in many less-developed and less-regulated markets, they are still

⁴⁶ Tobacco Tactics, the University of Bath, <https://www.tobaccotactics.org/article/astroturfing/>

⁴⁷ Ibid.

⁴⁸ Ibid.

advertising and selling their products with total immunity, even to primary school children. They are ruthless.⁴⁹

It is notable that King identifies ‘astroturfing’ as one of the key strategies and tactics deployed in respect of tobacco interference.

There have been similar concerns about the problem of astroturfing in the field of vaping and e-cigarettes. ABC Investigations revealed that a number of individuals in stock photographs were ‘unknowingly used in a confected grassroots campaign – a practice known as astroturfing – by lobbyists aiming to repeal or derail Australia's vaping crackdown.’⁵⁰ ABC Investigations noted that one photographic subject John Kirk objected to his portrait being used in this way because he was staunchly opposed to smoking and vaping. ABC Investigations commented: ‘iStock's licensing agreement prohibits a person's image from being used in content that is defamatory or "unduly controversial" without an explicit disclosure that the model in the photo is being used for illustrative purposes only.’ ABC Investigations observed: ‘None of ATHRA's testimonials carry such a disclosure.’⁵¹ ABC Investigations noted: ‘After ABC Investigations raised Mr Kirk's image with Getty, the parent company of iStock, the photo was forwarded to the service's legal team for review.’⁵² After the publication of this story, the social media post of Kirk's photo was removed. However, the other testimonials using stock images remained.⁵³

Dr Monique Ryan more generally expressed concerns about health professionals engaging in astroturfing for the tobacco industry and the vaping industry. She noted: ‘As described in the National Tobacco Strategy 2023-2030: ‘Evidence from Australia and overseas ... reinforces the need to ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry also extend to the tobacco industry's practice of using

⁴⁹ Hon. Catherine King MP, ‘Second Reading Speech on the Tobacco Plain Packaging Amendment Bill 2018 (Cth)’, Hansard, House of Representatives, Australian Parliament, 11 September 2018, 8638.

⁵⁰ Michael Workman and Kevin Nguyen, ‘Unwitting face of pro-vaping campaign was paid less than 1 cent to star in “Astroturf” Testimonial’, *ABC Investigations*, 20 March 2024, <https://www.abc.net.au/news/2024-03-20/how-athra-used-john-kirks-face-to-fight-vaping-bans/103606014>

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

individuals, retail groups, front groups and affiliated organisations to act, openly or covertly, on their behalf or to take action to further their interests’.⁵⁴

Astroturfing has also apparently become a problem in respect of the pharmaceutical drug industry. As Health Minister in 2020, Greg Hunt complained of pharmaceutical companies using patient groups as a means of trying to get regulatory approval for pharmaceutical drugs.⁵⁵ He told the House of Representatives that there was a problem of ‘astroturfing’ in the industry:

One of the things which I do want to highlight to the House is that from time to time there will be companies that seek to astroturf. Astroturfing is where a company refuses to abide by the legal requirements and conditions set out by the PBAC. They will attempt to support a patient group with funds to try to pressure the government to bypass the legal requirements. The government cannot bypass the legal requirements.⁵⁶

In particular, Hunt accused the drug company Eli Lilly of seeking to pressure the government into allowing it to sidestep the national pharmaceutical advisory committee. He observed: ‘In my view it is unethical, inappropriate and we are calling it out.’⁵⁷ For its part, Eli Lilly rejected such allegations, and the patient group Migraine Australia denied that it was being used for astroturfing.⁵⁸

There have been concerns in the United States about the role of pharmaceutical drug companies in financing patient organisations,⁵⁹ and such organisations playing a supporting role to the companies in policy debates.

⁵⁴ Hon. Monique Ryan MP, ‘Second Reading Speech on the *Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Bill 2024* (Cth)’, Hansard, House of Representatives, Australian Parliament, 27 March 2024, 2517.

⁵⁵ Finbar O’Mallon, ‘Hunt Calls Out Big Pharma’s Dodgy Lobbying’, *The Senior*, 17 June 2020, <https://www.thesenior.com.au/story/6796298/hunt-calls-out-big-pharmas-dodgy-lobbying/>

⁵⁶ Hon. Greg Hunt MP, ‘Second Reading Speech on the *Therapeutic Goods Amendment (2020 Measures No. 1) Bill 2020* (Cth)’, Hansard, House of Representatives, Australian Parliament, 17 June 2020, 4734.

⁵⁷ Ibid.

⁵⁸ Finbar O’Mallon, ‘Hunt Calls Out Big Pharma’s Dodgy Lobbying’, *The Senior*, 17 June 2020, <https://www.thesenior.com.au/story/6796298/hunt-calls-out-big-pharmas-dodgy-lobbying/>

⁵⁹ Patients for Affordable Drugs, ‘Big Pharma Uses Influence Over Patient Groups and Astroturf Tactics to Undermine RX Solutions’, 30 June 2021, <https://www.csrpx.org/icymi-big-pharma-uses-influence-over-patient-groups-astroturf-tactics-to-undermine-rx-solutions/> and Patients for Affordable Drugs, *New Reach of*

Recommendation 3

In the field of public health, there have been concerns about Big Tobacco, e-cigarette companies, and pharmaceutical drug companies engaging in astroturfing during debates over Australian politics. There is a need for stronger measures to control the influence of commercial interests in public health debates, and prevent undue interference in the political process.

Pharma's Hidden Hand: Hiding in Plain Sight, August 2023, https://www.patientsforaffordabledrugs.org/wp-content/uploads/2023/08/2023-08-02_P4AD_HiddenHandReport%E2%80%93DetailedFindingsCombined_V1.pdf

4. Astroturfing and Big Tech

There has also been a history of Big Tech firms engaging in astroturfing, particularly as they have suffered reputational damage themselves.

Mark Leiser recounts that, in the 1990s, ‘Part of Microsoft's strategy for defending itself against an anti-trust case was funding the Americans for Technology Leadership (ATL).’⁶⁰ He observed: ‘The group orchestrated a fake poll and sent letters sympathetic to Microsoft in order to convince lawmakers that there was public support for a sympathetic ruling.’⁶¹ Ironically enough, in 2024, Microsoft accused its rival Google of establishing astroturf organisations and running shadow campaigns.⁶² For its part, Google denied the allegations.

There has been concern about dark money groups being used to thwart efforts to impose new competition rules on big technology companies.⁶³

Facebook founded the American Edge Project in 2019 with other technology organisations. In 2010, Ten democracy and digital advocacy organisations called on Facebook to close the front group, the American Edge Project.⁶⁴ Public Citizen and others commented:

Facebook is already well represented in Washington, D.C. and capable of advancing its views. It is the biggest lobbyist of Silicon Valley companies, and seventh biggest across all industries. Last year, Facebook spent \$16.7 million to hire 72 lobbyists, 93% of whom came through the revolving doors of

⁶⁰ Mark Leiser, ‘Astroturfing, “CyberTurfing” and Other Online Persuasion Campaigns’ (2016) 7 (1) *European Journal of Law and Technology* <https://ejlt.org/index.php/ejlt/article/view/501/636>

⁶¹ Ibid.

⁶² Rimmy Alaily, ‘Google’s Shadow Campaigns’, Microsoft, 28 October 2024, <https://blogs.microsoft.com/on-the-issues/2024/10/28/googles-shadow-campaigns/> and Makenzie Holland, ‘Microsoft, Google feud heats up with ‘astroturfing’ accusation’, *TechTarget*, 29 October 2024, <https://www.techtarget.com/searchcloudcomputing/news/366614874/Microsoft-Google-feud-heats-up-with-astroturfing-accusation>

⁶³ Anna Massoglia and Julia Forrest, ‘Dark Money Groups Battle Bipartisan Efforts to Limit Big-Tech’, Open Secrets, 22 June 2021, <https://www.opensecrets.org/news/2021/06/dark-money-groups-battle-efforts-to-limit-big-tech/>

⁶⁴ Public Citizen, ‘Groups to Facebook: Shut Down ‘American Edge’’, *Public Citizen*, 11 June 2020, <https://www.citizen.org/news/groups-to-facebook-shut-down-american-edge/>

government jobs. Its key advocacy staff are also revolving door employees, having previously served in top positions in the executive branch, independent agencies and Congress. As one of the world's largest corporations, Facebook effectively has limitless resources to lobby policy decision leaders, as well as influence public opinion.⁶⁵

Public Citizen observed: 'For all its access and influence, the company faces threats of regulatory and legislative scrutiny because of its ongoing negligence of civil rights policy and threats to our democracy, repeated breaches of user privacy, and consistently new acts of monopolistic behaviour.'⁶⁶ Public Citizen noted that 'Facebook now apparently believes it needs a well-funded front group to advocate for its interests – an entity that can make Facebook's arguments, but not in Facebook's name.'⁶⁷ Public Citizen maintained that the use of front groups is 'antithetical to our democracy'.⁶⁸ Nonetheless, Facebook/ Meta has ignored such advice, and continued to rely upon the American Edge Project.

In 2025, Michael Mann and Peter Hotez lamented: 'With its reputation in tatters, Facebook has not only changed its name (to 'Meta') but also created front groups to do its dirty work.'⁶⁹ The scientists accused the America Edge Project of 'running ads attempting to scare Americans into believing that any regulation of social media will have dire consequences for American economic and national security.'⁷⁰ In their view, 'the ads are clearly intended to intimidate politicians who might support regulation.'⁷¹

Ride-sharing companies Uber and Lyft have been accused of engaging in an orchestrated fake grassroots public campaign to try to prevent drivers from being classified as employees.⁷²

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Michael Mann and Peter Hotez, *Science Under Siege: How to Fight the Five Most Powerful Forces that Threaten Our World*, Melbourne: Scribe, 2025, 241.

⁷⁰ Ibid., 241.

⁷¹ Ibid., 241.

⁷² Dara Kerr and Maddy Varner, 'Uber and Lyft Donated to Community Groups Who Then Pushed the Companies' Agenda', *The Markup*, 17 June 2021, <https://themarkup.org/news/2021/06/17/uber-and-lyft-donated-to-community-groups-who-then-pushed-the-companies-agenda>

Recommendation 4

Astroturfing has also been a problem in the information technology sectors. Big Tech Companies have relied upon front groups and faux grassroots organisations in an effort to ward off government regulation.

5. Australian Consumer Law

There has been consideration of the relevance of Australian consumer law to the problem of astroturfing. In 2011, Swaab Attorneys cautioned: ‘Businesses considering engaging in astroturfing or commissioning others to do so must keep in mind the risks posed by conduct that misleads or is likely to mislead consumers’.⁷³ Swaab Attorneys observed that ‘Astroturfing in this context is unlawful’ because it ‘breaches both the Australian Consumer Law and the AANA Code of Ethics for advertising’.⁷⁴ The Australian Competition and Consumer Commission (ACCC) has advised that the practices of astroturfing may in certain circumstances risk breaching the *Australian Consumer Law*: ‘The issue of whether (the ACL prohibits) ‘astroturfing’ is like-ly to rest upon the circumstances, context and representations made in each specific instance of such a phenomenon’.⁷⁵

CML Lawyers provides specific advice about astroturfing, noting: ‘Astroturfing refers to an orchestrated expression of support for a cause, product, service or policy designed to give the impression of a grassroots movement.’⁷⁶ CML Lawyers caution: ‘Under Australian law, if a business engages in this type of practice and misleads consumers, it breaches both the law and the advertising code of ethics.’⁷⁷ CML Lawyers noted: ‘While it is understandable that a business may be tempted to engage in astroturfing to fashion a groundswell of support for its products or services, it is worth remembering that such activity carries a double risk’.⁷⁸ CML Lawyers commented: ‘Not only could it expose the company to legal action for misleading consumers – the other gamble is that once the artificial nature of the support movement has been revealed, the ruse will completely backfire and destroy any goodwill which has been created.’⁷⁹

⁷³ Swaab Attorneys, ‘Astroturfing, Social Media and the Law’, Swaab Attorneys, 29 November 2011, <https://www.swaab.com.au/publication/astroturfing-social-media-and-the-law>

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ CML Lawyers, ‘Astroturfing – Misleading Advertising on Social Media’, <https://www.cml.com.au/astroturfing-misleading-advertising-on-social-media/>

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

The regulator the Australian Competition and Consumer Commission (ACCC) has been increasing active in conducting empirical research on the topic of greenwashing, bringing enforcement action in respect of greenwashing, and developing policy and practice guidelines on the topic of greenwashing.⁸⁰ The ACCC has not devoted similar energy and focus to the problem of astroturfing, as yet. But the ACCC may well develop policies and guidelines dealing with astroturfing, much as they have in respect of greenwashing.

There is an interesting emerging test case about alleged astroturfing under *Australian Consumer Law*. In April 2025, the Environmental Defenders Office has brought an action on behalf of Climate Integrity against a pro-gas campaign group, Australians for Natural Gas, maintaining that its campaign was misleading and deceptive, and a case of astroturfing.⁸¹ The Climate Integrity complaint has been published by the Environmental Defenders Office.⁸²

The EDO claims that the representation that ‘AfNG is a grassroots organisation that represents the interests of Australian households and small businesses’ is misleading and deceptive under section 18 of the *Australian Consumer Law*.⁸³ The EDO alleges: ‘Our client considers that the Grassroots Representation is potentially misleading or deceptive in circumstances where AfNG does not disclose on its website or social media first that Mr Riddle sits behind AfNG and secondly that Mr Riddle is CEO of Tamboran which has a commercial interest in developing gas reserves in Australia’.⁸⁴ The EDO cites investigative journalism by the ABC on the campaign.⁸⁵ The EDO argues: ‘Our client considers that AfNG’s use of Freshwater Strategy

⁸⁰ Australian Competition & Consumer Commission, ‘Environmental and Sustainability Claims’, <https://www.accc.gov.au/business/advertising-and-promotions/environmental-and-sustainability-claims>

⁸¹ Royce Kurmelovs, “Brazen example of Astroturfing:” ACCC asked to investigate pro-gas campaign group’, *Renew Energy*, 28 April 2025, <https://reneweconomy.com.au/brazen-example-of-astroturfing-accc-asked-to-investigate-pro-gas-campaign-group/>

⁸² Environmental Defenders Office, ‘Request to Investigate Potential Misleading or Deceptive conduct by Australians for Natural Gas’, 25 April 2025, <https://static1.squarespace.com/static/657654bd58d85f1af6083b13/t/680e95cac98cdb4268de68d1/1745786353577/Climate+Integrity+complaint+to+ACCC+regarding+AFNG.pdf>

⁸³ Ibid., [16].

⁸⁴ Ibid., [18].

⁸⁵ Pat McGrath and Kirsten Robb, ‘Coalition Pollster Freshwater Strategy Working with “Astroturfing” Pro-Gas Group’, *ABC News*, 4 April 2025, <https://www.abc.net.au/news/2025-04-04/coalition-pollster-working-with-australians-for-natural-gas/105129478>

suggests that AfNG may not be a grassroots organisation representing the Australian public, rather that its purpose may be to seek to influence public opinion in favour of the development of new gas reserves in an attempt to gain a competitive advantage in “political spheres” potentially to advance the commercial interests of the Australian gas industry.’⁸⁶ The EDO alleges: ‘As such, our client considers that the failure to disclose on the AfNG website and social media that Mr Riddle is the founder of AfNG and is also CEO of Tamboran Resources may amount to misleading or deceptive conduct.’⁸⁷

The EDO makes a number of other complaints in respect of misleading and deceptive representations about export revenue, the economy, global demand, energy cost, and emissions. (In other words, the argument about grassroots representation is one of a batch of allegations).

It remains to be seen whether the regulator takes up the complaint, and how a court judges the allegations made by the EDO (particularly those focusing on the question of astroturfing). It is worth emphasizing that the allegations in respect of astroturfing have not necessarily been proven court as yet. Nonetheless, the case study is instructive for the purposes of illustrating and demonstrating how *Australian Consumer Law* could be potentially deployed by the regulator the ACCC to deal with the problem of astroturfing.

It is perhaps surprising that there has not been more in the way of regulator action – given astroturfing is clearly a perceived problem in Australia. The ACCC has issued a warning to companies publishing fake reviews and deleting genuine reviews (more of a garden variety of astroturfing).⁸⁸

⁸⁶ Environmental Defenders Office, ‘Request to Investigate Potential Misleading or Deceptive conduct by Australians for Natural Gas’, 25 April 2025, [20] <https://static1.squarespace.com/static/657654bd58d85f1af6083b13/t/680e95cac98cdb4268de68d1/1745786353577/Climate+Integrity+complaint+to+ACCC+regarding+AFNG.pdf>

⁸⁷ Ibid., [21].

⁸⁸ Australian Competition and Consumer Commission, ‘Online Reviews and Testimonials: Findings of the ACCC’s Internet Sweep of Online Reviews and Testimonials’, December 2023, <https://www.accc.gov.au/system/files/online-review-and-testimonials.pdf> and Josh Taylor, ‘ACCC Finds One in Three Online Businesses Faking, Deleting Reviews’, *The Guardian*, 7 December 2023, <https://www.theguardian.com/australia-news/2023/dec/07/accc-finds-one-in-three-online-businesses-faking-deleting-reviews>

It is worthwhile also noting the limitations of *Australian Consumer Law*. Political advertising by astroturfing campaigns is not necessarily going to be caught by Australian Consumer Law if the representations are not considered to be a part of trade and commerce.

In addition to consumer law, there could be other remedies for astroturfing under other legal doctrines. To the extent that an astroturfing campaign involves impersonation or false endorsements, there could be intellectual property issues in respect of passing off and personality rights.⁸⁹ If an astroturfing campaign engages in attacks upon individual reputations, there could be issues in respect of defamation law.⁹⁰

Recommendation 5

***Australian Consumer Law* could address astroturfing by corporations – particularly where there were false and misleading representations. Intellectual property law and defamation may also be relevant to certain cases of astroturfing.**

⁸⁹ See *Henderson v Radio Corp Pty Ltd* (1960) 60 SR (NSW) 576; *Honey v Australian Airlines Ltd* (1990) 18 IPR 185; *Pacific Dunlop v Hogan* (1989) 14 IPR 398; *Hogan v Koala Dundee Pty Ltd* (1988) 12 IPR 508; and *Twentieth Century Fox Film Corp v South Australian Brewing Co Ltd* (1996) 34 IPR 225.

⁹⁰ Jess Ruderman, 'Is Astroturfing Illegal? PR Takeaways from the "It End With Us" Lawsuits', *Campaign*, 14 January 2025, <https://www.campaignasia.com/article/is-astroturfing-illegal-pr-takeaways-from-the-it-end-with-us-lawsuits/500238>

6. Corporations Law

Potentially, corporations law can also be deployed to address the problem of astroturfing. Section 1041E (1) of the *Corporations Act* 2001 (Cth) provides: ‘A person must not (whether in this jurisdiction or elsewhere) make a statement, or disseminate information, if: (a) the statement or information is false in a material particular or is materially misleading; and (b) the statement or information is likely: (i) to induce persons in this jurisdiction to apply for financial products; or (ii) to induce persons in this jurisdiction to dispose of or acquire financial products; or (iii) to have the effect of increasing, reducing, maintaining or stabilising the price for trading in financial products on a financial market operated in this jurisdiction; and (c) when the person makes the statement, or disseminates the information: (i) the person does not care whether the statement or information is true or false; or (ii) the person knows, or ought reasonably to have known, that the statement or information is false in a material particular or is materially misleading.’ Section 1041H of the *Corporations Act* 2001 (Cth) provides: ‘A person must not, in this jurisdiction, engage in conduct, in relation to a financial product or a financial service, that is misleading or deceptive or is likely to mislead or deceive.’

From a United States perspective, Matthew J Scott has argued that current corporate disclosure rules are inadequate: ‘Though these disclosures are useful for investors making decisions based purely on the financial landscape of an investment prospect, they do not provide adequate protection for those investors who would prefer to invest in companies that align with their social values, but are unaware of astroturfing practices.’⁹¹ He observes: ‘This information deficit between the investor and the corporation can cause problems: Individual investors may be contributing to astroturfing companies that support social causes, or candidates, that are contrary to the individual’s interests or conscience, and that individual has limited ability to discover and remedy the discrepancy.’⁹² Scott maintains that there should be ‘mandatory disclosure to shareholders to include information relevant to socially responsible investors’ and public disclosure of ‘material associations between companies and non-profits or public relations firms, enabling members of the public to respond in accordance with their

⁹¹ Matthew J. Scott ‘Ripping up the Astroturf: Regulating Deceptive Corporate Advertising Methods’ (2019) 105 *Iowa Law Review* 431-461 at 454.

⁹² *Ibid.*, 454.

consciences.’⁹³ He maintains that ‘Disclosure presents a method by which the public is able to inform themselves and protest practices they find objectionable.’⁹⁴

Recommendation 6

Corporations law could be potentially deployed to deal with astroturfing by companies (particularly where there are financial products involved). Better corporate disclosure rules would also provide greater transparency.

⁹³ Ibid., 460.

⁹⁴ Ibid., 460.

7. Political Integrity Reform

One response to the problem of astroturfing would be to improve political integrity laws.

A group of academics have been investigating whether astroturfing advertising is in compliance with disclosure requirements under Australian electoral laws.⁹⁵ The scholars observe:

Astroturfing ads do often adhere to the formal disclosure requirements set out by the Australian Electoral Commission. However, these disclosures don't meaningfully inform the public on who is behind these misleading ads. Authorisation typically only includes the name and address of an intermediary. This may be a deliberately opaque shell entity set up just in time for an election.⁹⁶

The implication of the piece is that there needs to be tougher disclosure requirements in relation to political advertising.

There has long been a concern in Australia about a lack of transparency and accountability in respect of think-tanks. Paula Matthewson has observed that there is a need for a better scrutiny of such organisations:

Think tanks have agendas and the justness of those agendas will differ in the eyes of each beholder. Think tanks have too long hidden behind the cloak of independence and should be subject to more scrutiny. They should be recognised as active players in political debate, and not the dispassionate observers that they pretend to be.⁹⁷

Henry Belot comments: 'Australia's biggest thinktanks are deeply divided on whether disclosing their financial backers is in the public interest, with several raising concerns that

⁹⁵ Daniel Angus et al., 'What Political Ads are Australians seeing Online? Astroturfing, Fake Grassroots Groups, and Outright Falsehoods', *The Conversation*, 28 April 2025, <https://findanexpert.unimelb.edu.au/news/103230-what-political-ads-are-australians-seeing-online%3F-astroturfing--fake-grassroots-groups--and-outright-falsehoods>

⁹⁶ Ibid.

⁹⁷ Paula Matthewson, 'Behind the Cloak of Think-Tank "Independence"', *ABC News*, 13 February 2012, <https://www.abc.net.au/news/2012-02-13/matthewson-independent-voices-and-think-tanks/3826618>

efforts to keep them secret may be undermining trust in the sector.⁹⁸ Arguably, there needs to be greater transparency in respect of the operations of think-tanks in Australia.

Political regulation of lobbying and donations is also relevant to the problem of astroturfing. Academic Yee-Fui Ng has commented that astroturfing should be considered within the context of corruption risks:

Lobbying may lead to corruption if it sways public officials to decide issues other than on their merits, or leads to the dishonest or partial exercise of public officials' functions, in breach of public trust. There are several lobbying activities that represent a corruption risk and may produce outcomes contrary to the public interest, including providing 'cash for access' to public officials, or making prohibited donations to political parties, particularly those that disguise the true identity of vested interests. A further dubious practice is astroturfing, i.e. where wealthy vested interests hide behind 'pseudo grass-roots groups ("astro-turf" groups)', and utilise social media or 'fake news' to project the appearance of genuine community support or opposition to an issue, with the 'intent to mislead decision-makers'.⁹⁹

Yee-Fui Ng classifies astroturfing as a problem, which may create risks of corruption. She concludes: 'Reform of lobbying regulation in Australia to enhance the scope of its coverage and the level of disclosure of lobbying activity will shine the light of transparency in an area currently hidden in the shadows, reduce the risk of corruption by lobbyists and public officials, and ultimately promote the democratic norms of political equality and fairness.'¹⁰⁰

Melissa Durkee has observed that 'corporate influence in government is more than a national issue; it is an international phenomenon.'¹⁰¹ She relates that businesses have been secretly lobbying lawmakers in international legal processes through front groups in what she calls 'astroturf activism'.

⁹⁸ Henry Belot, 'Some of Australia's Most Influential Thinktanks Refuse to Reveal their Biggest Donors. But Should They?', *The Guardian*, 11 September 2025, <https://www.theguardian.com/australia-news/2025/sep/11/australia-influential-thinktanks-transparency-refuse-to-reveal-their-biggest-donors-financial-backers>

⁹⁹ Yee-Fui Ng, 'Regulating the Influencers: The Evolution of Lobbying Regulation in Australia' (2020) 41(2) *Adelaide Law Review* 507-543 at 510.

¹⁰⁰ *Ibid.*, 543.

¹⁰¹ Melissa Durkee, 'Astroturf Activism' (2017) 69 *Stanford Law Review* 201-268 at 201.

Recommendation 7

Political integrity reforms could provide greater transparency and accountability in Australian politics, and unmask astroturfing operations.

8. Truth in Political Advertising Legislation

An additional means of addressing astroturfing would be through truth in political advertising laws. South Australia and the ACT have passed Truth in Political Advertising Laws.¹⁰² There remains inconclusive debate in the Federal Parliament of Australia about Truth in Political Advertising Laws.

In order to provide Federal Truth in Political Advertising laws, the Hon. Zali Steggall MP put forward a private member's bill, the *Commonwealth Electoral Amendment (Stop the Lies) Bill* 2022 (Cth).¹⁰³ The legislative bill sought to prohibit misleading or deceptive electoral or referendum matter; prohibit persons or bodies corporate from deceptively impersonating, or falsely attributing material to, a person, candidate, campaigner, political party or entity; and give the Australian Electoral Commissioner the power to investigate possible breaches, order retractions, publish corrections, and pursue complaints through the courts. Steggall introduced the bill, explaining:

The *Commonwealth Electoral Amendment (Stop the Lies) Bill* 2022—which will prohibit misleading or deceptive political advertising—is a practical, popular, and proven way to clean up our politics. It approaches the regulation of political advertising with caution and respect for our constitutional freedom of political communication. This bill is also urgent. We live in a world where our democracy is under attack from misinformation. A vote based on lies and misleading information lacks social licence and divides our communities. It lacks legitimacy and erodes trust in election results.¹⁰⁴

Steggall maintained that ‘This bill legislates a commitment to truth-telling’.¹⁰⁵ She observed: ‘It does so by regulating misleading or deceptive political advertising matter in a way that is effective, constitutionally sound, timely and enforceable, without chilling political speech or

¹⁰² Ravi Baltutis, ‘South Australia’s Truth in Political Advertising Law: A Model for Australia?’ (2021) 42(2) *Adelaide Law Review* 597-611; and Elections ACT, ‘Misleading Electoral Advertising’, <https://www.elections.act.gov.au/integrity/misleading-electoral-advertising>

¹⁰³ *Commonwealth Electoral Amendment (Stop the Lies) Bill* 2022 (Cth) https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r6947

¹⁰⁴ Hon. Zali Steggall MP, ‘Second Reading speech on the *Commonwealth Electoral Amendment (Stop the Lies) Bill* 2022 (Cth)’, Hansard, House of Representatives, Australian Parliament, 28 November 2022, 3580.

¹⁰⁵ Ibid.

producing other unwanted consequences.’¹⁰⁶ In particular, the bill ‘will also prohibit people from deceptively impersonating, or falsely attributing material to, a person, candidate, campaigner, party or entity—for example, electoral matter that purports to have been published by the campaign of a candidate in an election but was in fact published by someone else or deepfaked.’¹⁰⁷ The legislation was ultimately not passed through Parliament.

The Albanese Government introduced the *Electoral Legislation Amendment (Electoral Communications) Bill 2024* (Cth).¹⁰⁸ The Hon. Patrick Gorman MP explained that the legislation sought to improve the transparency and accountability of the electoral processes of Australia.¹⁰⁹ Gorman elaborated:

Public confidence in Australian elections is essential to preserve the legitimacy of our democratic processes. Democracies around the world are increasingly facing threats that undermine public trust and promote cynical disengagement with democracy. Perhaps the most concerning is from misinformation and disinformation. Advancements in technology, like artificial intelligence (AI), mean it is easier than ever to create and share misinformation and disinformation. While these technologies have a significant positive impact in our society, when used maliciously they have the potential to mislead voters and undermine the legitimacy of our electoral processes.¹¹⁰

The legislation was considered by a couple of committees – including the Senate Standing Committee for the Scrutiny of Bills, and the Parliamentary Joint Committee on Human Rights. However, this bill lapsed, with the Federal election.

Again, in 2025, Steggall put forward the *Electoral Legislation Amendment (Electoral Communications) Bill 2025* (Cth).¹¹¹ She observed:

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ *Electoral Legislation Amendment (Electoral Communications) Bill 2024* (Cth) <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2F7279%22>

¹⁰⁹ Hon. Patrick Gorman MP, ‘Second Reading Speech on the *Electoral Legislation Amendment (Electoral Communications) Bill 2024* (Cth)’, Hansard, House of Representatives, Australian Parliament, 18 November 2024, 7815.

¹¹⁰ Ibid.

¹¹¹ *Electoral Legislation Amendment (Electoral Communications) Bill 2025* (Cth), https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r7348#

This is the very first opportunity, so by putting it forward now we are really saying to the government there is no excuse but to get on with the job of putting guardrails around misinformation and disinformation in political advertising. We know misinformation and disinformation in political advertising is a loophole that has been taken advantage of for too long. Politicians need to be held to the same standard as consumer laws. We know that we protect consumers from being scammed out of their money from misleading and deceptive advertising. It is time for political advertising to be held to the same standard.¹¹²

Steggall commented: ‘Over the past three elections, we’ve seen a huge rise in misinformation and disinformation at election time, but we’ve also seen a rise of third-party organisations and external campaigners involved in our elections.’¹¹³ She noted of the dangers of astroturfing: ‘All too often it is this astroturfing that leads to a huge amount of misinformation.’¹¹⁴ Steggall warned: ‘These organisations are running a huge amount of advertising that is misleading and deceptive, but there is no accountability for these players.’¹¹⁵

Recommendation 8

Federal Truth in Political Advertising Laws would help address political forms and variants of astroturfing.

¹¹² Hon. Zoe Steggall MP, ‘Second Reading Speech on the *Electoral Legislation Amendment (Electoral Communications) Bill 2025 (Cth)*’, Hansard, House of Representatives, Australian Parliament, 28 July 2025, 286.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

9. Regulation of Misinformation and Disinformation

Another option to address astroturfing would be legislation and regulation dealing with misinformation and disinformation.

There has been a concern that media platforms have not taken sufficient action to deal with misinformation and disinformation. This has been a particular concern in the climate sphere. At COP29, a group of climate scientists and climate-oriented organisations signed an open letter, calling upon governments take measures to hold media platforms accountable for the spread of climate disinformation.¹¹⁶

The Albanese Government introduced the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024* (Cth).¹¹⁷ The Minister for Communications, the Hon. Michelle Rowland MP, observed: ‘The rapid spread of seriously harmful mis- and disinformation poses a significant challenge to the functioning of societies around the world’.¹¹⁸ She stressed: ‘Democratic countries like Australia rely on the free flow of information to inform public debate, and the integrity, diversity and reliability of information is fundamental to our democratic way of life.’¹¹⁹ Rowland argued that ‘Digital platforms need to step up to protect Australian users from the threat of seriously harmful mis- and disinformation online’.¹²⁰ This bill sought to strengthen the voluntary code by providing a regulatory backstop. The bill would ‘empower the ACMA to review the effectiveness of digital platform systems and processes and will improve transparency about measures platforms have

¹¹⁶ ‘Open Letter: Governments Should Act Now to Curb Climate Disinformation’, https://caad.info/wp-content/uploads/2024/11/Open-Letter_-_Governments-Should-Act-Now-to-Curb-Climate-Disinformation-1.pdf and Cited and discussed in Michael Mann and Peter Hotez, *Science Under Siege: How to Fight the Five Most Powerful Forces that Threaten Our World*, Melbourne: Scribe, 2025, 246.

¹¹⁷ *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024* (Cth) <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2F7239%22>

¹¹⁸ Hon. Michelle Rowland MP, “Second Reading Speech on the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024* (Cth)”, Hansard, House of Representatives, Australian Parliament, 12 September 2024, 6637.

¹¹⁹ Ibid.

¹²⁰ Ibid.

in place to protect Australians from mis- and disinformation on their services.’ Rowland maintained: ‘To protect freedom of speech, the bill sets a high threshold for the type of mis- and disinformation that digital platforms must combat on their services—that is, it must be reasonably verifiable as false, misleading or deceptive and reasonably likely to cause or contribute to serious harm’.¹²¹

Nonetheless, the bill stalled in Parliament. For the Parliamentary Library, Nell Fraser noted that there was much debate about the design and the breadth of the bill:

Discussions and critiques of the *Combatting Misinformation and Disinformation Bill* were published widely over the course of its debate and the Senate inquiry into the Bill received 105 public submissions. Concerns primarily centred on the Bill’s potential to censor legitimate speech and content. For example, definitions of ‘misinformation’ and ‘disinformation’ – which included opinions and commentary – were regarded as overly broad and ambiguous, while arbitrarily high penalties could lead platforms to ‘over-censor’ content. The Parliamentary Joint Committee on Human Rights also cautioned that, ‘questions remain as to whether the scheme would constitute a proportionate limit on the right to freedom of expression and the right to privacy in practice’ (p. 90).¹²²

In the end, the Albanese Government abandoned its legislative bill because of opposition from the Coalition, Greens, and some crossbench senators.¹²³

It remains to be seen whether the Albanese Government will reintroduce laws dealing with misinformation and disinformation in its second term. The Albanese Government has a firm majority in the House of Representatives; and has a clearer pathway to passing bills through Senate. The Australian Greens seem clearly interested in action on misinformation in respect climate change and energy. It is possible that the Australian Labor Party and the Australian Greens might find a common way forward to combatting misinformation and disinformation.

¹²¹ Ibid.

¹²² Nell Fraser, ‘What’s Next For Misinformation Regulation?’, Flagpost, Australian Parliamentary Library, 2 July 2025, https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research/FlagPost/2025/July/Whats_next_for_misinformation_regulation

¹²³ Jake Evans, ‘Laws to Regulate Misinformation Online Abandoned’, *ABC News*, 24 November 2024, <https://www.abc.net.au/news/2024-11-24/laws-to-regulate-misinformation-online-abandoned/104640488>

Recommendation 9

If the Australian Government reintroduces legislation on combatting misinformation and disinformation, astroturfing should be included within its scope as a recognised form of misinformation and disinformation.

10. Foreign Interference

It should also be noted that astroturfing is not just the preserve of corporations – there has been evidence that various governments have been engaged in astroturfing in a range of fields, and co-ordinated disinformation and misinformation campaigns.¹²⁴ Russia has been accused of running various disinformation and misinformation campaigns, with fake accounts, phony websites, state media proxies, and social media trolls.¹²⁵ Indeed, Marko Kovic noted that a National Intelligence Council report revealed significant Russian interference in the 2016 US elections:

The report also mentions the activities of the St. Petersburg-based “Internet Research Agency” as part of the Russian influence campaign. The Internet Research Agency is a state-sponsored online astroturfing organization specialized in creating and maintaining sock puppets, fake online personae that are mimicking regular users. The astroturfing campaign conducted by the Internet Research Agency was great in scope.¹²⁶

China’s so-called 50 Cent Party have played a role in manufacturing social media posts to distract from public debate.¹²⁷ There has been concern expressed about the role of petrostates in climate misinformation and disinformation.¹²⁸ Astroturfing by foreign governments in relation to matters of Australian politics could raise a whole host of issues in respect of foreign interference in Australia.¹²⁹ While this topic is beyond the scope of this particular submission, it does seem to be a matter for consideration for the inquiry, given its terms of reference.

¹²⁴ Marko Kovic et al. ‘Digital Astroturfing in Politics: Definition, Typology, and Countermeasures’ (2018) 18(1) *Studies in Communication Sciences* 69-85.

¹²⁵ Shannon Bond, ‘This is what Russian propaganda looks like in 2024’, *NPR*, 6 June 2024, <https://www.npr.org/2024/06/06/g-s1-2965/russia-propaganda-deepfakes-sham-websites-social-media-ukraine>

¹²⁶ Marko Kovic et al. ‘Digital Astroturfing in Politics: Definition, Typology, and Countermeasures’ (2018) 18(1) *Studies in Communication Sciences* 69-85 at 70.

¹²⁷ See for the instance the analysis of the 50 Cent Party, Gary King, Jennifer Pan, and Margaret Roberts, ‘How the Chinese Government Fabricates Social Media Posts for Strategic Distraction, not Engaged Argument’ (2017) 111 *American Political Science Review* 484-501.

¹²⁸ Michael Mann and Peter Hotez, *Science Under Siege: How to Fight the Five Most Powerful Forces that Threaten Our World*, Melbourne: Scribe, 2025, 63-106.

¹²⁹ Department of Home Affairs, *Countering Foreign Interference in Australia: Working Together Towards a More Secure Australia*, Australian Government, 2024, <https://www.homeaffairs.gov.au/nat-security/files/cfi-australia.pdf>

Recommendation 10

Astroturfing by foreign governments on matters of Australian politics could raise issues in respect of foreign interference.

BIOGRAPHY

Dr Matthew Rimmer is a Professor in Intellectual Property and Innovation Law at the Faculty of Business and Law, at the Queensland University of Technology (QUT). He has published widely on copyright law and information technology, patent law and biotechnology, access to medicines, plain packaging of tobacco products, intellectual property and climate change, Indigenous Intellectual Property, intellectual property and trade, and 3D printing regulation. He is undertaking research on intellectual property and sustainable development (including the debate over the right to repair); greenwashing; intellectual property, access to essential medicines, and public health (particularly looking at the COVID-19 crisis), and tobacco endgame policies. His work is archived at [QUT ePrints](#), [SSRN Abstracts](#), and the [Open Science Framework](#).

Rimmer has published four major research monographs. Rimmer is the author of a research monograph, *The Trans-Pacific Partnership: Intellectual Property and Trade in the Pacific Rim* (Edward Elgar, 2020), *Intellectual Property and Climate Change: Inventing Clean Technologies* (Edward Elgar, 2011), *Intellectual Property and Biotechnology: Biological Inventions* (Edward Elgar, 2008), and *Digital Copyright and the Consumer Revolution: Hands off my iPod* (Edward Elgar, 2007). His PhD Dissertation is on *The Pirate Bazaar: The Social Life of Copyright Law* (UNSW, 2001).

Rimmer has also edited a number of collections. In collaboration with Bitu Amani and Caroline B. Neube, Rimmer is the editor of the *Elgar Companion on Intellectual Property and the Sustainable Development Goals* (Edward Elgar, 2024). Along with Dinusha Mendis and Mark Lemley, Rimmer is the editor of the collection, *3D Printing and Beyond: Intellectual Property and Regulation* (Edward Elgar, 2019). Rimmer is the editor of the collection, *Intellectual Property and Clean Energy: The Paris Agreement and Climate Justice* (Springer, 2018). Rimmer has edited a special issue of the QUT Law Review on the topic, *The Plain Packaging of Tobacco Products* (2017) - which featured a foreword by former Minister for Health and Attorney-General Nicola Roxon. Rimmer is the editor of the collection, *Indigenous Intellectual Property: A Handbook of Contemporary Research* (Edward Elgar, 2015). Rimmer is also a co-editor of *Intellectual Property and Emerging Technologies: The New Biology* (Edward Elgar, 2012), and *Incentives for Global Public Health: Patent Law and Access to Essential Medicines* (Cambridge University Press, 2010). Rimmer edited the thematic issue of *Law in Context*, entitled *Patent Law and Biological Inventions* (Federation Press, 2006).

Over the past two decades, Rimmer's research has been supported by a number of nationally competitive research grant applications. Rimmer has been a chief investigator in an Australian Research Council Discovery Project, 'Gene Patents In Australia: Options For Reform' (2003-2005), an Australian Research Council Linkage Grant, 'The Protection of Botanical Inventions' (2003); an Australian Research Council Linkage Grant, 'Unlocking IP' (2006-2008) and an Australian Research Council Discovery Project, 'Promoting Plant Innovation in Australia' (2009-2011). He was an Australian Research Council Future Fellow, working on Intellectual Property and Climate Change from 2011 to 2015. Rimmer was a Chief Investigator on an ARC Discovery Project on 'Inventing The Future: Intellectual Property and 3D Printing' (2017-2021). He is a chief investigator of the NHMRC Centre of Research Excellence on Achieving the Tobacco Endgame (CREATE) (2020-2026). Rimmer has experience in directing large-scale collaborative research projects on intellectual property and global challenges.

Rimmer is a chief investigator in the QUT Australian Centre for Health Law Research (QUT ACHLR). He is an associate investigator of the QUT Energy Transition Centre. He is a chief investigator in the NHMRC Centre of Research Excellence on Achieving the Tobacco Endgame (CREATE) (2020-2026) - a transnational research network. Rimmer was previously the leader of the QUT Intellectual Property and Innovation Law Research Program from 2015-2020 (QUT IPIL). He was also a chief investigator and a member of the QUT Centre for Behavioural Economics, Society, and Technology (QUT BEST); a member of the QUT Digital Media Research Centre (QUT DMRC), the QUT Centre for the Digital Economy, the QUT Centre for Justice, the QUT Centre for Clean Energy Technologies and Processes, and the QUT International Law and Global Governance Research Program.

Dr Matthew Rimmer holds a BA (Hons) and a University Medal in literature (1995), and a LLB (Hons) (1997) from the Australian National University. He received a PhD in law from the University of New South Wales for his dissertation on *The Pirate Bazaar: The Social Life of Copyright Law* (1998-2001). Dr Matthew Rimmer was a lecturer, senior lecturer, and an associate professor at the ANU College of Law, and a research fellow and an associate director of the Australian Centre for Intellectual Property in Agriculture (ACIPA) (2001 to 2015). He was an Australian Research Council Future Fellow, working on Intellectual Property and Climate Change from 2011 to 2015. He was a member of the ANU Climate Change Institute.