

**PARLIAMENT OF VICTORIA**

**Electoral Matters Committee**



# **Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration**

Parliament of Victoria  
Electoral Matters Committee

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# Committee membership



**CHAIR**

**Mr Lee Tarlamis OAM**  
South Eastern Metropolitan  
*EMC member from 23 April 2020*



**CHAIR**

**Ms Ros Spence**  
Yuroke  
*EMC member until 21 April 2020*



**DEPUTY CHAIR**

**Mrs Bev McArthur**  
Western Victoria



**Hon Bruce Atkinson**  
Eastern Metropolitan  
*EMC member until 2 June 2020*



**Ms Lizzie Blandthorn**  
Pascoe Vale  
*EMC member until 3 March 2021*



**Mr Enver Erdogan**  
Southern Metropolitan  
*EMC member from 4 March 2021*



**Hon Matthew Guy**  
Bulleen  
*EMC member from 16 June 2020*



**Ms Katie Hall**  
Footscray



**Hon Wendy Lovell**  
Northern Victoria



**Mr Andy Meddick**  
Western Victoria



**Mr Cesar Melhem**  
Western Metropolitan



**Mr Tim Quilty**  
Northern Victoria



**Dr Tim Read**  
Brunswick

# About the Committee

## Functions

The Electoral Matters Committee is constituted under section 9A of the *Parliamentary Committees Act 2003*.

The Committee's functions are to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with:

- a. the conduct of parliamentary elections and referendums in Victoria
- b. the conduct of elections of councillors under the *Local Government Act 2020*
- c. the administration of, or practices associated with, the *Electoral Act 2002* and any other law relating to electoral matters.

The Committee's functions are not intended to repeal, alter or vary section 94F or 94G of the *Constitution Act 1975*.

## Secretariat

Dr Christopher Gribbin, Executive Officer  
Joel Hallinan, Research Officer  
Sarah Catherall, Administrative Officer  
Maria Marasco, Administrative Officer  
Bernadette Pendergast, Administrative Officer

## Contact details

**Address** Electoral Matters Committee  
Parliament of Victoria  
Spring Street  
EAST MELBOURNE VIC 3002

**Phone** 61 3 8682 2805

**Email** [emc@parliament.vic.gov.au](mailto:emc@parliament.vic.gov.au)

**Web** <https://www.parliament.vic.gov.au/emc>

This report is available on the Committee's website.



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# Terms of reference

## **Inquiry into the impact of social media on Victorian elections and Victoria’s electoral administration**

On 19 March 2020 the Legislative Assembly agreed to the following motion:

That this House refers an inquiry into the impact of social media on Victorian elections and Victoria’s electoral administration to the Electoral Matters Committee for consideration and report no later than 30 June 2021\* and the Committee should consider:

- (1) the impact of social media technologies on the Victorian electoral process, focusing on how social media platforms are used for political communication and whether current regulations regarding the authorisation of political content on social media are appropriate;
- (2) whether online electoral advertising is appropriately regulated in Victoria; and
- (3) how social media and new communications technologies are used by the Victorian Electoral Commission and the Parliament to engage Victorians and improve knowledge of electoral processes.

\* The reporting date for this Inquiry was extended to 16 September 2021 by the Legislative Assembly on 9 June 2021.

# Chair's foreword

In a relatively short period of time, social media have grown to become a major part of public conversation, news consumption and electoral campaigning. It is therefore important and timely for the Parliament to consider what impacts social media are having on elections and what (if anything) needs to be done in response.

This Inquiry has given the Electoral Matters Committee the chance to consider these issues on behalf of the Parliament. The Committee's conclusion is that the Government needs to take action. This report sets out a suite of measures aimed at reducing the harms of social media on the electoral environment.

Most of the harms of social media are well known. There are people who use social media to abuse, mislead and manipulate others. Social media have been weaponised to cause disruption. The structure of social media facilitates the spread of inaccurate information and can provide a false impression to its users.

Much of what happens on social media is not transparent. This makes it hard for users to know how the content they see is shaped and makes it hard for authorities to respond to inappropriate behaviour.

However, these negative aspects of social media are not the whole story. As part of this Inquiry, the Committee looked at how social media were used in Victoria during the 2018 state election. We found that most people and most conversations on social media were civil. We found parties and party leaders sharing information about their policies. We found users engaging with content about policies. We found social media being used to share reputable information. We found smaller parties successfully using social media to reach large audiences.

As such, the key challenge for policy makers is to reduce the negatives of social media without undermining its positives. In achieving this we must protect an individual's right to freedom of speech and political communication on one hand, and the community's duty to preserve and safeguard democratic institutions on the other. The most contestable and significant part of that challenge is to find the right balance.

Some will criticise the Committee for getting the balance wrong, claiming it is too lenient or too harsh either way. To this criticism I would pre-emptively argue that the Committee has, throughout the entire consultative process, sought to facilitate this balance fairly and constructively by informing itself with expert advice, the experience of other jurisdictions, as well as real world examples from across the political, corporate and public domains.

This Committee does not pretend to have all the answers, rather, our recommendations stand as the next step in our community's conversation as we build a culture and regulatory framework that engenders respect for democratic institutions while

remembering it is political expression, argumentation and persuasion that keep a democracy vital and representative. They are contestable and will be revisited.

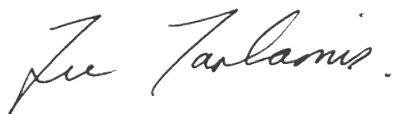
In this way, the Committee's report sets a path for the Government to take action in an informed way now. Further, this report gives the Government the scope, advice and expertise required to embark on the road of meaningful reform to support and strengthen democracy in Victoria. Of that achievement, I am proud.

Many people and organisations contributed to this Inquiry. On behalf of the Committee, I would like to thank everybody who shared their experience, knowledge and viewpoints. The written submissions that people prepared, and the evidence people gave in public hearings were essential for the Committee in forming its views. The Committee greatly appreciates the time and effort that people put into these contributions.

I would like to especially thank Mr Josh Gordon, Mr Iain Walker and Ms Lucinda Walravens for assisting the Committee at the start of the Inquiry by participating in our community forum. I would also like to thank the researchers at Bakamo and at the Queensland University of Technology's Digital Media Research Centre, who shed much light on what actually occurs on social media around Victorian and Australian elections.

As Chair of the Committee, the support and collaborative approach of committee members has been greatly appreciated. I would like to thank Bev McArthur as Deputy Chair, Ros Spence, who was Chair at the start of this Inquiry, and all members of the Committee during this Inquiry—Bruce Atkinson, Lizzie Blandthorn, Enver Erdogan, Matthew Guy, Katie Hall, Wendy Lovell, Andy Meddick, Cesar Melhem, Tim Quilty and Tim Read.

Finally, I would like to thank the many Parliamentary staff who have supported the Committee and this Inquiry, including the Hansard unit, the Community Engagement Unit and the Committee's secretariat—Christopher Gribbin, Joel Hallinan, Sarah Catherall, Maria Marasco and Bernadette Pendergast. Their hard work and support throughout the inquiry process have been greatly appreciated.



**Lee Tarlamis OAM MP**  
**Chair**

# Executive summary

## The impact of social media on elections in Victoria

The growth of social media has had both positive and negative effects on the electoral environment.

On the positive side, social media provide a space for political parties, candidates and interest groups to interact with voters. The low cost of social media means that a wider range of candidates and campaigns have a platform to spread their messages. Social media make it easier for voters to access information and open up political conversation to a wider variety of communities. Social media provide a channel for electoral commissions to provide information to voters and to respond to questions.

While there is certainly some inappropriate behaviour in Victoria's electoral environment on social media, the Committee's investigations found that it is mostly a positive space. Parties and party leaders in Victoria often use social media to spread information about their policies and social media users tend to engage more with posts about policy than most other electoral topics. Most conversations are civil. Mainstream news sources are shared far more commonly than less reliable sources by both politicians and the general community.

On the negative side, social media tend to promote material which is sensationalist, outrageous or shocking ahead of more restrained and more accurate content. This can include inaccurate information and fake news, which tend to spread faster and further than the truth. Social media can give users a false impression of what the community thinks and only expose users to a limited range of viewpoints. Microtargeted political advertising can limit political debate by exposing different voters to different messages and by making it hard for candidates to respond to what other candidates are saying. These factors combine to make it difficult for users to differentiate truth from inaccurate information on social media.

Users can also manipulate social media to amplify certain messages or marginalise others. Fake accounts, bots, high-intensity accounts and gate-keeping behaviour can distort what people see on social media, often without them being aware that what they see has been manipulated. These behaviours may also contribute to increased polarisation and more partisan behaviour from other users.

In addition, there are some people who use social media to abuse and harass people in relation to elections, or who behave in other inappropriate ways. This can harm individuals and reduce their willingness to participate in elections. Certain groups (especially women and minorities) can be particularly targeted by this sort of behaviour and this may make it harder for them to compete in elections. Inappropriate behaviour can also lower the tone of political discourse and be used to intimidate people with dissenting opinions, making constructive debate difficult.

Many of the problems seen in social media are not new. A variety of problematic electoral practices that took place before social media have simply been adapted to the new media. However, social media have enabled some things to be done more easily, on a larger scale and less transparently than previously. The rapid rise of social media also means that some people are still learning how to interpret what they see.

As with any public space, it is important that social media are safe spaces for users and that social media platforms are not used to harm the community as a whole. As an essential part of the electoral environment, social media must be protected from efforts to undermine Victoria's democratic system.

The Committee has therefore concluded that action is needed.

The Committee is conscious that this is an area where governments need to be very careful. Interventions limiting what can be said or done online have the potential to reduce people's freedom of speech. This is sometimes necessary to prevent harm to individuals or to society as a whole. However, governments need to be cautious that their interventions do not cause more harm than they prevent. This can be particularly challenging in social media, as the benefits of social media are often closely linked to the negative aspects. If not designed carefully, interventions that reduce harm may also reduce the benefits of social media.

To effectively balance these concerns, the Committee recommends a multi-faceted approach which includes a variety of targeted actions. Each measure by itself will only have a limited impact but, in combination, these measures can improve the electoral environment.

## **A multi-faceted approach to reduce the harms of social media on elections**

The Committee proposes a suite of measures aimed at discouraging inappropriate behaviour, reducing the impact of inappropriate behaviour and countering other negative impacts of social media:

- increasing the transparency of how political parties, candidates and others are trying to influence voters through social media
- making certain deliberate acts of deception illegal
- increasing people's understanding of how social media work and how social media can be manipulated ('social media literacy')
- helping people to identify inaccurate information and find accurate information
- encouraging parties and candidates to lead by example in their online behaviour
- working with social media platforms, encouraging them to do more to reduce harms to users and to take action when users breach the law
- reviewing electoral legislation so that it specifically and appropriately addresses social media.

This approach involves government bodies, social media companies, political parties and other stakeholders. It involves changes to legislation, new programs to be supported by the Government and collaboration between social media platforms, governments and other stakeholders.

## Implementing change

Social media platforms have taken a number of actions recently to tackle various problems. The Committee welcomes these efforts and encourages platforms to build on them. Some platforms have developed advertising libraries—these are a good step, but could be more complete, could include more details and could be more accessible. Platforms could explore additional options for reducing harms by adding ‘friction’ to the viewing and sharing of electoral content. Platforms could also take further measures to reduce fake accounts.

In addition, the Committee would like to see platforms better respond to abuse directed at candidates. Platforms also need to improve their processes for dealing with content that contravenes electoral law.

Ultimately, social media companies are businesses seeking to make profit, largely from advertising. The changes which might reduce harms to the electoral environment are not always compatible with platforms’ business incentives. Moreover, some of the problems experienced on social media are a direct result of the way that platforms are designed and are not easy to change. We cannot rely on social media companies by themselves to reduce the harms caused by their platforms.

The Government can play an important role in working with social media platforms to bring about improvements. The Government should monitor platforms’ policies and decisions to identify potentially negative impacts on the electoral environment. The Government should seek opportunities to have input into platforms’ policies to ensure that they are appropriate. The Government should also work with social media platforms to establish appropriate transparency obligations.

Social media users can play a role in reducing negative behaviours too. Social media literacy campaigns can help people to be more sceptical about what they see, gain a better understanding of what is influencing the content they see and become more aware of the potential consequences of their behaviour. Political parties can help by developing a code of conduct for social media behaviour and encouraging candidates and members to lead by example in their behaviour online.

Public sector agencies can reduce harms in a number of ways. Victoria Police must ensure that its officers are adequately trained in the laws regarding abuse and online threats. The Victorian Electoral Commission (VEC) can work with social media platforms and other agencies to help candidates experiencing abuse to have their concerns addressed quickly. In addition, the VEC can counter inaccurate information by continuing to build its presence on social media as a trustworthy source of information and by encouraging users to consider the source of electoral content that they see online.

There are several other activities that the Government should be funding to mitigate the harms of social media. Fact checking during election periods can help to reduce the impact of inaccurate information. Online resources with information about candidates would help voters to be more accurately informed and reduce their reliance on less trustworthy sources. Real-time reporting on social media activity during election periods would increase the transparency of the way that people, parties and organisations are campaigning on social media. This would help voters to understand how what they see on social media is being shaped and to hold candidates to account for inappropriate behaviour.

The Government can also play a role with legislative change. The Committee recommends that legislation be introduced which prohibits knowingly including inaccurate factual information in electoral advertising. The Committee also considers that laws should be introduced making it illegal to publish material falsely appearing to be from the VEC, another party or another candidate.

The Electoral Act needs to be clarified in relation to authorisation statements on social media, including that authorisation statements are not required for personal political comment. The Committee would also like to see authorisation requirements expanded to include details of who paid for electoral advertising and to require authorisation statements in the form of digital imprints embedded in media where appropriate. Individuals and groups who can receive political donations should be required to provide copies of all online advertisements to the VEC, along with contextual information, so that the VEC can publish them in an archive. This would help increase transparency about what is said online and mitigate some of the problems with platforms' own advertising libraries.

More generally, a thorough review should be conducted of the Electoral Act to ensure that social media activity is specifically and unambiguously addressed and that the provisions are appropriate and practicable for social media.

The Committee believes that this approach is appropriate at this time. However, social media are a relatively new component of the electoral environment. There is still a lot of uncertainty about exactly what occurs on social media and how it impacts on elections. In addition, social media are constantly changing. The ways that people use social media are constantly changing as well.

The approach recommended in this report will need to be regularly reviewed to ensure that it is effective and appropriate. Government funding for research into the impact of social media on elections would assist future policy reviews, as would several of the transparency measures recommended in this report.



# Findings and recommendations

## 2 Strengthening the electoral environment: a suite of measures

**FINDING 1:** The best way to address the harms of social media on elections is through a suite of measures aimed at responding to problems in multiple ways. This approach enables problems to be managed with minimal impact on people’s freedom of speech. 8

**RECOMMENDATION 1:** That, in addressing the negative impacts of social media on elections, the Government adopt a multi-faceted approach which addresses problems through a suite of measures designed to tackle problems in multiple ways. 8

**FINDING 2:** Social media provide both benefits and harms to the electoral environment. Any efforts to regulate social media should seek to address the harms while preserving the benefits. 12

**FINDING 3:** In considering recommendations in relation to social media, the Committee has been mindful to protect the inclusiveness, trustworthiness, transparency and competitiveness of electoral processes in Victoria. 13

**FINDING 4:** Most of the inappropriate behaviour seen on social media is a continuation of behaviour that predates social media. However, social media provide new ways for people to do things and users are not always aware of the ways that social media are being used to influence elections. It is therefore important to increase the transparency of what is occurring and to develop people’s social media literacy. 14

**FINDING 5:** Given the importance of free political communication in a democracy, the Committee considers that legislation should only restrict what people can say on social media in very limited circumstances. For this Inquiry, the Committee has only recommended restricting types of speech which may cause serious disruption to the democratic system. Other types of inappropriate behaviour are better managed through transparency. Transparency measures provide voters with the ability to see what is happening and respond as they see fit, but do not prevent people from expressing themselves. 16

**FINDING 6:** Social media and the ways that people use social media are constantly changing. As a result, there is a need to continually monitor how social media are affecting elections. Legislation and other programs aimed at reducing problems on social media should be regularly reviewed to ensure that they remain appropriate and effective.

17

**RECOMMENDATION 2:** That the Parliament and future Electoral Matters Committees regularly reconsider the issues raised in this Inquiry to take into account changes in the way people use social media, changes to social media platforms, improvements in our understanding of the impact of social media on elections and changes to the regulatory environment.

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### 3 The benefits of social media for elections

**FINDING 7:** Positive aspects of social media in Victoria include politicians and political parties using social media to deliver electoral information to the community with a focus on policy content, and the public engaging with that content. There is also evidence of two-way communication between some politicians and the community on social media.

26

**FINDING 8:** Social media have contributed to the inclusivity of elections in Victoria through increased access to information and easier avenues to participation. This can contribute to healthy elections by leading to better-informed voters and greater political participation by previously underrepresented groups.

30

**FINDING 9:** Social media offer opportunities for less-resourced candidates and campaigns to spread their messages at low cost, contributing to a more open playing field and a greater variety of political perspectives in Victorian elections. Some Victorian microparties and their leaders have used social media to gain audiences similar to and greater than more established parties and have used them to provide information about what they stand for.

33

**FINDING 10:** The Victorian Electoral Commission is active on social media, most often using its channels to provide information about elections, enrolment and electoral boundary reviews. The VEC's Twitter account shows high levels of followers and engagement when compared to other electoral commissions, while the VEC's Facebook content receives reasonable levels of engagement but is not as successful as some other commissions.

41

**FINDING 11:** The Twitter account of the ABC’s Chief Election Analyst, Mr Antony Green AO, has a far greater following and level of engagement than any electoral commission in Australia, including the VEC. Mr Green is seen as a trusted source of electoral information on social media and some users turn to him for advice and information rather than the VEC. 44

**RECOMMENDATION 3:** That the Victorian Electoral Commission explore opportunities to grow its social media following and its status as an authoritative information source on electoral matters. 44

**RECOMMENDATION 4:** That the Victorian Electoral Commission analyse prominent election commentators’ Twitter strategies to identify whether there are any additional kinds of content it could produce to increase its follower base and build on its reputation as a trusted and timely source of reliable election information. 44

**FINDING 12:** The VEC uses its social media accounts to answer questions about elections. This is a valuable service for Victorians and contributes to the VEC’s reputation as a trusted source of electoral information. 45

**FINDING 13:** The Parliament of Victoria published some electoral information on social media during the 2018 Victorian election period. However, the volume of election-related content was small and the Parliament did not Retweet or share content from the VEC. There is an opportunity for the Parliament to use its accounts more to promote electoral information. 49

**RECOMMENDATION 5:** That the Parliament of Victoria publish more electoral information through its social media accounts, especially during election periods. 49

**RECOMMENDATION 6:** That the Parliament of Victoria share and Retweet election content from the Victorian Electoral Commission’s social media accounts during election periods and other times when appropriate. 49

## 4 Structural problems with social media

**FINDING 14:** Social media platforms are businesses which seek to make profits through advertising. Several design features which have negative impacts on the electoral environment are important elements of platforms’ business models. Changing these features may not be in the business interests of platforms. 54

**FINDING 15:** Concerns have been raised that the structure of some social media platforms may encourage echo chambers and filter bubbles, in which people are not exposed to a variety of viewpoints and information. It is not clear to what extent these phenomena exist or what impact (if any) they are having on elections. Further research in this area would be valuable.

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**FINDING 16:** Different social media platforms attract different groups of people (such as different age groups, genders or political orientations). It is important for people to understand that certain groups of people and their perspectives may be underrepresented on any particular platform.

61

**FINDING 17:** Some social media platforms promote content based on how much engagement it receives. This may lead to inaccurate information, conspiracy theories, extreme views and short-lived controversies being promoted more than accurate and more dispassionate content.

63

**FINDING 18:** As social media platforms generally make their money from advertising, some platforms allow parties, candidates and organisations to pay for their messages to be amplified through advertising. This can create an imbalance between candidates, advantaging parties and groups with larger financial resources. Parties and groups with more money also have more access to indirect ways of amplifying their messages, such as paying users or bots.

66

**FINDING 19:** Some people have expressed concern that anonymity on social media may encourage inappropriate behaviour, though research has led to varying findings. Being anonymous to other users can be important for people from vulnerable communities to express themselves online. However, if the real identities of users are not known by social media platforms, it can be difficult for authorities to take action against people breaking laws (such as harassment, defamation or publishing unauthorised electoral material). Work is being done in other jurisdictions to consider whether changes should be made to people’s ability to set up social media accounts anonymously.

69

**RECOMMENDATION 7:** That, as recommended by the Commonwealth Parliament’s House of Representatives Standing Committee on Social Policy and Legal Affairs, social media companies should be required to establish the identity of users before they can get a social media account—the Victorian Government and future Electoral Matters Committees should monitor developments in other jurisdictions and undertake further investigation about options for Victoria if needed.

69

**FINDING 20:** Social media allow foreign input through foreign individuals participating in discussion of Victorian politics and through Victorians engaging with politics in other countries. Foreign governments have used social media to interfere in other countries' elections. Work is being done at the Commonwealth level to manage the risk of foreign interference in Australian elections. The Committee considers that foreign interference is most appropriately dealt with at a Commonwealth level but encourages the VEC to remain vigilant for possible threats to Victorian elections. 72

**FINDING 21:** There is currently uncertainty about how people are using social media around elections, about how social media platforms are intervening in what people see and about the impacts of these things on the electoral environment. This uncertainty makes it difficult to formulate appropriate and effective government policy in this area. 75

**RECOMMENDATION 8:** That the Government provide funding for detailed research into the impact of social media on elections in Victoria and/or Australia. This should include a focus on the effects of advertising, efforts to amplify messages through other means (such as bots, fake accounts and high-intensity accounts) and the behaviour of users. It should also consider the effects of the way platforms are designed and the impact of platform algorithms and employee decisions influencing what users see. 75

**FINDING 22:** A variety of laws, regulations and codes are applied to traditional media publishers which are not applied to social media platforms. Users are legally responsible for content on social media platforms rather than the platforms, which reduces platforms' incentive to prevent content which breaches legislation or to take responsibility when breaches occur. 77

**FINDING 23:** The Committee's preferred approach to reducing the harms of social media on elections is to work with social media platforms to bring about changes to the way they work, while simultaneously directing legislation and policy towards the behaviour and understanding of Victorian users. There are challenges in introducing legislation to force social media platforms to change, but legislation should be considered if other approaches fail. 80

**FINDING 24:** Victoria's Electoral Act was passed in 2002 before social media were a major component of elections and updates since then have been piecemeal. Given the important role that social media now play, it would be appropriate for a thorough review of the Act to ensure that it regulates social media clearly and appropriately. 81

**RECOMMENDATION 9:** That the Government thoroughly review the Electoral Act to examine whether all provisions that apply to social media are appropriate. This should include considering the provisions affecting electoral matter and the liability of social media platforms for content that they host. The review should make sure that:

- social media activity is specifically and unambiguously addressed (where appropriate) and
- the provisions are suitable and practicable for social media.

82

**FINDING 25:** Commonwealth law requires television and radio stations to observe a blackout period for election advertising ahead of an election. However, this does not apply to social media. The Commonwealth Parliament may wish to consider whether this inconsistency is appropriate.

83

**FINDING 26:** Social media is an increasingly important tool for campaigning in local government elections. Although the Committee has not investigated local government elections as part of this Inquiry, it may be helpful for the Local Government Act to be reviewed to ensure that social media activity is specifically and unambiguously addressed (where appropriate) and that the provisions are suitable and practicable for social media, as has been recommended for the Electoral Act.

83

## 5 Amplifying and marginalising messages

**FINDING 27:** Techniques such as fake accounts, bots, high-intensity accounts and gate-keeping can be used to amplify certain messages and marginalise other messages on social media. These techniques make it hard for users to identify the messages that are part of political campaigns. The techniques may have a number of negative impacts on social media discussions, including making users less sceptical about content they see and giving a false impression of what the community thinks. While it is clear that these techniques are being used in Victoria and Australia, the extent and their impact on Victorian elections are not clear.

87

**FINDING 28:** Numerous claims have been made about people in Victoria and Australia attempting to manipulate political discussion on social media by using false identities, by creating fake community groups and by using bots. While major social media platforms are taking action to reduce many of these activities, they are likely to remain an ongoing part of social media. Platforms need to keep working in this space. It is also important for users to be aware that this sort of activity can take place and the impact it has on what they see.

92

**RECOMMENDATION 10:** That the Government encourage social media platforms to take further actions to reduce the number of fake accounts.

92

**FINDING 29:** High-intensity accounts, which post large volumes of partisan political content, are able to influence the political debate in Victoria by promoting particular messages. Little is known about these accounts, including to what extent they are organic as opposed to paid or coordinated by political parties. Increased transparency about these accounts will help voters to understand and interpret what is happening on social media.

98

**FINDING 30:** Gate-keeping activities, in which social media users receive large volumes of negative interactions when expressing particular views, may prevent those views from being expressed online. This may reduce people’s engagement in political conversation, limit voters’ exposure to certain ideas and give a false impression of what the general community thinks. Parties and candidates should discourage people from gate-keeping. Social media users should be aware that this occurs and take it into account when interpreting what they see online.

101

## 6 Spreading inaccurate information

**FINDING 31:** ‘Fake news’ and other sorts of inaccurate information can spread quickly on social media and can be difficult to counteract. Inaccurate information can make it difficult for voters to determine which candidates will best represent their interests and has the potential to lead to disengagement with democratic processes. It can also mislead voters about election processes, potentially depriving people of their vote.

111

**FINDING 32:** A number of examples of inaccurate information circulating around Victorian and Australian elections have been identified. In some cases, parties and candidates played a role in spreading the inaccurate information.

111

**FINDING 33:** Inaccurate information on social media about candidates and electoral issues can make it difficult for voters to make properly informed choices. However, the Committee is cautious about legislation which limits what people can say, given the importance of free political communication in a democracy. Legislation prohibiting inaccurate or misleading information in South Australia is limited to only statements purporting to be facts in electoral advertising. This approach offers a way to reduce the impact of inaccurate information without unduly restricting freedom of political communication.

124

**FINDING 34:** To facilitate the enforcement of legislation prohibiting inaccurate information in electoral advertising, legislation should explicitly prohibit publishers (including social media platforms) from continuing to publish an electoral advertisement once a relevant authority has determined that the advertisement breaches Victorian electoral legislation.

124

**RECOMMENDATION 11:** That the Government introduce legislation making it illegal to publish statements in electoral advertising which purport to be facts but which are inaccurate. In drafting the legislation, the Government should:

- consider the South Australian legislation (or the alternative wording proposed during this Inquiry) as a model
- set penalties sufficient to act as a disincentive, even for well funded parties, candidates or groups
- include provisions making it illegal for a publisher (including a social media platform) to continue publishing an electoral advertisement once it has been determined by the relevant authority to contain inaccurate statements
- allow the organisation designated to determine whether or not an electoral advertisement contains inaccurate information to publish its finding, so that information about inaccurate statements can be put in the public domain even if the original advertisers or social media companies refuse to take action or are slow to take action.

124

**FINDING 35:** Content falsely claiming to be from the VEC, a party or a candidate may disrupt electoral processes or affect people's vote. This can be particularly easy to create on social media. Legislation prohibiting this may reduce the risk of it occurring and increase the likelihood of social media companies acting against accounts undertaking such actions.

126

**RECOMMENDATION 12:** That the Government introduce legislation prohibiting the publication of material falsely purporting to be from an electoral commission, a political party or an election candidate. The legislation should specify details of elements that may constitute a breach of the legislation (such as names, logos and images).

126

**FINDING 36:** The Victorian Electoral Commission and the Parliament's corporate social media accounts can play important roles as trustworthy sources of accurate information about elections. Their social media accounts can be used to build knowledge about the electoral system and respond to inaccurate information. To be most effective, the accounts need a strong following with high levels of user engagement.

128

**FINDING 37:** Independent fact checking can reduce the impact of inaccurate information by helping voters to know what is accurate, by assisting journalists to interrogate claims and by putting pressure on candidates not to make inaccurate statements. For fact checking to play an effective role, it must be clear that the fact checking work is reliable, independent and unbiased.

132



**RECOMMENDATION 13:** That the Government provide funding to support an appropriate organisation to conduct fact checking during election periods. Protocols should be established to ensure that the body undertaking the work operates independently of the Government and cannot be influenced by the Government. Details of these protocols and the funding should be made public.

132

**FINDING 38:** Traditional media play an important role as trusted sources of information for many Australians. They can combat inaccurate information by identifying it and by taking care not to spread it. Assistance to journalists through media literacy, transparency initiatives and independent fact-checking organisations may support traditional media to combat inaccurate information.

134

**FINDING 39:** It can be difficult for voters to find accurate information about candidates and parties. The VEC and others have proposed creating a website which brings together accurate information about different candidates, parties and their policies in one place. This has the potential to assist voters by reducing their reliance on less trustworthy sources of information and providing a source which can be used to fact check information they see. This would help voters to make more informed decisions.

137

**RECOMMENDATION 14:** That the Government explore options for funding an independent organisation to develop online resources bringing together trustworthy information about candidates, parties and their policies in an accessible way.

137

## 7

### Abuse, harassment and incivility

**FINDING 40:** Although politicians have always been subjected to abuse, social media provide new avenues for people to abuse politicians and may be making things worse. The Committee has seen evidence of Victorian politicians being abused through social media, including threats of ‘real-world’ violence. While all politicians receive abuse, women and minority groups appear to be particularly targeted.

149

**FINDING 41:** Victorian politicians sometimes contribute to abusive or inappropriate discourse on social media. This can be by using inappropriate language themselves or responding in kind to other social media users who use inappropriate language. This kind of behaviour from Victorian politicians contributes to the negative aspects of social media, both directly and through role modelling such behaviour.

152

**FINDING 42:** Abuse towards politicians can impact Victorian elections and democracy by discouraging political participation. This includes discouraging people from running for elected office, discouraging political conversation online and direct efforts to silence people. Women and minority groups can be particular targets of abuse and silencing efforts. 155

**FINDING 43:** Abuse on social media can lower the tone of political discourse, making it more difficult for people to engage in constructive discussion and debate. It can also discourage people from entering into political conversation online. 156

**FINDING 44:** Abuse towards journalists represents a threat to democratic elections. The media play an important role in ensuring that voters have the information they need to make informed votes. Abuse towards journalists can discourage this important work, and gendered abuse can discourage women from participating in political journalism. 158

**FINDING 45:** Legislation exists prohibiting various forms of abuse on social media. However, platforms can be slow or ineffective in their responses to particular instances of abuse on their services. Police may also lack knowledge and training to appropriately respond to social media abuse. 162

**FINDING 46:** The Commonwealth Parliament passed legislation in June 2021, the *Online Safety Act 2021*, which aims to address abuse towards adults, including politicians, on social media. It is too early to assess the effectiveness of this legislation. 162

**RECOMMENDATION 15:** That Victoria Police ensure officers are adequately trained in the law regarding abuse and threats through social media, including the legal avenues available to respond to such issues and changes to the law brought about by the Commonwealth *Online Safety Act 2021*. 162

**RECOMMENDATION 16:** That the Victorian Electoral Commission work with the eSafety Commissioner to establish protocols to assist candidates experiencing abuse online, so that complaints can be addressed by social media platforms and police (where appropriate) quickly and effectively. Details should be published on the VEC's website and distributed by the VEC to all candidates. 162

**RECOMMENDATION 17:** That the Government encourage social media platforms to improve their processes in relation to managing abusive content directed at election candidates, in line with the *Online Safety Act 2021* (Cth). This should include a streamlined process for candidates to lodge complaints with social media platforms through a dedicated hotline and mechanisms to respond to complaints in a timely and transparent manner.

163

## 8 Microtargeting

**FINDING 47:** There are exemptions in the Commonwealth Privacy Act and the Victorian Privacy and Data Protection Act around data collection and use by political parties and around information from public social media accounts. These exemptions reduce transparency requirements, possibly putting voter data at risk of misuse.

169

**RECOMMENDATION 18:** That the Government consider the evidence presented by the Victorian Information Commissioner to the Committee regarding exemptions in Victorian and Commonwealth privacy legislation, and whether changes would better protect the data of Victorians.

169

**FINDING 48:** The opaque nature of political microtargeting can lead to poor campaign behaviour such as spreading inaccurate information, inflaming existing societal tensions for political gain and sending contradictory messages to different sets of voters. It also makes it more difficult for the VEC to perform its regulatory work regarding authorisation statements. In addition, it can be hard for voters to properly interpret a message they see without understanding whom a message has been targeted at.

173

**FINDING 49:** Microtargeting segments the population by delivering information to specific audiences only. This removes the value gained through the public and political opponents offering rebuttals and differing viewpoints on electoral issues.

175

**FINDING 50:** Political microtargeting without appropriate transparency or educative responses can lead to reduced trust in our democratic systems.

176

**FINDING 51:** The harms that political microtargeting brings to elections are based on its opacity. The appropriate response is to increase the transparency of such political advertising.

176

**FINDING 52:** Several submitters to this Inquiry called for expenditure caps to limit the amount of money that candidates can spend on electoral advertising. This could reduce the negative impacts of microtargeting and provide a more level playing field for candidates. Expenditure caps will be considered as part of an independent review of parts of the Electoral Act that will take place after the 2022 election.

178

## 9 Improving social media platforms

**FINDING 53:** Social media platforms do not always respond appropriately when alerted to content on their platforms that contravenes Victorian or Australian law. The VEC's approach has been to build relationships with social media platforms to improve their responsiveness in such situations and it is continuing to do this. The Committee has also recommended some changes to legislation to specify platforms' responsibility to remove illegal content once they have been alerted to it, which may assist. The Government should seek further legislative solutions if these measures do not satisfactorily resolve matters.

183

**RECOMMENDATION 19:** That the Victorian Electoral Commission continue building relationships with social media platforms (and working with other commissions to build relationships) to facilitate platforms responding appropriately and quickly when asked to remove content that contravenes electoral law in Victoria. The VEC should report on any problems it encounters in getting cooperation from platforms in dealing with illegal content as part of its regular reporting mechanisms, with the aim of encouraging better cooperation and so that the Government can take further legislative action to compel platforms to cooperate if necessary.

183

**FINDING 54:** Facebook and Google have established publicly accessible online libraries for political advertisements which are run on their platforms. These provide important improvements in transparency. However, a number of limitations to these libraries have been noted. In addition, not all social media platforms that allow political advertising have established libraries.

186

**RECOMMENDATION 20:** That the Government encourage Facebook and Google to improve their political advertisement libraries to be comprehensive, to include detailed information about how each advertisement was targeted and to be designed in a way that meets the needs of political analysts, researchers and relevant government bodies. The Government should also encourage other social media platforms to establish publicly accessible political advertisement libraries that meet appropriate standards.

186

**FINDING 55:** Some platforms have introduced measures which add ‘friction’ to viewing or sharing content (such as warning labels for potentially misleading content or adding extra steps to sharing content). Friction has the potential to reduce some of the harms of social media (such as amplifying inaccurate, sensationalist content), without excessively limiting people’s freedom of political communication. However, it is important for platforms to be transparent about their policies and decisions to demonstrate that these measures are appropriate and are applied fairly. 189

**RECOMMENDATION 21:** That the Government encourage social media platforms to continue exploring options for adding friction to the viewing and sharing of electoral content as a way of reducing the negative impacts of social media on the electoral environment. The Government should also work with platforms to ensure that they are transparent about what measures are introduced, how they are applied and why these particular measures have been introduced. 189

**RECOMMENDATION 22:** That the Government encourage social media platforms to conduct a trial of measures adding friction to the viewing and sharing of electoral content during the 2022 Victorian election. Platforms should be transparent about these measures and should provide data access to researchers to enable them to evaluate the impacts of these measures. 189

**FINDING 56:** Several social media platforms, including Facebook and Twitter, have introduced new measures in recent years to address problems such as inaccurate information, inauthentic behaviour and abuse. While these changes are generally positive, the ability to intervene in what people see on social media and who can post gives social media platforms the power to influence election outcomes. It is therefore important to ensure that this power is used appropriately and transparently. 191

**RECOMMENDATION 23:** That the Government monitor social media platforms’ policies and actions in relation to electoral content to identify whether Government action is needed to protect Victoria’s electoral environment. This monitoring should include the contents of platforms’ policies, the fairness of their decisions in implementing the policies and the impact of their policies and decisions on the electoral environment. 191

**FINDING 57:** Some stakeholders have called for social media platforms to be designed with user safety in mind. The UK is currently considering a legislated ‘duty of care’ for platforms. The Commonwealth Government in Australia has also called for platforms to consider user safety as part of their design. 193

**FINDING 58:** Various efforts are currently being made by governments to work together with social media platforms to encourage improvements. Although there are limitations to what can be achieved in this way, this may be a helpful approach in combination with other measures. The Committee considers that this should be the Government's first approach to reducing the harm caused by social media platforms. Legislation to establish enforceable standards may be considered if platforms are unwilling to cooperate.

198

**RECOMMENDATION 24:** That the Government seek opportunities to provide input into platforms' policies by building ongoing relationships between government bodies and platforms, encouraging and influencing industry codes and working together with other jurisdictions to establish common expectations for platforms where appropriate.

198

## 10 Making social media more transparent

**FINDING 59:** Victorian legislation requires electoral advertisements, handbills, pamphlets and notices to contain information about who has authorised them. However, the legislation does not explicitly discuss social media and does not clearly differentiate between personal political opinion and campaign comment or advertising. It also lacks clarity about who is ultimately responsible for material on social media. As a result, it is not clear exactly what needs to be authorised and who must take action when unauthorised content on social media should be authorised.

203

**RECOMMENDATION 25:** That the Government amend the Electoral Act to specify that:

- the provisions about authorisation statements apply to social media (not just the internet in general)
- authorisation statements are required for paid content and candidate, party and campaign content on social media, but not personal political comments
- social media platforms have a legal liability to remove electoral content that does not fully comply with authorisation requirements on notification from a relevant authority.

203

**FINDING 60:** Victoria's current system allows authorisation statements to be too distant from relevant content and become easily decoupled through the content sharing that is intrinsic to social media. Incorporating authorisation statements into media through 'digital imprints' which are a permanent part of the content will help users to see the origin of content even if it is copied and reposted by other users.

205

**RECOMMENDATION 26:** That the Government introduce legislation to require authorisation statements for relevant electoral matter in the form of digital imprints embedded into the media wherever possible. **205**

**FINDING 61:** Knowing who has paid for an electoral advertisement can help voters to interpret the message appropriately. Electoral advertisements are not currently required to state who paid for the advertisement. **208**

**RECOMMENDATION 27:** That the Government introduce legislation to expand authorisation statements on electoral advertisements to include who paid for them (in addition to the currently required content). Platforms and publishers should be encouraged to set up systems to verify the identity of the people running political advertisements and to ensure that it matches the ‘paid for by’ statement on the advertisement. **208**

**FINDING 62:** The current lack of transparency about electoral material on social media can make it difficult for the VEC to monitor and enforce electoral law. Increasing the transparency of electoral matter on social media and who is behind it will assist the VEC in these roles. **209**

**FINDING 63:** Archives of electoral advertising can benefit Victorian elections by offering increased transparency around who is running electoral advertising on social media and other online spaces and what they are saying. Archives can also include contextual information such as who paid for political advertisements, how they were targeted and what their eventual reach was. In addition, archives can help regulators with enforcement by making it easier to find advertisements that may breach electoral law. **215**

**FINDING 64:** Although some social media platforms and online services have introduced their own advertising archives, a variety of concerns have been expressed about their completeness and usefulness. Rather than relying on social media platforms, elections would be better served by creating a new archive administered by the VEC. This archive would gather all online advertising by key players in Victorian elections in one place and make it accessible to everybody. The VEC is well placed to administer this archive, as it would be able to leverage its existing relationships with key political players through the political donation scheme. However, it is important that the VEC receive additional funding to ensure that this new responsibility does not impact on its ability to perform other functions. **215**

**RECOMMENDATION 28:** That the Government introduce legislation requiring individuals and groups who can receive political donations under Victoria’s political donation scheme to provide copies of all online advertisements to the Victorian Electoral Commission for inclusion in a publicly accessible advertising archive that is searchable, machine-readable and updated in a timely manner. Advertisers should also provide contextual information about each advertisement, such as who authorised and paid for the advertisement, the advertiser’s contact details, which groups were targeted by the advertisement, how many people saw the advertisement, which groups saw the advertisement and how much was spent on the advertisement.

215

**FINDING 65:** Analysis of social media activity gave the Committee a valuable broader view of what forces were shaping the social media environment and narratives around the 2018 Victorian election. Victorian voters, candidates and journalists would benefit from similar information being provided in real time during an election. In addition, analysis that exposes poor behaviour on social media may act as a deterrent against such activities.

218

**RECOMMENDATION 29:** That the Government fund a suitably qualified organisation to analyse and report on social media activity during the 2022 Victorian election campaign and subsequent election campaigns. Preliminary findings should be publicly available in real-time during the election period so that voters have a clearer idea about what forces shape the social media environment and narratives around Victorian elections, including the way people and organisations are campaigning.

This work should analyse, bring to light and report on:

- advertising by political parties, candidates and other politically active groups
- coordinated campaigns to promote political messages
- high-intensity accounts and their impact on political discussion
- the use of bots and fake accounts
- other activities intended to manipulate what political messages social media users see.

The Government should take lessons from similar work done in Queensland and Europe as described in this report, particularly with regards to working with platforms to ensure that analysts have access to data and partnering with local journalists.

219

**FINDING 66:** Social media platforms make decisions regarding content that may impact on elections, both in the way that they design algorithms and through staff members’ assessments about content breaking the rules. These decisions are not transparent enough. This makes it difficult for the community and government to assess whether platforms are acting appropriately and how their decisions are impacting on elections.

222



**FINDING 67:** Researchers need access to content and data on social media platforms to investigate social media platforms' content decisions and their impact, to analyse how people are using social media during election periods, to better understand the impact of social media on elections and to evaluate government policies. The level of access currently provided by social media platforms and the way that data are provided limit researchers' ability to undertake these tasks.

223

**RECOMMENDATION 30:** That the Government establish an Electoral Transparency Working Group, with representatives from the Victorian Electoral Commission, academia, social media platforms and other relevant stakeholders. The Group should:

- work to establish what transparency obligations Victorian society expects of social media platforms regarding election-related content on their services (including what should be reported about content decisions made by platforms)
- establish procedures for social media platforms to provide data access to researchers in an appropriate format that allows researchers to analyse platforms' content decisions and their impact on elections
- establish procedures for social media platforms to provide data access to researchers in an appropriate format that allows researchers to analyse how people and groups are campaigning and influencing the social media environment around elections.

225

## 11

## Improving people's understanding of social media and encouraging good behaviour

**FINDING 68:** Electoral commissions in other Australian jurisdictions have run election-specific media literacy campaigns that encourage people to consider the source of electoral information they encounter. Such campaigns can form part of an effective response to harms posed by social media to elections.

230

**RECOMMENDATION 31:** That the Victorian Electoral Commission run election-specific media literacy campaigns similar to the Australian Electoral Commission's 'Stop and consider' campaign at future elections.

230

**FINDING 69:** Social media literacy programs and general media literacy programs can help Victorians gain the skills necessary to understand and interpret information that comes through social media. This can reduce the harm caused to elections by inaccurate information, by not being exposed to a full range of viewpoints and by people manipulating the social media environment. Social media literacy programs can also discourage people from spreading inaccurate information and from behaving in ways that encourage inappropriate behaviour.

234

**RECOMMENDATION 32:** That the Government fund social media literacy programs and general media literacy programs for Victorians. This should include programs aimed at the community in general, and more targeted programs for school students and teachers, journalists and electoral candidates. Programs should include helping people to understand:

- how social media platforms work and how they can be manipulated
- how the content that a user sees is influenced by the design of platforms and the strategies adopted by other users
- how the viewpoints that a user encounters on social media may not represent the diversity of the broader community
- the potential consequences of their actions on social media and how not to do things that spread inaccurate information or encourage inappropriate behaviour.

234

**FINDING 70:** Politicians, candidates and political parties play a leadership role on social media. The behaviour they demonstrate can influence what others in the Victorian community see as acceptable. Politicians, candidates and parties therefore have a responsibility to model positive social media behaviour.

239

**RECOMMENDATION 33:** That Victorian political parties work together to develop a code of conduct regarding social media behaviour to contribute to the health of Victorian elections. This code should establish standards aimed at committing to appropriate campaign practices and avoiding a variety of harmful activities, including spreading inaccurate information, abusive behaviour and inappropriate political advertising. Other participants in elections should be encouraged to adhere to the same standards.

239

## 1.1 Social media and elections

In March 2020, the Parliament of Victoria asked this Committee to conduct an inquiry looking at social media and elections. The Committee was asked to investigate the impact of social media on Victorian elections and on Victoria's electoral administration (see page x of this report for the full terms of reference).

This is not the first time that this Committee has looked at these matters. In 2014, the Committee undertook a similar inquiry and released a discussion paper. At that time, the Committee chose not to make any recommendations. However, the Committee noted the need to continue monitoring the issues, stating:

the Committee is conscious of the rapid pace of change in internet technology. It is likely that social media will play an increasingly important role in Victoria's election campaigns, and feature prominently in efforts by the VEC [Victorian Electoral Commission] to promote elections.<sup>1</sup>

As predicted, social media have become a much larger part of elections since 2014. Through the current Inquiry, the Committee has found that social media are having both positive and negative impacts on the electoral environment. The Committee considers that it is now appropriate for the Parliament and Government to take action to reduce the negative impacts.

This is an area where intervention is complex. Freedom of speech is an important part of a democracy and interventions in what can be said online, if they are inappropriately designed, may stifle democratic debate. However, freedom of speech comes with a duty to use that freedom responsibly and to not unduly harm other people or democratic processes. In developing its recommendations, the Committee has had to balance the competing rights and duties associated with speech.

Ultimately, the Committee has recommended a multi-faceted strategy consisting of multiple targeted interventions. The recommended suite of measures are designed to reduce various harms to the democratic environment without unduly restricting freedom of speech.

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<sup>1</sup> Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration: discussion paper*, September 2014, p. 16.

## 1.2 Structure of the report

Chapter 2 of this report outlines the multi-faceted strategy recommended by the Committee. It also outlines the key considerations which underpinned this strategy.

The Committee's findings and recommended actions are set out in more detail in the subsequent chapters.

Chapter 3 explores some of the benefits of social media for elections. These are things that the Committee would like to see preserved and enhanced.

Chapters 4–8 consider the negative impacts of social media on elections. Chapter 4 identifies problems which come from the way that social media platforms are structured. Chapter 5 considers how people manipulate social media to amplify or marginalise particular messages. Chapter 6 looks at how inaccurate information is spread. Chapter 7 examines the problems of abuse, harassment and incivility. Chapter 8 looks at the effects of microtargeting.

These chapters include recommendations for interventions intended to address specific problems. However, many of the problems of social media are interconnected. Chapters 9–11 consider interventions which can address multiple problems.

Chapter 9 looks at ways to improve the design and operation of social media platforms. Chapter 10 considers ways to make social media more transparent, to make it clear what platforms are doing, how people are using social media to influence elections and how these actions affect what users see. Chapter 11 looks at ways to improve people's understanding of how social media work and to encourage users (especially parties and candidates) to avoid negative behaviours.

Appendix A outlines the process followed by the Committee in conducting this Inquiry, including who contributed written submissions and who attended public hearings with the Committee.

Appendix B provides details of the Committee's analysis of the use of Facebook and Twitter during the 2018 Victorian state election (and over a four-year period for electoral commissions), along with other social media analyses undertaken for this Inquiry.

## 1.3 Foreign interference

An important concern raised during this Inquiry is that foreign nations, companies and groups can use social media to influence elections. This risk is discussed in Section 4.3.5 of this report, along with some of the evidence for foreign attempts to influence Australian elections.

The Committee recognises that this is a serious concern. However, the Committee has not investigated this issue in depth nor made recommendations on this issue

as part of this Inquiry. Foreign interference through social media is better managed at a national level than a state level and work is currently being done on this matter at the Commonwealth level. In particular, the Committee notes the Commonwealth Parliament's Select Committee on Foreign Interference through Social Media. That committee is currently conducting an inquiry into 'the risk posed to Australia's democracy by foreign interference through social media'.<sup>2</sup>

That committee is better placed to make recommendations on this matter.

## 1.4 The Inquiry process

In conducting this Inquiry, the Committee:

- received written submissions from 126 individuals and organisations, including 56 responses to the Committee's online questionnaire
- conducted 24 public hearings with the Victorian Electoral Commission, Victorian political parties and candidates, Australian and international experts, Facebook and other stakeholders
- wrote to Twitter seeking written responses to various questions
- commissioned analyses of social media use at the 2018 Victorian state election and conducted its own data analyses
- considered a variety of published research and findings.

Further details about the Inquiry process can be found in Appendix A.

The Committee acknowledges and thanks the large number of people who provided input to this Inquiry. The information and experiences that they shared have been critical in helping the Committee to understand the issues and what needs to be done.

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<sup>2</sup> Parliament of Australia, *Foreign Interference through social media*, <[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Foreign\\_Interference\\_through\\_Social\\_Media/ForeignInterference](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Interference_through_Social_Media/ForeignInterference)> accessed 3 June 2021.



# 2 Strengthening the electoral environment: a suite of measures

## 2.1 Introduction

Social media are today an integral part of many people's lives. A recent survey of Australians found that 79% of respondents access social media every day, with 30% of respondents using social media to 'get information on news and current events'.<sup>1</sup> At election time, social media play a number of important roles. Political parties and candidates publicise their platforms and interact with voters through social media. Individuals and community groups debate political issues on social media. Voters access news through social media. Electoral commissions use social media to communicate details about voting and to respond to questions from the community.

Although social media platforms are created and run by private organisations, they have become shared, public spaces. Most major platforms are open to anyone and they provide spaces in which people can interact in a variety of ways. These interactions include personal connections, commerce and the exchange of ideas. They can also include swindling, antisocial behaviour and abuse.

As with physical public spaces, it is important to ensure that social media are safe spaces for individuals and are not being used in ways that harm the community as a whole. This is a role for government, as the business incentives which drive social media companies are sometimes in conflict with actions that would prevent harms.

Despite the increased importance of social media in recent years, few changes have been made to Victorian legislation or government programs to adapt to the impact of social media on elections. The Committee considers that a number of actions are now necessary to ensure that Victoria's democracy remains robust.

The Committee proposes a multi-faceted approach, in which a variety of measures tackle various problems in different ways.

This approach is set out at a high level in Section 2.2 of this chapter, with further details presented throughout the report.

The key considerations that informed this approach are set out in Section 2.3.

Section 2.4 notes that the topics of this Inquiry need to be regularly reconsidered. As social media platforms change and as people develop new strategies for electoral campaigning on social media, it will be important to examine whether legislation

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<sup>1</sup> Yellow, *Yellow social media report 2020—part 1: consumers*, Melbourne, 2020, pp. 12, 16.

and government programs are still appropriate and whether there is a need for new interventions.

## 2.2 A multi-faceted approach to reduce the harms of social media on elections

The Committee proposes a suite of actions aimed at:

- increasing the transparency of how political parties, candidates and others are trying to influence voters through social media
- making certain deliberate acts of deception illegal
- increasing people's understanding of how social media work and how social media can be manipulated ('social media literacy')
- helping people to identify inaccurate information and find accurate information
- encouraging parties and candidates to lead by example in their online behaviour
- working with social media platforms, encouraging them to do more to reduce harms to users and to take action when users breach the law
- reviewing electoral legislation so that it specifically and appropriately addresses social media.

This suite of measures is intended to address the major negative impacts of social media on elections. These include the spread of inaccurate information, harassment of candidates, people manipulating what others see, the amplification of particular types of content and different voters being exposed to different viewpoints or information.

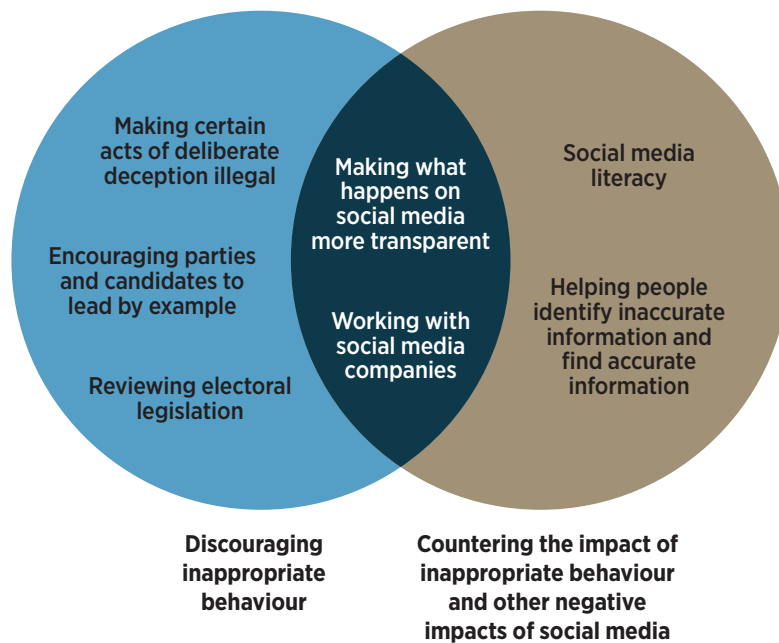
The proposed actions tackle these problems by discouraging inappropriate behaviour and/or countering the effects of inappropriate behaviour and other negative aspects of social media, as set out in Figure 2.1.

The Committee recognises that each of the recommended actions will only have limited effectiveness in tackling the problems of social media. This is deliberate. As explained in Section 2.3.4, more restrictive measures on what people can say and do on social media have the potential to limit people's freedom of expression. In order to minimise this risk, each of the Committee's recommendations is limited in scope.

However, by recommending a suite of targeted measures, the problems of social media can be tackled in a variety of ways. This can compensate for the limitations of each measure. By addressing multiple groups (social media platforms, candidates, parties, voters, the electoral commission, researchers and journalists) through the suite of measures, the Committee's approach also recognises the complex processes and relationships in the electoral environment.



Figure 2.1 The Committee's proposed multi-faceted approach



Source: Electoral Matters Committee.

Similar sorts of multi-faceted approaches have been adopted in other jurisdictions. For example, Associate Professor Yasmin Dawood from the University of Toronto explained to the Committee, in reference to Canada's programs:

Removing all disinformation from social media in my view would be far too costly to free speech. So the idea then is to deploy several measures, each of which is flawed ... but it is the combined and interactive effects of a multifaceted approach which provides help for protections against some—not all, but some—of the harms of disinformation while still protecting freedom of speech.<sup>2</sup>

The Victorian Electoral Commission (VEC) has also suggested this sort of approach, calling for 'a number of regulatory and non-regulatory approaches to ensure a comprehensive multi-faceted response to those threats and strengthen democracy locally.'<sup>3</sup>

With these considerations in mind, the Committee recommends that the Parliament and the Government consider the actions proposed in this report as a suite and not just individually.

<sup>2</sup> Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, public hearing, Melbourne, 12 March 2021, *Transcript of evidence*, p. 9; see also Yasmin Dawood, 'Protecting elections from disinformation: a multifaceted public-private approach to social media and democratic speech', *Ohio State Technology Law Journal*, vol. 16, no. 2, 2020 (=Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, *Submission 7*), p. 668.

<sup>3</sup> Victorian Electoral Commission, *Submission 77*, p. 12.

**FINDING 1:** The best way to address the harms of social media on elections is through a suite of measures aimed at responding to problems in multiple ways. This approach enables problems to be managed with minimal impact on people’s freedom of speech.

**RECOMMENDATION 1:** That, in addressing the negative impacts of social media on elections, the Government adopt a multi-faceted approach which addresses problems through a suite of measures designed to tackle problems in multiple ways.

## 2.2.1 Making what happens on social media more transparent

**‘The “informed voter” is a critical ingredient of the election process. A regulatory framework should promote a public arena that has a diverse array of information and views. It should also seek to empower voters to understand how their digital public arena is shaped.’<sup>4</sup>**

The Committee considers that increasing the transparency of what happens on social media will provide several benefits. Increased transparency will allow social media users to better understand what is happening and more accurately interpret what they see. Transparency will also help authorities to act when laws are breached, assist journalists to report on candidates’ behaviour, facilitate research and give future policy makers a better understanding of where interventions may be necessary.

Transparency can also provide a disincentive for inappropriate behaviour. It is a particularly valuable tool because it provides that disincentive without restricting people’s ability to act in appropriate ways.

The key transparency measures recommended by the Committee are:

- disclosing the source of funding for electoral advertising (see Section 10.2)
- requiring advertising to include ‘digital imprints’ where practicable (see Section 10.2)
- establishing an archive of social media advertising (see Section 10.3)
- publishing real-time analyses of social media activity at election time (see Section 10.4)
- improving access to data for researchers (see Section 10.5) and supporting additional research to understand the impact of social media on elections in Victoria (see Section 4.4.1).

<sup>4</sup> Amy Chinnappa, ‘Examining digital campaigning through the normative framework underpinning election law—the rationale and challenges of regulation’, *Public Law Review*, vol. 31, no. 3, 2020, p. 300.

## 2.2.2 Making certain acts of deliberate deception illegal

The Committee is generally reluctant to introduce laws which restrict what people can say online (see further discussion in Section 2.3.4). However, the Committee considers that certain acts of deliberate deceit hurt democracy and should not be tolerated. Specifically, the Committee recommends introducing laws preventing:

- knowingly including inaccurate factual information in election advertising (see Section 6.3.3)
- publishing material falsely appearing to be from the VEC or a VEC staff member (see Section 6.3.4)
- publishing material falsely appearing to be from another candidate or party (see Section 6.3.4).

## 2.2.3 Social media literacy

Social media are relatively new and strategies to manipulate them are constantly evolving. The Committee recognises that many people are already sceptical about information on social media (see Section 6.2.1). However, the Committee is concerned that not all users understand how much what they see is manipulated or how they may be contributing to harms on social media. As a result, the Committee recommends social media literacy programs (see Section 11.2) as a way to improve the online environment and to help Victorians make sense of what they encounter on social media.

## 2.2.4 Helping people identify inaccurate information and find accurate information

It can be difficult for social media users to know what is accurate and what is not at election time. The Committee recommends supporting independent fact checking (see Section 6.4.2) as one way to help users. Fact checking can also help journalists, who can play an important role in helping voters to understand what is accurate (see Section 6.4.3).

Some social media platforms have introduced various measures to label inaccurate information and reduce its spread. The Committee considers that governments should have a role working with platforms on this, to encourage them to take measures and adopt policies which are transparent and appropriate (see Section 2.2.6).

The Committee also recommends making accurate information easier to find by:

- continuing to grow the VEC's presence on social media and its status as a trusted source of information (see Section 3.6)
- establishing an online source for reliable information about election candidates (see Section 6.4.4).

### 2.2.5 Encouraging parties and candidates to lead by example

The Committee found that the official social media accounts of political parties and their leaders were mostly used in positive ways at election time to discuss election issues and to share the experiences of real-world campaigning (see Section 3.3). However, some candidates and members of Parliament have engaged in negative behaviour online, such as spreading inaccurate information (see Section 6.2.3), making uncivil comments (see Section 7.3.3) and creating fake accounts (see Section 5.3.1). When politicians engage in these sorts of behaviour, it may encourage other social media users to do so. It may also undermine the standing of politicians and democratic processes in the public's view. The Committee recommends that parties, candidates and members of Parliament commit to avoiding negative behaviour on social media as a way of modelling good behaviour online (see Section 11.3).

### 2.2.6 Working with social media companies

Ultimately, social media companies have more capacity to improve the social media environment than anybody else. The Committee notes that platforms have undertaken multiple actions in recent years to reduce harms (see Section 9.3). The Committee encourages platforms to make further efforts in this area.

The Committee believes that the Government should be part of an ongoing conversation with social media companies about these changes and future changes. This is already happening in some areas and the Committee would like to see governments look for further opportunities to work with social media companies to protect electoral processes (see Section 9.5).

The Committee particularly encourages the Government to work with platforms to:

- encourage further actions to reduce the number of fake accounts (see Section 5.3.2)
- improve processes for responding to abuse (see Section 7.5)
- facilitate quick and appropriate responses to illegal posts (see Section 9.2)
- improve their advertisements libraries (see Section 9.3.1)
- encourage the use of measures adding 'friction' to viewing and sharing posts in order to slow the spread of inaccurate, sensationalist content (see Section 9.3.3)
- encourage platforms to verify the identity of individuals and groups running political advertisements (see Section 10.2.3)
- improve researchers' ability to access information (see Sections 10.4 and 10.5)
- encourage more transparency around the interventions platforms are making to affect what is said and done on social media (see Section 10.5).

## 2.2.7 Reviewing electoral legislation

The current Electoral Act was passed in 2002, before social media were a significant part of election campaigning and political discussion. A number of amendments have been made to the Act since then. However, the Act has not been comprehensively reviewed to ensure that the provisions are appropriate for social media. The Committee has recommended some specific changes in relation to authorising electoral matter in Section 10.2. In addition, the Committee recommends a general review of the Act to ensure that social media activity is specifically addressed in legislation with appropriate provisions (see Section 4.6).

## 2.3 Key considerations underpinning the Committee's recommendations

The Committee's approach has been shaped by four key ideas:

- there are aspects of social media which provide benefits to the electoral environment and aspects which are harmful—the Committee's recommendations try to address the harms while preserving the benefits
- a healthy electoral system should be inclusive, the administration should be trustworthy and transparent, and the election should be competitive—any changes to social media should enhance these qualities and not diminish them
- most of the problems identified with social media are not new—inappropriate behaviour has been a part of elections for a long time, though social media provide new ways to do things and people may not be aware of the ways that social media are manipulated and used to influence elections
- freedom of political expression is an essential part of democracy—government actions should only limit people's freedom of political expression when it is necessary to prevent serious disruption to the democratic system.

These considerations have emerged from the Committee's research on this topic and from its understanding of general electoral issues. They have played a major role in shaping the recommendations throughout this report.

### 2.3.1 Social media are both beneficial and harmful

**'social media allows for new and accessible forms of speech, persuasion and association, which is great for democracy, but social media at the same time also gives rise to a host of ills, including disinformation, polarisation, echo chambers, extremism, radicalisation and so on. This, over the long haul, undermines the health of democracy.'**<sup>5</sup>

<sup>5</sup> Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, public hearing, Melbourne, 12 March 2021, *Transcript of evidence*, pp. 8–9.

There is a range of views about the impact of social media on elections. Some people emphasise the positive aspects, seeing social media as a valuable space for political discussion and electoral engagement. Others emphasise negative impacts and are concerned that social media may undermine the basis of democracy.

The Committee believes that there are elements of truth in both views—social media have both positive and negative impacts on the electoral environment. While it is important to take action to address the harms of social media, it is also important to preserve the positive aspects.

One of the challenges of this is that the good and bad impacts of social media often come from the same things. That is:

- the freedom to post on social media without being moderated enables people who otherwise might not have a public voice to publish their opinion but also allows people to say things that are inaccurate or uncivil
- the ability to connect with like-minded people allows people to discuss issues relevant to them but may also lead to echo chamber effects and polarisation
- the fact that people can interact with people in other countries opens up people to new ideas and perspectives but also allows foreign influence on Victorian politics
- microtargeting allows candidates to reach the appropriate audience for an issue and reduces advertising costs but also makes it hard for candidates to know (and respond to) what other candidates are saying and makes it difficult for regulators to enforce advertising rules.

As a result, the Committee has had to be cautious in making its recommendations, so that interventions which address the negative aspects of social media do not diminish the benefits.

**FINDING 2:** Social media provide both benefits and harms to the electoral environment. Any efforts to regulate social media should seek to address the harms while preserving the benefits.

### 2.3.2 Characteristics of a healthy electoral system

**‘[Elections] provide citizens with the means to discuss, debate, and educate themselves about key issues of governance, making free and open competition and political campaigning as important as the act of voting itself.’<sup>6</sup>**

In its report on the 2018 Victorian state election, the Committee identified three important qualities that are particularly relevant to assessing elections in Victoria:

- inclusiveness—that is, all eligible Victorians should have the chance to participate

<sup>6</sup> Global Commission on Elections, Democracy and Security, *Deepening democracy: a strategy for improving the integrity of elections worldwide*, International Institute for Democracy and Electoral Assistance and Kofi Annan Foundation, Stockholm and Geneva, 2012, p. 13.

- trustworthiness and transparency—that is, people should be able trust the administration of the election and the results
- competitiveness—that is, all candidates should have a fair chance to be elected and voters should be able to make an informed choice.<sup>7</sup>

These qualities have served as a guide for the Committee in this Inquiry. Where activity on social media negatively impacts on any of these qualities, it may be appropriate for the Parliament or Government to take action.

Most of the problems identified in relation to social media relate to competitiveness. In particular, inaccurate information on social media and efforts to manipulate what people see on social media can make it harder for some candidates to compete compared to others. These actions can also make it harder for voters to make informed decisions about which candidates will best represent their interests.

The qualities set out above have also acted as a guide to the limits of any actions recommended by the Committee. Any regulation of what can be said or done on social media should not negatively impact those qualities. In particular, the Committee notes that social media can make elections more inclusive and competitive by facilitating community discussion of electoral issues and by making it easier for some voters to engage with the election. The Committee has been very conscious to not recommend actions that will reduce these benefits of social media.

**FINDING 3:** In considering recommendations in relation to social media, the Committee has been mindful to protect the inclusiveness, trustworthiness, transparency and competitiveness of electoral processes in Victoria.

### 2.3.3 **Most of the problems identified with social media and elections are not new, but people may be less aware of how social media are used to influence elections**

Some of the problems identified through this Inquiry are new issues related to the way that social media platforms are designed. However, most of the problems are not new—they are simply continuations of problematic practices that have been part of elections for a long time. For example, before social media:

- inaccurate information about candidates was spread through printed pamphlets and word of mouth
- politicians and candidates received anonymous abuse and harassment by post
- voters were exposed to different information and perspectives depending on which newspapers, radio shows or television programs they consumed

<sup>7</sup> Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 2–3.

- countries attempted to influence elections in other countries through radio propaganda, financial support for certain candidates, coups d'état and many other ways.

However, social media have created new ways for these practices to take place. Social media also enable some of these things to be done more easily, on a larger scale or less transparently than previously. In addition, as social media are relatively new, people may be less aware when these things are done on social media and less sceptical about what they see.

As a result, there is a need for new interventions that respond to the changes brought about by social media. Given that most of the problems are not new, though, the primary focus needs to be on helping people to see what other people are doing on social media and making them aware of how social media work. The Committee's recommendations therefore have a strong focus on increasing transparency and improving social media literacy.

**FINDING 4:** Most of the inappropriate behaviour seen on social media is a continuation of behaviour that predates social media. However, social media provide new ways for people to do things and users are not always aware of the ways that social media are being used to influence elections. It is therefore important to increase the transparency of what is occurring and to develop people's social media literacy.

### 2.3.4 Protecting freedom of expression

**'this is the central dilemma, I think, in regulating social media—is to try to deal with the negative effects without preventing the discussion, dialogue and debate that are so crucial for democracy.'**<sup>8</sup>

Freedom of expression is a vital part of a healthy democracy. Where freedom of expression is limited, candidates who are unable to express their policy platforms are disadvantaged and voters are unable to make fully informed choices.

Many people see social media as a very important space for political communication. Social media are a major source of news for many people. Several people responding to the Committee's questionnaire considered social media particularly important because they could access information on social media that is not published by traditional media. Social media also give candidates and parties a platform which they can use to promote themselves and to interact with voters. This can be especially important for candidates and parties that are less able to afford advertising on traditional media (see Section 3.5).

<sup>8</sup> Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, public hearing, Melbourne, 12 March 2021, *Transcript of evidence*, p. 9.



Throughout this Inquiry, the Committee has been conscious of the importance of freedom of expression. The Committee recognises that any interventions which limit people's ability to behave inappropriately on social media may also limit people's ability to express other ideas. This was also a major concern for many people providing submissions to this Inquiry.

**'we have never had unfettered freedom of speech in a democracy that adheres to the Westminster system. It is about balancing responsible speech without government overreach ...'**<sup>9</sup>

In terms of legislation, the High Court of Australia has found that the Australian Constitution contains an implied freedom of political communication. This implied freedom does not prevent laws which limit political communication. Indeed, a number of laws already exist which prohibit some types of speech on social media (such as harassment, racial vilification and defamation). However, the implied freedom of communication means that any laws limiting this freedom must be carefully weighed against the value of free political communication.<sup>10</sup>

The question for the Committee is therefore not a simple 'Should speech be free on social media or not?' Rather, the Committee must consider the questions: 'How much restriction should be placed on speech?' and 'What sorts of restrictions on speech are appropriate?' For this report, the Committee has adopted a principle of only recommending legislation to restrict speech when the speech has the potential to seriously disrupt the democratic system.

As a result, the Committee has only recommended new legislation restricting speech in relation to blatant acts of deliberate deception (see Sections 6.3.3–6.3.4). The Committee considers that these acts have the potential to harm democracy by either misleading voters about who will best represent their interests or by preventing voters from casting their ballots.

For other actions which may have a negative impact on elections, the Committee has recommended increasing transparency. Transparency gives people the opportunity to see what is happening and to respond accordingly. This may include choosing not to vote for parties or candidates that behave inappropriately online. However, transparency measures do not stop people from saying what they want and do not prevent people being exposed to different perspectives. In this regard, the Committee considers that transparency measures are an appropriate balance of intervention without limiting freedom of communication.

<sup>9</sup> Andrea Carson, Associate Professor, Department of Politics, Media and Philosophy, La Trobe University, public hearing, Melbourne, 15 June 2021, *Transcript of evidence*, p. 4.

<sup>10</sup> Bruce Baer Arnold, Assistant Professor, University of Canberra, *Submission 110*, p. 4.

**FINDING 5:** Given the importance of free political communication in a democracy, the Committee considers that legislation should only restrict what people can say on social media in very limited circumstances. For this Inquiry, the Committee has only recommended restricting types of speech which may cause serious disruption to the democratic system. Other types of inappropriate behaviour are better managed through transparency. Transparency measures provide voters with the ability to see what is happening and respond as they see fit, but do not prevent people from expressing themselves.

## 2.4 Keeping up to date with rapidly changing social media

**‘Democratic institutions around the world are struggling to keep pace with the constant growth and pervasiveness of digital technology. Its pace, by design, outstrips the agility of any parliament. While our institutions struggle with finding the right form for regulation, social media’s role in elections is constantly growing and evolving.’<sup>11</sup>**

Social media are constantly changing as new technologies are developed and new platforms are created. The ways that people use social media are also constantly changing, including the strategies used to manipulate people on social media.<sup>12</sup> As a result, it is important for there to be regular reviews of legislation and government programs relating to social media to ensure that they remain effective and appropriate.

The VEC recommended that:

the government continue to maintain an open dialogue on this issue [social media and elections] in recognition that it is a fast-evolving space, and that it will require a holistic approach, likely in partnership with Federal and other State governments, to properly and comprehensively address the multitudinous issues that intersect with social media and elections.<sup>13</sup>

The transparency measures set out in Chapter 10 should assist with this by making it easier to see emerging issues.

The information made available through these transparency measures will also help researchers to better understand how social media impact on elections. The results of this research can inform future policy makers and help them to identify emerging problems, as well as existing problems which need additional responses. To facilitate this, the Committee has recommended government support for research into the impact of social media on Victorian elections (see Section 4.4.1).

<sup>11</sup> newDemocracy Foundation, *Submission 43*, p. 1.

<sup>12</sup> Potential technology that may cause problems in the future includes deep fakes (Carlo Kopp, Lecturer, Department of Data Sciences and AI, Monash University, *Submission 79*, p. 8; The Australia Institute, *Submission 122*, p. 16) and the potential for artificial intelligence generated accounts to skilfully impersonate community members to spread targeted messages to different groups with little human input (Office of the Victoria Information Commissioner, *Submission 89*, p. 4).

<sup>13</sup> Victorian Electoral Commission, *Submission 77*, p. 29.

The Committee also notes that a number of legislative changes affecting social media have recently been introduced or are under consideration at the Commonwealth level. These may change the way that social media impact on elections or how the Parliament and Government should respond. It may be necessary for some matters to be reconsidered as a result of these developments.

Given all of these potential changes, it will be important for the Parliament and the Electoral Matters Committee to regularly revisit the issues considered in this Inquiry. Among other things, considering the way that people use social media should be a standard part of future Electoral Matters Committee inquiries into the conduct of elections. As with other behaviour at election time, it is important for behaviour on social media to be regularly examined to identify any issues which need to be addressed.

**FINDING 6:** Social media and the ways that people use social media are constantly changing. As a result, there is a need to continually monitor how social media are affecting elections. Legislation and other programs aimed at reducing problems on social media should be regularly reviewed to ensure that they remain appropriate and effective.

**RECOMMENDATION 2:** That the Parliament and future Electoral Matters Committees regularly reconsider the issues raised in this Inquiry to take into account changes in the way people use social media, changes to social media platforms, improvements in our understanding of the impact of social media on elections and changes to the regulatory environment.



# 3

## The benefits of social media for elections

### 3.1 Introduction

Social media are not the first technologies to have an impact on society, democracy and elections. From the printing press through to television and the early internet, technologies have regularly changed the way human societies operate. Much like these earlier innovations, social media have various impacts—both good and bad.

The Committee heard a lot about negative impacts of social media through this Inquiry. Issues such as the spread of inaccurate information, abuse and fake accounts were noted multiple times. These are genuine concerns and are discussed, along with other negative aspects of social media, in Chapters 4–8. However, most discussion on social media is civil and positive (see Section 3.2). Social media can also be a beneficial new way for voters to engage in democratic processes.

This chapter examines the various benefits that social media bring to elections and democracy. The Committee believes that it is important to record these benefits to present a balanced view and to identify those aspects of social media which it is important to preserve and enhance.<sup>1</sup>

This Inquiry is not the first to recognise the positive aspects of social media for elections, democracy and society in general.<sup>2</sup> Elections Canada outlined some of these benefits in a 2020 discussion paper:

Social media and digital platforms have also become a central component of our electoral environment. They are considered valuable tools in reaching Canadians, efficiently and inexpensively, and are credited with spurring people to participate in elections in many ways, whether by updating their voter registration, donating to a political party or cause, or accessing information about political options and when, where and ways to vote.<sup>3</sup>

<sup>1</sup> The Committee also notes some features of social media have both positive and negative impacts on elections (see Section 2.3.1).

<sup>2</sup> Parliament of Australia, Joint Standing Committee on Electoral Matters, *Interim report on all aspects of the conduct of the 2019 federal election and matters related thereto: delegation to the International Grand Committee, Dublin, Ireland*, February 2020, p. v; OECD, *Innovative citizen participation and new democratic institutions: catching the deliberative wave*, OECD Publishing, Paris, 2020, p. 24; Parliament of Australia, Joint Standing Committee on Electoral Matters, *Report on the conduct of the 2016 federal election and matters related thereto*, November 2018, p. 157; LSE Truth, Trust & Technology Commission, *Tackling the information crisis: a policy framework for media system resilience*, London, n.d., p. 31; Parliament of the United Kingdom, House of Lords Select Committee on Democracy and Digital Technologies, *Digital technology and the resurrection of trust*, June 2020, p. 9; United Kingdom Government, *Online harms white paper*, 2019, p. 11.

<sup>3</sup> Elections Canada, *Political communications in the digital age: discussion paper 2: the impact of social media platforms in elections*, Gatineau, 2020, p. 5.

One of the key benefits of social media is that candidates and voters can connect directly with each other (see Section 3.3). This can help voters to identify which candidates are most likely to represent their interests and to make informed choices when they vote. The Committee's analysis of parties' and party leaders' use of social media shows that many are using social media and that they are largely using it to better inform the electorate.

The fact that information is easy to publish and easy to access on social media allows more Victorians from a wider variety of communities to participate in electoral and political discussion. It also allows Victorians to access more information, more easily, leading to better-informed voters (see Section 3.4).

In addition, social media make Victorian elections more competitive. Section 3.5 discusses how the relatively low cost of spreading messages via social media contributes to a more open playing field for candidates and campaigns, and thus a greater variety of political perspectives in Victorian elections.

This chapter also considers how the Victorian Electoral Commission (VEC) and the Parliament of Victoria use social media to provide authoritative electoral information for Victorians (see Section 3.6). This is a particularly important role, given the scope for inaccurate information to circulate on social media. The Committee has therefore made several recommendations to enhance these bodies' presence online as trustworthy sources of information.

## 3.2 Victoria's social media environment around elections has problems, but is largely positive

The Committee is aware that some people see social media as entirely negative and awash with the worst of human behaviour. Some have argued social media pose an existential threat to democracy, or even humanity itself:

Facebook is an agent of government propaganda, targeted harassment, terrorist recruitment, emotional manipulation, and genocide—a world-historic weapon that lives not underground, but in a Disneyland-inspired campus in Menlo Park, California.<sup>4</sup>

The Committee recognises that there are negative aspects of social media and that inappropriate behaviour does take place. However, the Committee's investigations of the social media environment around Victorian politics mostly found users participating in civil and policy-oriented conversation and information sharing.<sup>5</sup> Political parties and leaders often contributed policy content to the social media environment during the

<sup>4</sup> Adrienne LaFrance, 'Facebook is a doomsday machine', *The Atlantic*, 15 December 2020, <<https://www.theatlantic.com/technology/archive/2020/12/facebook-doomsday-machine/617384>> accessed 13 July 2021.

<sup>5</sup> Research by Bakamo, commissioned by the Committee (see Section B.7 in Appendix B).

2018 election period rather than abusing each other.<sup>6</sup> Mainstream news sources were the ones most commonly shared across this environment rather than less trustworthy sources with fake news.<sup>7</sup>

Professor Scott Wright from Monash University told the Committee that, while toxic behaviour and polarisation are found in formally political online spaces, ‘that is actually not where the vast majority of Australians are consuming and participating in politics online’. His research has indicated that discussion in non-political online spaces (such as parenting forums, sports forums and neighbourhood groups) tends to be of a ‘higher discursive quality’, with less toxicity and polarisation than the formally political spaces.<sup>8</sup>

While noting the largely positive environment of Victorian political discussion, the Committee recognises that there are some troubling practices, ranging from inaccurate information to microtargeted advertising to personal abuse (see Chapters 4–8). As discussed in Section 2.3.3, though, most of these problems are not a result of social media—they existed long before social media, although often in different forms. Some aspects of social media have exacerbated these problems and created new challenges. However, the Committee believes that these can be managed and that our robust democracy can be sustained (see Chapters 9–11).

The Committee’s overall impression is that, although there is a need for improvements in the social media environment, social media do not pose an existential threat to Victorian democracy. Indeed, there is much that is positive about social media, as discussed in this chapter.

### 3.3 Enabling candidates and parties to communicate with voters

**‘By utilising paid or organic forms of social media content, campaigners can direct messages towards, or issue calls for action and engagement without the need to use traditional intermediaries (such as the traditional media). This has potentially beneficial effects by allowing more direct engagement.’<sup>9</sup>**

A distinctive feature of social media is the ability to foster connections between people in ways that traditional media cannot. This includes candidates and parties being able to communicate directly with voters and vice versa. The Committee’s analysis of the way that candidates and party leaders communicated around the 2018 Victorian election found that they generally used social media in positive ways, making voters more informed.

<sup>6</sup> Electoral Matters Committee analysis (see Appendix B).

<sup>7</sup> Research by Bakamo and the Queensland University of Technology Digital Media Research Centre, commissioned by the Committee (see Sections B.6 and B.7 in Appendix B). See also Figure 3.4.

<sup>8</sup> Scott Wright, Professor of Political Communication and Journalism, Monash University, public hearing, Melbourne, 5 July 2021, *Transcript of evidence*, p. 2.

<sup>9</sup> Katharine Dommett, Senior Lecturer in the Public Understanding of Politics, University of Sheffield, *Submission 11*, p. 2.

While some parties and party leaders were more active than others around the 2018 election, the Committee's analysis found that major parties, microparties and party leaders across the political spectrum used social media to communicate with voters. Tables 3.1 and 3.2 identify the parties and leaders with the largest numbers of election-related posts (excluding replies) during the 2018 election period.

**Table 3.1** Top ten most prolific party/party leader Twitter accounts at the 2018 election

Party/leader	Election-related Tweets during 2018 Victorian election period
Greens (Vic)	428
Ms Fiona Patten MP	233
Hon Matthew Guy MP	150
Dr Samantha Ratnam MLC	114
Cr Stephen Jolly	95
Hon Daniel Andrews MP	77
Hon Peter Walsh MP	63
Aussie Battler (Vic)	61
The Nationals (Vic)	59
Animal Justice (Vic)	52

Note: Figures in this table exclude replies and non-election-related content. Data not available for some accounts, see Section B.3.1 in Appendix B.

Source: Electoral Matters Committee. For methodology see Appendix B.

**Table 3.2** Top ten most prolific party/party leader Facebook accounts at the 2018 election

Party/leader	Election-related Facebook posts during 2018 Victorian election period
Victorian Socialists (Vic)	156
Greens (Vic)	152
Labor (Vic)	152
Hon Daniel Andrews MP	137
Ms Fiona Patten MP	134
Dr Samantha Ratnam MLC	108
Hon Matthew Guy MP	98
Reason (Vic)	95
Sustainable Australia (Cth)	92
Transport Matters (Vic)	78

Note: Figures in this table exclude comments and non-election-related content.

Source: Electoral Matters Committee. For methodology see Appendix B.



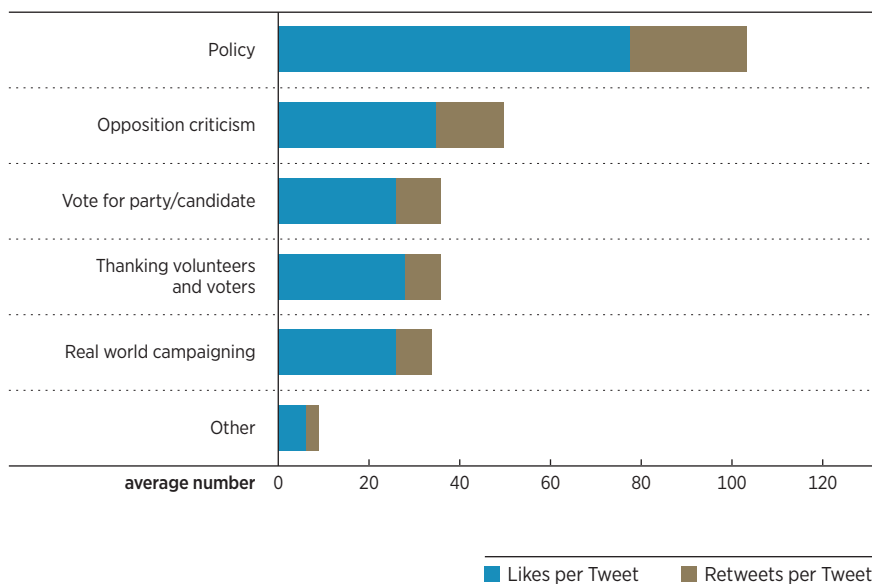
### 3.3.1 A place to communicate policies

The Committee’s analysis of parties’ and party leaders’ posts can be found in Section B.3 in Appendix B. In terms of content, these accounts most commonly posted about policy. In the accounts analysed by the Committee, 38% of all Tweets (excluding replies) and 39% of all Facebook posts discussed policy issues.<sup>10</sup> Opposition criticism accounted for 21% of Tweets and 11% of Facebook posts. The Committee found no abusive posts coming from these accounts. However, the Committee was not able to analyse deleted accounts or Tweets, which may be more likely to include abusive content.

The Committee’s analysis also showed that social media users were particularly interested in policy-related posts. As can be seen in Figure 3.1, policy-related Tweets were the most popular, being Retweeted or liked at more than twice the rate of any other category. Facebook posts about policy were also popular (see Figure 3.2), second only to posts about vote counting and results.

The fact that policy-related posts are both the most common type of post and that social media users particularly engage with them shows the positive value of social media as a space where voters can become more informed about candidates from the candidates or parties themselves.

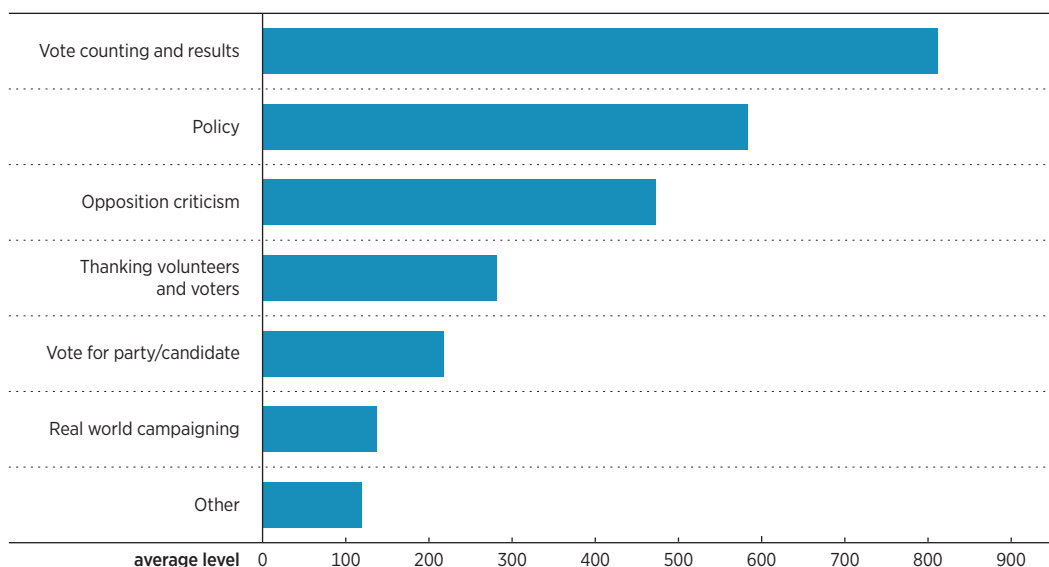
**Figure 3.1** Levels of engagement with different types of Tweet



Source: Electoral Matters Committee. For methodology see Appendix B.

<sup>10</sup> See Figure B.3 in Appendix B.

**Figure 3.2** Levels of engagement with different types of Facebook post



Note: Engagement level measured by the average total of reactions, shares and comments per post.

Source: Electoral Matters Committee. For methodology see Appendix B.

### 3.3.2 Responding to voters

In addition to providing a platform for parties and candidates to initiate communication, social media also allow voters to have direct conversations with candidates and elected representatives. This was seen as an important benefit by some. For example, the Victorian Trades Hall Council stated:

[Social media] has also expanded voters’ access to candidates and representatives. Social media accounts are seen as an extension of a politician, and can make them seem approachable, accountable and accessible – voters might believe that they have a personal relationship with someone they might not have met in real life. As a result of the ever-present nature of social media, politicians can be expected to respond to concerns in real time. Social media can be very public – comments on Facebook pages for example can demonstrate public sentiment towards an elected representative and their decisions and reinforces the idea that politicians are accountable to their constituents.<sup>11</sup>

Some of the parties and party leaders examined by the Committee are using Twitter to engage in discussions with the public. Most, however, rarely or never reply to other Twitter users. Table 3.3 shows the party and party leaders’ accounts which replied to other Twitter users most often. Only three of the 31 accounts investigated replied more than 10 times. However, some other candidates who were not party leaders may have been more active in responding to other users.

<sup>11</sup> Victorian Trades Hall Council, *Submission 108*, pp. 1-2.

**Table 3.3** Parties' and party leaders' accounts with the most replies to other accounts on Twitter during the 2018 Victorian election period

Party or party leader account	Number of Tweets <sup>a</sup>	Number of replies
Ms Fiona Patten MP	484	116
Victorian Greens	648	81
Cr Stephen Jolly	191	24
Australian Country (Cth)	31	10
Dr Samantha Ratnam MLC	153	8

a. Including replies.

Note: Figures in this table include non-election-related content (in contrast to Table 3.1). Replies have been filtered to exclude instances of accounts replying to themselves (a method of publishing a longer than usual narrative on Twitter). Replies include instances of accounts interacting with party colleagues/volunteers as well as replying to queries from the public.

Source: Electoral Matters Committee. For methodology see Appendix B. Data not available for some accounts, see Section B.3.1 in Appendix B.

Those that do engage in discussion through Twitter replies do so in various ways, including adding their voice to existing conversations and replying to questions or comments directed to them from other social media users (see, for example, Figure 3.3). The Committee also notes the use of scheduled social media events, such as Reddit 'ask me anything' sessions, to engage voters through social media.<sup>12</sup>

<sup>12</sup> Reddit, *Fiona Patten (and Reason Victoria) AMA - Friday 16/11*, 16 November 2018, <[https://www.reddit.com/r/melbourne/comments/9xgbnx/fiona\\_patten\\_and\\_reason\\_victoria\\_ama\\_friday\\_1611](https://www.reddit.com/r/melbourne/comments/9xgbnx/fiona_patten_and_reason_victoria_ama_friday_1611)> accessed 7 April 2021.

Figure 3.3 Ms Fiona Patten MP replying to a question



Source: Fiona Patten MP (@FionaPattenMLC), Tweets, 3 November 2018, accessed 16 August 2021.

While the Committee has also observed negative interactions between voters and candidates (see Chapter 7), it is important to recognise the role that social media can play in connecting some candidates and voters in ways that help voters make informed decisions.

**FINDING 7:** Positive aspects of social media in Victoria include politicians and political parties using social media to deliver electoral information to the community with a focus on policy content, and the public engaging with that content. There is also evidence of two-way communication between some politicians and the community on social media.

## 3.4 Facilitating inclusion and better-informed voting

‘Social media has lowered the access cost for regular citizens, political parties and non-party campaigners to take part in democratic processes, thus contributing to a healthy and vibrant democratic debate. The cheap and easy access to information, combined with the fact that everyone has – at least theoretically – an equal voice online, are important democratising features of digital campaigning that should not be lost amidst concerns surrounding “dark ads”, “fake news” and the like.’<sup>13</sup>

The fact that social media are easy to access has opened political discourse to a far greater number and variety of people. Social media platforms themselves have expressed their desire to facilitate access to information. Twitter’s submission to the Committee stated:

The public conversation on Twitter is never more important than during elections, and access to the free flow of information is underpinned by an Open Internet. Twitter plays a unique role as a digital square for public conversation as our service shows the world what is happening. By democratising access to information, people are able to be better informed, learn from each other, and glean insights into a diversity of perspectives on critical issues in real time.<sup>14</sup>

The Committee sees two key ways in which social media have opened up political discourse:

- individual voters have greater access to information
- previously underrepresented groups can more easily participate in political discussion.

These factors improve the electoral environment by helping voters to be better informed and by creating a richer, more diverse political debate.

### 3.4.1 Better-informed voters

Professor Darren Lilleker, from Bournemouth University, explained in his submission how social media can help voters to become more informed. He argued that social media help voters to find party policy direct from parties, along with news and other information from independent sources. He also argued that voters with ‘lower levels of interest and engagement can become accidentally exposed to political content from political parties, news organisations, online aggregators and other users when browsing the internet.’ He believed that this can decrease information imbalances in society and can motivate people to become more informed and participate in political activities.<sup>15</sup>

<sup>13</sup> Electoral Reform Society, *Submission 96*, p. 2.

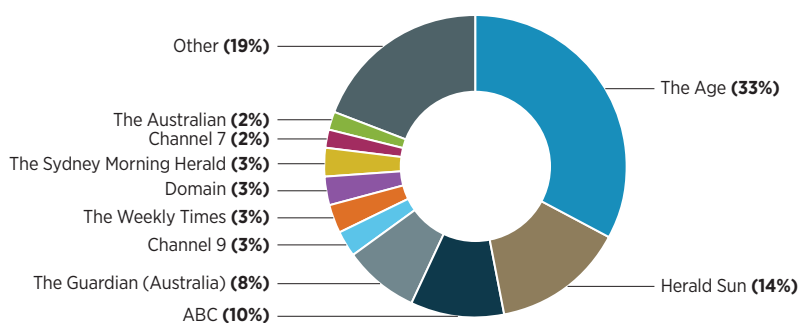
<sup>14</sup> Twitter, *Submission 126*, p. 2.

<sup>15</sup> Darren Lilleker, Professor, Centre for Comparative Politics and Media Research, Bournemouth University, *Submission 78*, p. 1.

Another way that social media are used to better inform voters is in the sharing of reputable news sources. Committee research and independent research commissioned by the Committee indicated that the most commonly shared news sources on social media around the 2018 Victorian election were traditional, reputable sources. Research by the Queensland University of Technology Digital Media Research Centre, which analysed Australian-administered Facebook pages that posted content relevant to Australian politics at the time of the election, found that the most prominently shared sources were mainstream news sources such as Channel 7 News, Sky News and the ABC.<sup>16</sup> Bakamo's analysis of articles related to the Victorian election found that the articles with the highest levels of engagement online were generally from the ABC, *The Age*, *The Guardian*, 9 News and the *Sydney Morning Herald*.<sup>17</sup>

The Committee's analysis of Tweets by parties and party leaders showed that mainstream news outlets are also the most commonly shared news sources from these accounts, with the three most commonly shared being *The Age*, *Herald Sun* and the ABC (see Figure 3.4). Parties and party leaders showed similar news-sharing behaviour on Facebook (see Figure B.8 in Appendix B).

**Figure 3.4 Sources of news articles shared by political parties and party leaders on Twitter**



Source: Electoral Matters Committee. For methodology see Appendix B.

Some studies have found that social media can increase the diversity of the news people see (see discussion in Section 4.3.1). In addition, comments on posts from news organisations and candidates can become places where a diversity of opinions is expressed and voters are exposed to different viewpoints.

Through various investigations, the Committee was unable to find evidence for fake news sites spreading far in Victorian political debate. The fact that mainstream news sources are regularly shared underlines the significance of traditional media within the social media environment and the importance of traditional media not repeating inaccurate information (see Section 6.4.3).

<sup>16</sup> Research by Queensland University of Technology Digital Media Research Centre, commissioned by the Committee (see Section B.6 in Appendix B).

<sup>17</sup> One article from the *Daily Mail Australia* also received a high level of engagement—research by Bakamo, commissioned by the Committee (see Section B.7 in Appendix B).

### 3.4.2 Easier access for underrepresented groups

Social media can also increase the inclusivity of political debate by providing greater access for traditionally underrepresented groups. The Electoral Reform Society's submission noted that social media have 'enhanced the capacity for democratic participation among a wider section of the public'<sup>18</sup> and further that:

Given tech platforms' significant reach across different sections of society, even traditionally underrepresented groups can become more involved in political processes. Such enhanced opportunities for engaging in political discussions may contribute to creating a collective public debate in the digital sphere, across demographic and national divides, which might be more difficult to achieve in the 'real world'.<sup>19</sup>

One particular way that social media platforms are more inclusive than traditional media is in their ability to support communication in a variety of languages. This may be through parties and candidates spreading their messages in multiple languages without the limits imposed by traditional media advertising space,<sup>20</sup> or through allowing Victorians to find and share information and discuss political issues in the language they are most comfortable using.

Social media can also be a very easy way for people to become engaged with political issues. As noted by the Victorian Trades Hall Council, 'it's as simple as a "like" on Facebook or a "follow" on Twitter. People essentially opt-in to increased political access.'<sup>21</sup> This can open up politics to people who might not be engaged through traditional ways, such as younger people.<sup>22</sup>

Along with providing easier access to political debate for individuals, social media have also made it easier for organisations to express their political views, and to do so in a public, transparent manner. See, for example, Figure 3.5, in which Master Builders Victoria shares its views on issues it considered important at the 2018 Victorian election. Social media allow content such as this to become part of a broader political discussion.

<sup>18</sup> Electoral Reform Society, *Submission 96*, p. 1.

<sup>19</sup> Electoral Reform Society, *Submission 96*, p. 2.

<sup>20</sup> See for example Facebook posts from the Victorian Socialists (vicsocialists), 29 October 2018 <[https://www.facebook.com/story.php?story\\_fbid=2446494702090499&id=1813991065340869](https://www.facebook.com/story.php?story_fbid=2446494702090499&id=1813991065340869)> and 15 November 2018 <[https://www.facebook.com/permalink.php?story\\_fbid=2488789337861035&id=1813991065340869](https://www.facebook.com/permalink.php?story_fbid=2488789337861035&id=1813991065340869)> accessed 25 August 2021.

<sup>21</sup> Victorian Trades Hall Council, *Submission 108*, p. 1.

<sup>22</sup> Andrea Carson, Associate Professor, Department of Politics, Media and Philosophy, La Trobe University, public hearing, Melbourne, 15 June 2021, *Transcript of evidence*, pp. 1–2.

Figure 3.5 Election-related Tweet from Master Builders Victoria



8:10 AM · Nov 20, 2018 · Twitter Web Client

4 Quote Tweets 1 Like



Source: Master Builders Victoria (@mbavic), Tweet, 20 November 2018, <<https://twitter.com/mbavic/status/1064626976613269504>> accessed 1 April 2021.

The Committee has previously noted that low voter satisfaction with democracy can contribute to low voter turnout.<sup>23</sup> The Committee’s view is that people’s ability to be included in political discussions and become informed about politics and elections through social media can be one way to work against low voter satisfaction and participation.

**FINDING 8:** Social media have contributed to the inclusivity of elections in Victoria through increased access to information and easier avenues to participation. This can contribute to healthy elections by leading to better-informed voters and greater political participation by previously underrepresented groups.

<sup>23</sup> Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 20.



### 3.5 Competitiveness—opening the playing field

**‘For many candidates and parties, social media has helped level the playing field, allowing them to penetrate wider audiences, expand their target base, and showcase their messages, and at a significantly lower cost than traditional media tools.’<sup>24</sup>**

Evidence to the Committee indicates that social media can help open the political playing field to more candidates. The high cost of traditional media advertising gives established parties with greater resourcing a significant advantage. While social media have not completely levelled the playing field (see Section 4.3.3), the low cost of entry allows more candidates and parties to spread their messages and connect with a significant audience.<sup>25</sup>

A 2020 report from the Kofi Annan Commission on Elections and Democracy in the Digital Age outlined various benefits that social media can provide to campaigns:

Digital ads are often significantly less expensive than television or radio ads, allowing poorly financed candidates to get their message out, especially at the local level. Moreover, despite all the criticism surrounding it, microtargeting allows campaigns and interest groups to efficiently deliver messages to the people they want to reach, as marketers have done for years with direct mail, phone calls, and later—email. Finally, the Internet has proven particularly beneficial for small-donor fundraising, as candidates and groups have used it to raise significant amounts of money from large numbers of donors, thereby “democratizing” political finance.<sup>26</sup>

The VEC’s submission similarly noted that social media can be an equaliser for non-incumbents and candidates that do not have strong financial backing:

The concept of an even playing field often arises when considering the question of how social media impacts elections. In some ways, social media is seen as an equaliser – allowing direct contact between elected representatives or prospective candidates and electors; bringing together communities or groups that are geographically connected (or have a common interest) to generate lobbying power on local issues; and enabling candidates and parties to have far-reaching awareness and engagement for a relatively low cost, thereby levelling the playing field for non-incumbents, or independent candidates without the financial backing of a party.<sup>27</sup>

Opening up political debate to more people not only provides opportunities for more candidates but can also increase the variety of ideas that are circulating in public discussions.<sup>28</sup> This has the potential to lead to a more informed political debate.

<sup>24</sup> International IDEA, *Submission 94*, p. 1.

<sup>25</sup> Campaigns with more money still have more reach on social media. See Chapter 4 and Chapter 8.

<sup>26</sup> Kofi Annan Commission on Elections and Democracy in the Digital Age, *Protecting electoral integrity in the digital age*, Kofi Annan Foundation, 2020 (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 2*), p. 71 (with sources).

<sup>27</sup> Victorian Electoral Commission, *Submission 77*, p. 17.

<sup>28</sup> Darren Lilleker, Professor, Centre for Comparative Politics and Media Research, Bournemouth University, *Submission 78*, p. 1.

The Committee's analysis of Victorian political parties' and their leaders' Facebook and Twitter accounts showed that social media can be a useful platform for microparties. Major party accounts make up the majority of the most-followed Twitter and Facebook accounts (see Tables 3.4 and 3.5). However, there are also some microparty and independent accounts which have more followers than more established parties. This shows that social media do offer avenues through which smaller campaigns can reach a large audience.

**Table 3.4** Most followed Twitter accounts—Victorian parties and party leaders

Rank	Party/party leader	Party	Party type	Twitter followers <sup>a</sup>
1	Hon Daniel Andrews MP	Labor	Major	328,585
2	Mr Avi Yemini	Australian Liberty Alliance	Micro	122,490
3	Labor	Labor	Major	21,544
4	Ms Fiona Patten MP	Reason	Micro	20,303
5	Hon Matthew Guy MP <sup>b</sup>	Liberal	Major	19,721
6	Hon Michael O'Brien MP <sup>b</sup>	Liberal	Major	14,662
7	Liberal	Liberal	Major	10,128
8	Greens	Greens	Major	9,395
9	Dr Samantha Ratnam MLC	Greens	Major	5,839
10	Hon Peter Walsh MP	The Nationals	Major	3,717
//				
14	The Nationals	The Nationals	Major	1,859

a. As at 16 March 2021.

b. Hon Michael O'Brien MP and Hon Matthew Guy MP are both included due to their status as Liberal party leader as at time of data gathering and 2018 Victorian election respectively.

Source: Electoral Matters Committee.

**Table 3.5** Most followed Facebook accounts—Victorian parties and party leaders

Rank	Party/party leader	Party	Party type	Facebook followers <sup>a</sup>
1	Hon Daniel Andrews MP	Labor	Major	994,980
2	Greens	Greens	Major	88,328
3	Liberal	Liberal	Major	45,272
4	Labor	Labor	Major	35,281
5	Animal Justice	Animal Justice	Micro	23,455
6	Mr Andy Meddick MP	Animal Justice	Micro	23,121
7	Ms Fiona Patten MP	Reason	Micro	19,546
8	Shooters, Fishers and Farmers	Shooters, Fishers and Farmers	Micro	14,907
9	Dr Samantha Ratnam MLC	Greens	Major	14,797
10	Ms Ali Cupper MP	n/a	Independent	8,565
//				
13	Hon Michael O'Brien MP <sup>b</sup>	Liberal	Major	4,846
14	Hon Peter Walsh MP	The Nationals	Major	4,805
//				
16	Hon Matthew Guy MP <sup>b</sup>	Liberal	Major	2,833
17	The Nationals	The Nationals	Major	2,395

a. As at 17 March 2021.

b. Hon Michael O'Brien MP and Hon Matthew Guy MP are both included due to their status as Liberal party leader as at time of data gathering and 2018 Victorian election respectively.

Source: Electoral Matters Committee.

Section B.3.8 in Appendix B looks at how microparties and successful independent candidates used social media compared to major parties. The Committee notes that there are some differences in the types of messages. In particular, the microparties and the selected independents were more likely than the major parties to have general messages simply exhorting people to vote for them and posted more often about their real-world campaigning activities. They were less likely than the major parties to criticise their opposition. Like the major parties, posts about policy were among the most common (32% of Facebook posts and 25% of Tweets).

The Committee's investigations confirm the value of social media as a potential way for smaller parties to reach voters and to communicate what they stand for.

**FINDING 9:** Social media offer opportunities for less-resourced candidates and campaigns to spread their messages at low cost, contributing to a more open playing field and a greater variety of political perspectives in Victorian elections. Some Victorian microparties and their leaders have used social media to gain audiences similar to and greater than more established parties and have used them to provide information about what they stand for.

## 3.6 Providing authoritative electoral information—the role of the Victorian Electoral Commission and the Parliament of Victoria

**‘Social media is an integral aspect of how Victorians discuss, debate, communicate and inform each other of electoral matters. Over the past 10 to 15 years, social media has overtaken traditional news media as the primary source of information sharing and news consumption for some age groups. According to the Australian Election Study, voters are increasingly using online sources and social media to access electoral information and engage in politics. The Victorian Electoral Commission (VEC) has had to adapt to the multitudinous issues and challenges that this has presented.’<sup>29</sup>**

The Victorian Electoral Commission and the Parliament of Victoria play important roles on social media as trustworthy sources of accurate information. This role is particularly helpful for countering misinformation around voting and counting processes. This section focuses on each organisation’s social media activity around the 2018 Victorian election and how the VEC’s position as an authoritative source of information can be enhanced.<sup>30</sup>

The VEC and Parliament each acknowledge the role they can play in engaging with Victorians regarding electoral processes.<sup>31</sup> The VEC’s work in this area is mandated by the Electoral Act.<sup>32</sup> While this role is not set out in legislation for the Parliament, the organisation is well placed to engage with and inform Victorians around elections.

### 3.6.1 Victorian Electoral Commission

**‘The overwhelming majority of social media coverage of the VEC during the election period was published via Twitter, with the VEC’s Twitter account @electionsvic tagged in 4,875 posts from Saturday 1 September to Monday 31 December 2018.’<sup>33</sup>**

The Committee sees the VEC as having an important role as the primary authoritative voice on elections in Victoria. The Committee’s discussion of how inaccurate information spreads in Chapter 6 highlights the need for strong, authoritative and trusted sources of information around elections. It is appropriate that the VEC is that voice for matters such as enrolment, voting processes and results.

<sup>29</sup> Victorian Electoral Commission, *Submission 77*, p. 3 (with source).

<sup>30</sup> The Committee discusses the value of promoting trustworthy sources of accurate information more generally in Section 6.4.

<sup>31</sup> Victorian Electoral Commission, *Submission 77*, p. 8; Hon Nazih Elasmr OAM, MLC, President of the Legislative Council, *Submission 92*, p. 1.

<sup>32</sup> *Electoral Act 2002 (Vic)* s 8(2)(f).

<sup>33</sup> Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian state election*, Melbourne, 2019, pp. 32–33 (with source).

The Committee recognises that the VEC is working to maintain and develop its trusted social media presence. The VEC is particularly active on Twitter, where the volume of its activity and people's level of engagement with that activity are higher than most other electoral commissions in Australia.

This section analyses the ways in which the VEC uses social media to benefit Victorian elections. The Committee specifically analyses the VEC's Twitter and Facebook usage, while noting that the VEC uses other social media platforms as well.<sup>34</sup>

### Aims of the VEC's social media activity

As noted above, the Electoral Act gives the VEC an education and public awareness function.<sup>35</sup> Several benefits come from using social media as part of this role:

Social media provides more accessible channels through which the VEC educates, engages and informs Victorians about their democracy, often at lower cost than mainstream media and with fewer logistical barriers than face-to-face outreach activities.<sup>36</sup>

The VEC endeavours to achieve six aims through its social media engagement (see Box 3.1). The Committee's investigation of the VEC's Twitter and Facebook activity indicates that the social media content the VEC is producing aligns well with these aims.

#### BOX 3.1: VEC social media engagement aims

The VEC's submission lists the following aims for its social media engagement:

1. encourage community awareness of, and participation in, elections
2. raise awareness of enrolment and voting obligations
3. promote community engagement and electoral education programs
4. establish the VEC as an authoritative voice on electoral matters
5. support issues management and crisis communications
6. promote VEC as a model employer, particularly for working at elections.

Source: Victorian Electoral Commission, *Submission 77*, p. 8.

<sup>34</sup> 'most notably Facebook, Twitter, Instagram, LinkedIn and YouTube'—Victorian Electoral Commission, *Submission 77*, p. 8.

<sup>35</sup> *Electoral Act 2002* (Vic) s 8(2)(f).

<sup>36</sup> Victorian Electoral Commission, *Submission 77*, p. 6.

### The VEC's social media content

The Committee analysed the VEC's social media activity on Twitter and Facebook across a four-year period from November 2016 to November 2020, including the 2018 Victorian election. Table 3.6 shows the volume of the VEC's Twitter and Facebook activity across that period.

**Table 3.6 VEC Twitter and Facebook activity**

	25 November 2016 to 24 November 2020	2018 election period
<b>Twitter</b>		
Total Tweets	1,310	458
• New (original) Tweets	548	131
• Replies	716	325
• Retweets	46	2
<b>Facebook</b>		
Total posts	475	98

Note: 2018 election period for this analysis is from the issue of the writ to the return of the writ.

Source: Electoral Matters Committee. For methodology see Appendix B.

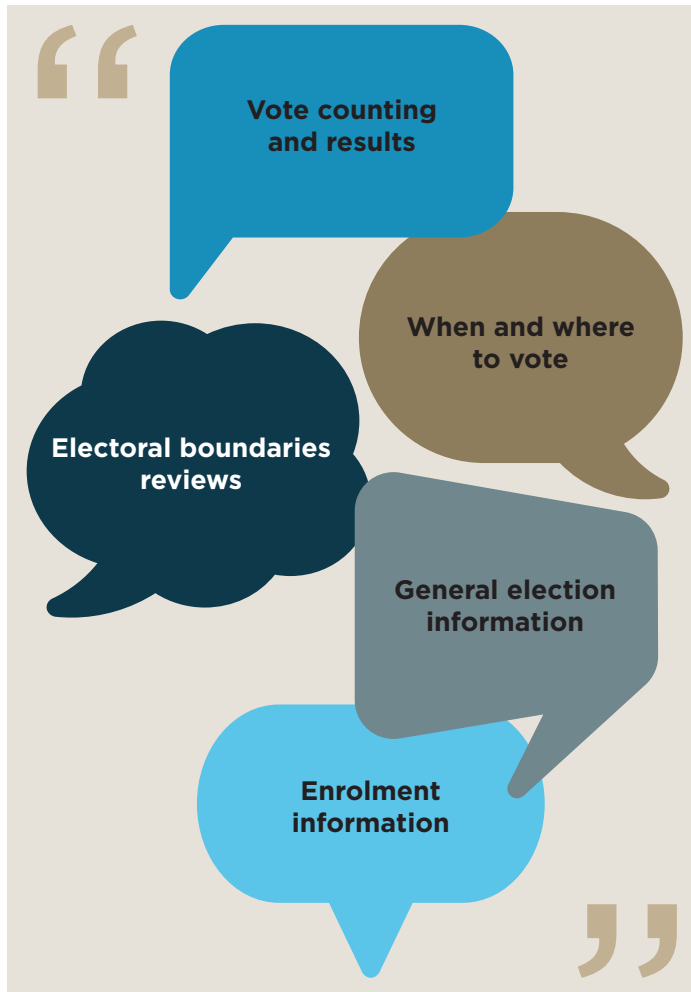
The VEC is one of the most prolific Twitter users amongst Australian and New Zealand electoral commissions. The VEC's total Tweets over the four-year period analysed were exceeded only by the Australian Electoral Commission (AEC). The VEC was also one of the more prolific Facebook users, with only the Queensland and Northern Territory electoral commissions posting more on Facebook across the period investigated by the Committee.<sup>37</sup>

The Committee analysed the content of VEC Tweets and Facebook posts against two other Australian electoral commissions.<sup>38</sup> The Committee found that the type of content Tweeted by the three commissions is broadly comparable, though the VEC placed a greater focus on Tweets about electoral education. For all three commissions, the most common category of Tweet content was vote counting and results.

<sup>37</sup> See Section B.4.4 in Appendix B.

<sup>38</sup> For Twitter, the Australian Electoral Commission and the Electoral Commission of Queensland. For Facebook, the Australian Electoral Commission and the New South Wales Electoral Commission.

**Figure 3.6** Common Tweet content from the Victorian, Australian, and Queensland electoral commissions



Source: Electoral Matters Committee. For more detail, see Figure B.15 in Appendix B.

Facebook content was more varied across commissions, but all three commissions investigated commonly posted about when and where to vote. The VEC published substantially more content about its electoral education programs than the other commissions investigated.<sup>39</sup>

<sup>39</sup> See Section B.4.5 in Appendix B.

## Engagement with the VEC’s social media content

‘The effectiveness of these [election period communications] would be dependent on the VEC building a sufficient following that its updates have a high degree of engagement, shareability and reach. Since 2019, the VEC has developed an annual social media plan to guide the gradual increase of its follower bases and build on its reputation as a trusted and timely source of reliable election information. The VEC intends to continue this strategic planning to enable a highly trustworthy social media presence during future election events.’<sup>40</sup>

To understand the effectiveness of these efforts, the Committee investigated the level of engagement with the VEC’s social media activity—particularly in comparison to other electoral commissions.

One way to measure engagement is through follower numbers. As at March 2021, the VEC is second only to the AEC in terms of follower numbers on Twitter and has more than 2.5 times the number of followers as the New South Wales Electoral Commission (see Table 3.7). The VEC ranks fifth in terms of Facebook followers among Australian and New Zealand electoral commissions (see Table 3.8).

**Table 3.7** Australia and New Zealand electoral commission Twitter account followers

Electoral Commission	Twitter followers (25 March 2021)
@AusElectoralCom	24,400
<b>@electionsvic</b>	<b>5,265</b>
@NSWElectoralCom	1,970
@WAElections	1,959
@ElectoralCommNZ	1,918
@ECQInfo	1,888
@ElectionsACT	896
@SAElectoralCom	710
@NTElecComm	241
@ElectionsTas	129

Note: The Committee is aware that some commissions maintain separate, more specialised social media accounts, such as the Australian Electoral Commission’s Our Vote Our Future Facebook page, which is part of its Indigenous Electoral Participation Program.<sup>41</sup> This table shows only the primary accounts.

Source: Electoral Matters Committee.

<sup>40</sup> Victorian Electoral Commission, *Submission 77*, p. 28.

<sup>41</sup> Facebook, *AEC: our vote our future*, <<https://www.facebook.com/aecourvoteourfuture>> accessed 25 May 2021. See also Australian Electoral Commission, *Indigenous Australians*, <<https://www.aec.gov.au/indigenous>> accessed 25 May 2021.



**Table 3.8** Australia and New Zealand electoral commission Facebook account followers

Electoral Commission	Facebook followers (25 March 2021)
ElectoralCommNZ	47,602
AusElectoralCom	41,413
ECQInfo	15,020
NSWElectoralCom	13,144
<b>electionsvic</b>	<b>9,487</b>
SAElectoralCom	3,803
WAElections	3,742
ElectionsACT	3,009
ElectionsTas	1,607
NTElecComm	1,480

Note: The Committee is aware that some commissions maintain separate, more specialised social media accounts, such as the Australian Electoral Commission's Our Vote Our Future Facebook page, which is part of its Indigenous Electoral Participation Program.<sup>42</sup> This table shows only the primary accounts.

Source: Electoral Matters Committee.

Beyond simple follower counts, further measures of social media engagement include how many people interact with posts. Interactions are important as an indicator of whether and to what degree people on social media are paying attention to what the VEC says. Interactions are also necessary for the VEC's messages to spread among social media users.

The VEC's Tweets received greater engagement on average than any other state or territory electoral commission, including the more populous New South Wales. Only the AEC and New Zealand Electoral Commission saw greater engagement levels with their Twitter content than the VEC.<sup>43</sup>

The VEC's content was less engaging on Facebook when compared to commissions in other jurisdictions. By a measure combining the average of all reactions, shares and comments per Facebook post, Victoria ranks fifth, behind New South Wales, New Zealand, the Commonwealth and Queensland electoral commissions.<sup>44</sup>

While the VEC's performance on Facebook is better than some electoral commissions, it has not been as successful on Facebook as on Twitter. The VEC may therefore benefit from greater investment in its Facebook content going forward.

The Committee notes the VEC's efforts to increase engagement by using a variety of image-based memes and other humorous images (see Figure 3.7 for an example).

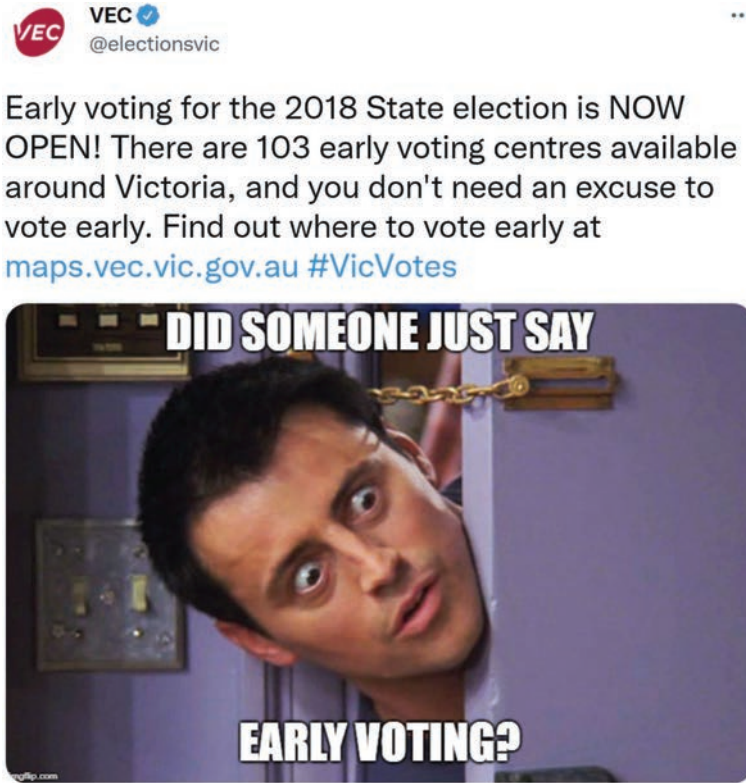
<sup>42</sup> Facebook, *AEC: our vote our future*, <<https://www.facebook.com/aecourvoteourfuture>> accessed 25 May 2021. See also Australian Electoral Commission, *Indigenous Australians*, <<https://www.aec.gov.au/indigenous>> accessed 25 May 2021.

<sup>43</sup> See Figure B.17 in Appendix B.

<sup>44</sup> See Figure B.18 in Appendix B.

These images were most commonly used in posts about when, where and how to vote or enrol.<sup>45</sup>

Figure 3.7 VEC Tweet using an image-based meme



9:00 AM · Nov 12, 2018 · Hootsuite Inc.

11 Retweets 2 Quote Tweets 9 Likes

Source: Victorian Electoral Commission (@electionsvic), Tweet, 12 November 2018, <<https://twitter.com/electionsvic/status/1061740419741032448>> accessed 29 March 2021.

The Committee’s analysis shows that Tweets and Facebook posts with image-based memes or other humorous images received considerably higher levels of engagement than other types of content produced by the VEC (see Table 3.9). The Committee notes that this type of content was sometimes shared by political parties and candidates, exposing it to a wider audience through their followers.<sup>46</sup>

45 Based on the Committee’s calculations, 28 of 39 Tweets and 22 of 42 Facebook posts which used an image-based meme were about when, where and how to vote or enrol.

46 See for example Victorian Greens (@VictorianGreens), Tweet, 31 October 2018, <<https://twitter.com/VictorianGreens/status/1057453455789314048>> accessed 28 May 2021, Mr Stuart Grimley MP (@stuartgrimleyMP), Tweet, 20 November 2018, <<https://twitter.com/stuartgrimleyMP/status/1064779400120479744>> accessed 28 May 2021 and Victorian Greens (VictorianGreens), Facebook post, 4 November 2018, <<https://www.facebook.com/VictorianGreens/posts/2013437402013029>> accessed 28 May 2021.

**Table 3.9** VEC social media engagement by image use

Twitter	Average Retweet count	Average like count
All VEC Tweets	4.09	5.20
VEC Tweets with a non-meme image	3.41	5.21
VEC Tweets with an image-based meme or other humorous image	8.23	11.45
Facebook	Average engagement level <sup>a</sup>	
All VEC Facebook posts	27.25	
VEC Facebook posts with a non-meme image	23.80	
VEC Facebook posts with an image-based meme or other humorous image	79.05	

a. Average of total reactions, shares and comments per Facebook post.

Source: Electoral Matters Committee. For methodology see Appendix B.

The use of image-based memes and other humorous images appears to have positively impacted engagement. The Committee encourages the VEC to continue with this and other strategies to increase engagement levels.

**FINDING 10:** The Victorian Electoral Commission is active on social media, most often using its channels to provide information about elections, enrolment and electoral boundary reviews. The VEC's Twitter account shows high levels of followers and engagement when compared to other electoral commissions, while the VEC's Facebook content receives reasonable levels of engagement but is not as successful as some other commissions.

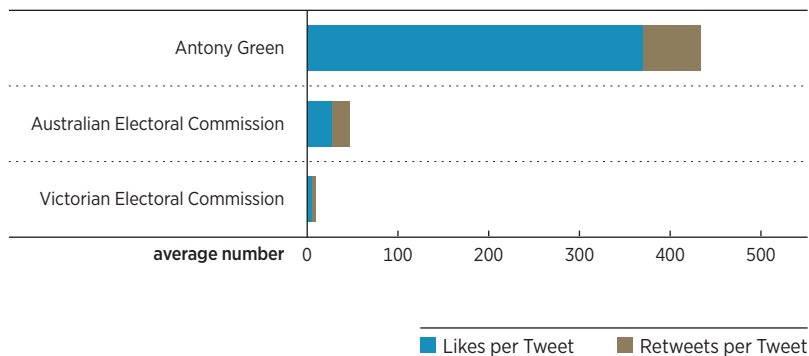
### Expanding engagement with the VEC's social media content

While the success of the VEC's efforts should be acknowledged, the Committee sees room for further growth. Electoral commissions are not the only sources of electoral information in Australian social media. The Victorian and Australian community also often look to traditional media sources for electoral content.

As an example, the Committee analysed the VEC's Twitter content against that of the ABC's Chief Election Analyst, Mr Antony Green AO. Mr Green is a prolific Twitter user, with much of his Twitter activity focusing on Australian elections.

Using a sample of Mr Green's Tweets from late 2020, the Committee compared the engagement levels of Mr Green's Tweets to the VEC and AEC (see Figure 3.8).

**Figure 3.8** Levels of engagement with Tweets by Mr Antony Green AO compared to electoral commissions



Note: This analysis only includes original Tweets (that is, no replies or Retweets). Tweets with non-electoral content have been excluded.

Source: Electoral Matters Committee. For methodology see Appendix B.

Mr Green’s average Retweet and like counts are far greater than either commission. Mr Green has over 174,000 Twitter followers, a number 33 times greater than the VEC, and seven times greater than the AEC.<sup>47</sup>

One factor that may assist Mr Green to have a larger following and higher levels of engagement is that he is not restricted by the strict impartiality that the VEC appropriately shows and he provides information on elections across Australia. He is able to express opinions and to speculate about the future in ways that the VEC should not. However, much of the content produced by Mr Green falls within the scope of appropriate content for an electoral commission to provide, including result declarations, vote counting updates and some basic statistics comparing election participation (see, for example, Figures 3.9 and 3.10).

**Figure 3.9** Tweet by Mr Antony Green AO regarding vote counting in the 2020 Queensland state election



Source: Antony Green AO (@AntonyGreenABC), Tweet, 13 November 2020, <<https://twitter.com/AntonyGreenABC/status/1327135087683637249>> accessed 29 March 2021.

<sup>47</sup> See Table 3.7 above.

Figure 3.10 Tweet by Mr Antony Green AO providing electoral statistics



Source: Antony Green AO (@AntonyGreenABC), Tweet, 11 October 2020, <<https://twitter.com/AntonyGreenABC/status/1315174034649178112>> accessed 29 March 2021.

The level of engagement seen for such factual electoral content shows that there is a substantial audience for this information. The Committee notes that the VEC tends not to provide the sort of simple but interesting statistical content shown in Figure 3.10. There may be an opportunity for the VEC to grow its social media audience with more content like this.

The Committee also notes that Mr Green’s follower and engagement levels are partly a result of his status as a ‘go to’ authority for electoral information in Australia. Research into media coverage of the 2018 Victorian election noted Mr Green’s prominent role:

The ABC focused heavily on Green, who was framed as something of a national treasure (Green was also described as a ‘national treasure’ in three tweets) and the person who can make the ‘definitive’ call ...

While the TV studio might be the “ersatz centre” of election coverage, older and newer media logics were combined in hybrid ways to form something *new*—the ABC elections portal—a space where Green operates as the pinnacle of election knowledge with the power to determine what the results are saying; and where *Green’s* call—rather than the call by itself—carries currency as it flows through other media. For example, dozens of tweets specifically talk about Green ‘calling’ the election.<sup>48</sup>

This status was also reflected in social media posts. For example, the Committee notes one Tweet advising people:

If you want to make sure your voter preferences don’t unintentionally help elect parties that contradict your values then follow @AntonyGreenABC’s guide on how to vote below the line #vicvotes #springst<sup>49</sup>

<sup>48</sup> Daniel Beratis and Scott Wright, ‘Election night broadcasts and the hybrid media system: a case study of Australia’, *International Journal of Press/Politics*, 2020, p. 7 (with sources), doi: 10.1177/1940161220971570.

<sup>49</sup> Research by Bakamo, commissioned by the Committee (see Appendix B).

Mr Green plays an important role in the electoral environment, having spent decades promoting electoral information. He has earned his status as a trusted public authority. It is disappointing that the electoral commission has not established itself as the authority that people turn to for information about electoral results or how to vote below the line.

There may be an opportunity for the VEC to expand the reach of its own content by learning from Mr Green and other popular election commentators on social media (such as providing more interesting statistical content). An analysis of these accounts could inform the VEC's social media strategies in the future and may help it to reach a larger audience.

With a larger following and higher levels of engagement, the VEC will have a greater capacity to spread accurate information and counter inaccurate information.

**FINDING 11:** The Twitter account of the ABC's Chief Election Analyst, Mr Antony Green AO, has a far greater following and level of engagement than any electoral commission in Australia, including the VEC. Mr Green is seen as a trusted source of electoral information on social media and some users turn to him for advice and information rather than the VEC.

**RECOMMENDATION 3:** That the Victorian Electoral Commission explore opportunities to grow its social media following and its status as an authoritative information source on electoral matters.

**RECOMMENDATION 4:** That the Victorian Electoral Commission analyse prominent election commentators' Twitter strategies to identify whether there are any additional kinds of content it could produce to increase its follower base and build on its reputation as a trusted and timely source of reliable election information.

### Answering queries through social media

As well as sharing electoral information, the VEC also uses its social media accounts to respond to queries from the public. VEC staff worked extended hours to remain responsive to increased social media demand around the 2018 Victorian election.<sup>50</sup> The VEC reported that it 'responded to 626 Facebook Messenger enquiries during the election period – mainly seeking information, requesting assistance, or making a complaint.'<sup>51</sup> The VEC replied to Tweets 325 times during the election period.<sup>52</sup>

Over the four years from November 2016 to November 2020, 55% of the VEC's Tweets were replies (increasing to 70% during the election period).<sup>53</sup> This demonstrates that a

<sup>50</sup> Victorian Electoral Commission, *Submission 77*, p. 8; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian state election*, Melbourne, 2019, p. 32.

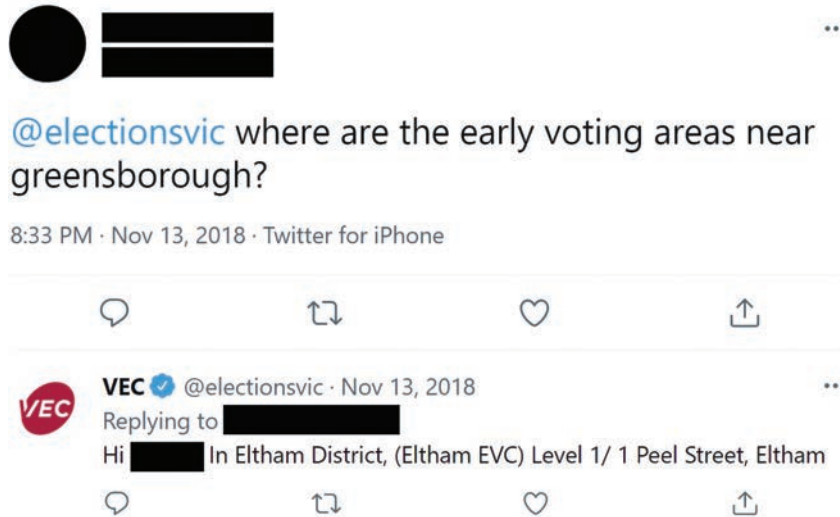
<sup>51</sup> Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian state election*, Melbourne, 2019, p. 32.

<sup>52</sup> Electoral Matters Committee analysis. For more, see Appendix B.

<sup>53</sup> Electoral Matters Committee analysis. For more, see Appendix B.

large part of the VEC's social media activity is responsive. The VEC responds to a range of queries regarding voting, vote counting, and other election issues (see, for example, Figure 3.11).

**Figure 3.11** Example of the VEC responding to a member of the public



Source: Tweets, 13 November 2018, accessed 19 August 2021.

The VEC's submission list a variety of benefits that responding to voter queries on social media brings:

- rapid social media responses take some burden away from phone lines and email inboxes
- the public nature of responses provides information others may find helpful and benefits the VEC's reputation
- people overseas can more easily contact the VEC via social media than by phone
- discussions around queries can attract helpful comment from experts
- open, public discussions can allow for a diverse mix of voices and community moderation.<sup>54</sup>

The Committee sees this as a valuable service for the VEC to provide to Victorians, and something that contributes to building the VEC as a trusted source of electoral information on social media.<sup>55</sup> The Committee encourages the VEC to continue providing this service.

**FINDING 12:** The VEC uses its social media accounts to answer questions about elections. This is a valuable service for Victorians and contributes to the VEC's reputation as a trusted source of electoral information.

<sup>54</sup> Victorian Electoral Commission, *Submission 77*, pp. 24–25.

<sup>55</sup> The Committee discusses the importance of such trusted sources more generally in Section 6.4.

### 3.6.2 Parliament of Victoria

**‘we recognise that the Victorian Electoral Commission has the primary role to inform the community about the electoral process. At the same time, we see that Parliament can also make an important contribution to encouraging community participation in Victorian state elections.’<sup>56</sup>**

In this section the Committee uses the terms ‘Parliament’ and ‘Parliament of Victoria’ to refer to the parliamentary administration, rather than Parliament as a legislative body. Parliamentary staff run the Parliament’s social media accounts under delegated authority from the Presiding Officers.

The Parliament uses social media to publicise a wide variety of content, from parliamentary proceedings (such as sitting times, committee hearings and legislation updates) through to public events and seminars. The President of the Legislative Council, the Hon Nazih Elasmr OAM, MLC, described one aim of Parliament’s social media work as promoting democracy and the relationship between Victorians and their members of parliament:

Showing to the Victorian community the detailed work undertaken by Parliament on the community’s behalf can help to build understanding of and respect for parliamentary democracy in our state. Providing opportunities for people to engage with Parliament through social media helps to strengthen the relationship between the community and our elected representatives.<sup>57</sup>

The President’s submission noted how Parliament can apolitically encourage people to participate in elections:

Enhancing community appreciation of our parliamentary institution is an important part of encouraging people to participate in elections for Parliament. At all times, the material posted to our social media is apolitical. This is particularly important in the lead-up to a state election, to ensure that Parliament’s social media channels do not in any way influence people in who they choose as Victoria’s elected representatives.<sup>58</sup>

The President’s submission highlighted an election infographic created by the Parliament and shared on social media ahead of the 2018 election (see Figure 3.12).

During the 46 days of the 2018 election period (writ issue to writ return) the Parliament posted 86 times on Facebook—11 times with content about the election. The Parliament used parts of its election infographic (shown in Figure 3.12) to add imagery to its Facebook posts (see, for example, Figure 3.13). The Parliament also posted historical information, which received relatively high levels of engagement (see Figure 3.14).

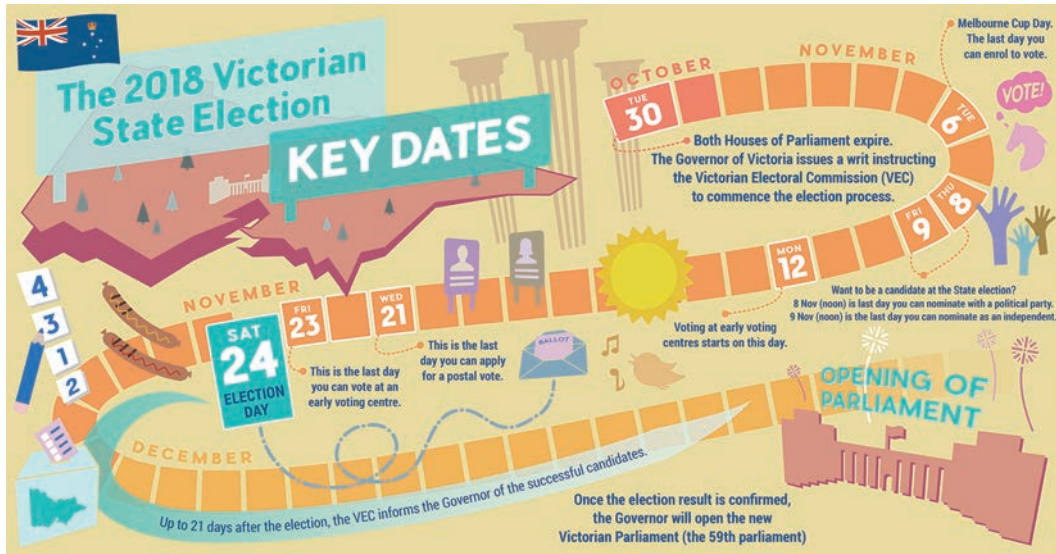
<sup>56</sup> Hon Nazih Elasmr OAM, MLC, President of the Legislative Council, *Submission 92*, p. 1.

<sup>57</sup> Hon Nazih Elasmr OAM, MLC, President of the Legislative Council, *Submission 92*, p. 1.

<sup>58</sup> Hon Nazih Elasmr OAM, MLC, President of the Legislative Council, *Submission 92*, p. 2.



Figure 3.12 Parliament of Victoria’s 2018 election infographic



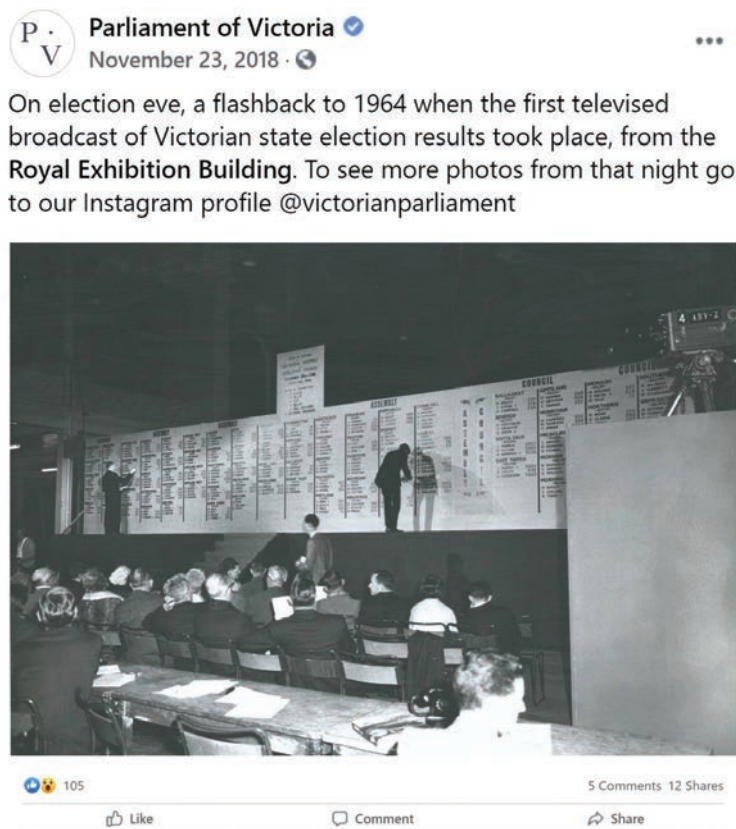
Source: Hon Nazih Elasmr OAM, MLC, President of the Legislative Council, *Submission 92*, p. 2.

Figure 3.13 Parliament of Victoria Facebook Post featuring infographic segment



Source: Parliament of Victoria (VicParliament), Facebook post, 16 November 2018, <<https://www.facebook.com/VicParliament/posts/2207631499494675>> accessed 27 April 2021.

**Figure 3.14** Parliament of Victoria Facebook post featuring historic photograph



Source: Parliament of Victoria (VicParliament), Facebook post, 23 November 2018, <<https://www.facebook.com/VicParliament/posts/2212548229003002>> accessed 27 April 2021.

The Parliament was less active on Twitter. The Parliament Tweeted 18 times during the election period, with only three Tweets about the election.

Other parliaments in Australia and New Zealand were more prolific during their respective recent election periods. The Commonwealth Parliament produced 149 election-related Tweets during the 2019 Commonwealth election. The New South Wales Parliament produced 25 election-related Tweets and 20 election-related Facebook posts during the 2019 election.

While the Parliament has demonstrated its ability to create electoral content, there is an opportunity for the Parliament to publish a far greater volume of election information. The Committee would like to see the Parliament provide more information to the Victorian community about elections during election periods, particularly through its Twitter account. The Parliament’s Facebook and Twitter accounts both have reasonable numbers of followers (76,000 and 7,961 respectively as at July 2021) and are therefore a useful vehicle for promoting electoral content.

The Committee would also like to see the Parliament sharing VEC content. During the 2018 election period, the Parliament did not Retweet any of the VEC’s Tweets. Similarly, the Parliament did not share any of the VEC’s Facebook content. In contrast, the Commonwealth Parliament Retweeted the AEC 91 times during the 2019 Commonwealth election.

The Committee sees this as an opportunity to be taken up at future elections. By sharing the VEC's social media content, the Parliament can spread authoritative electoral information from the VEC to the Parliament's followers. It can also spread awareness of the VEC's accounts and potentially grow its following. This is an easy way for the Parliament to promote accurate election information.

**FINDING 13:** The Parliament of Victoria published some electoral information on social media during the 2018 Victorian election period. However, the volume of election-related content was small and the Parliament did not Retweet or share content from the VEC. There is an opportunity for the Parliament to use its accounts more to promote electoral information.

**RECOMMENDATION 5:** That the Parliament of Victoria publish more electoral information through its social media accounts, especially during election periods.

**RECOMMENDATION 6:** That the Parliament of Victoria share and Retweet election content from the Victorian Electoral Commission's social media accounts during election periods and other times when appropriate.



# 4 Structural problems with social media

## 4.1 Introduction

A number of negative impacts from social media are a direct result of the way that social media platforms are designed. The Committee believes that changes should be made to the structure of platforms to reduce these negative impacts. However, several factors make it difficult for governments to bring about these changes. These factors include the business models of social media platforms and the nature of the companies running them.

Ultimately, the Committee considers that the Government should work together with social media companies and advocate for improvements, while increasing transparency and providing education to make people more aware of the problems of social media. The goals of this approach include both reducing inappropriate behaviour on social media and lessening its impact on Victorian elections.

Section 4.2 of this chapter sets out the key concerns about the structure of social media platforms and how they negatively impact on elections. Section 4.3 examines these concerns in more detail.

The Committee finds that the evidence for ‘echo chamber’ and ‘filter bubble’ effects is unclear. However, it is clear that social media do not always reflect the whole community and certain viewpoints may be missing from political conversations on social media platforms. This is a result of multiple factors, including the demographics of users, the ability for people to pay to promote messages and the way that algorithms have been designed to curate content.

The algorithms and people’s behaviour can also tend to promote material which is sensationalist, outrageous or shocking. This can often include content which is inaccurate or misleading. However, as sensationalist content attracts higher levels of user engagement than more restrained and accurate content, it contributes to social media companies’ profits. This can create an incentive for platforms to encourage this behaviour, or at least not to stop it. This presents a challenge for democratic systems.

Concerns have also been raised about problems resulting from online anonymity and foreign input into Victorian elections.

These various problems with the design of platforms can work together and be exploited by people seeking to amplify certain messages or marginalise opposing views. This manipulation is discussed further in Chapter 5.

Section 4.4 considers how the structure of social media presents challenges for governments wanting to address the negative impacts of social media. Section 4.5 notes the value of working together with platforms to bring about improvements.

Finally, the Committee notes that legislation in Victoria and Australia does not always clearly or appropriately reflect the nature of social media. As set out in Section 4.6, the Committee considers that it would be appropriate to review the Victorian Electoral Act with this in mind. There may also be value in reviewing some aspects of the Commonwealth Broadcasting Services Act and the Victorian Local Government Act.

## 4.2 Social media business models and democratic values

**‘posts that are inappropriate are generally the type of posts that will cause outrage and “go viral”. Outrage is the bread and butter of the “attention business” ...’<sup>1</sup>**

Social media platforms are businesses run to make profits. Most of the revenue for these businesses comes from selling advertising—for example, advertising revenue made up 97.9% of Facebook’s total 2020 revenue and 86.3% of Twitter’s.<sup>2</sup> Platforms are therefore designed to maximise the amount of advertising they can sell. To do this, they try to keep users on their platform for as long as possible by attracting and holding their attention. Some platforms also use users’ personal data to help advertisers target their messages.

Professor Ben O’Loughlin and Dr Sofia Collignon noted that platforms’ efforts to hold users’ attention may have negative consequences for democracy:

In the current business model, platforms are encouraged to promote sensational, outrageous and shocking ads because those ads are most likely to create attention and clicks. This business model leads them in the design of algorithms, in the interface design and in the default settings to support this tendency in order to retain user time on the specific platform that then can be commodified in advertising revenue. This matters for democracy because these algorithmic choices, interface designs, and default settings are an industry right but may conflict with democratic ideals and values.<sup>3</sup>

<sup>1</sup> Sally Woodward, *Submission 121*, p. 4.

<sup>2</sup> Committee calculations based on Facebook form 10-K filing with the United States Securities and Exchange Commission, p. 52, available at Facebook, *Form 10-K Facebook Inc annual report [Section 13 and 15(d), not S-K Item 405]*, <<https://sec.report/Document/0001326801-21-000014>> accessed 9 August 2021; Twitter form 10-K filing with the United States Securities and Exchange Commission, p. 38, available at Twitter, *Form 10-K Twitter, Inc. annual report [Section 13 and 15(d), not S-K Item 405]*, <<https://sec.report/Document/0001418091-21-000031>> accessed 9 August 2021.

<sup>3</sup> Ben O’Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 7 (with source).

Similarly, Responsible Technology Australia stated:

The business models of the digital platforms have a single objective: to capture and maintain user attention in order to maximise advertisements served and profits generated. As such, the algorithms which dictate the content and information we consume are optimised to fulfil this objective ... To feed this machine, the platforms have built a system of unfettered and limitless personal data collection, building comprehensive profiles of their users that encapsulate their interests, vices, political leanings, triggers and vulnerabilities. This data is then used to predict our engagement behaviour, constantly calculating what content has the greatest potential for keeping us engaged. This content has been shown to lean towards the extreme and sensational, as it is more likely to have higher engagement.<sup>4</sup>

Submitters and witnesses to this Inquiry emphasised a number of negative impacts coming from the design of social media platforms:

- the personalisation of content (based on users' past behaviour or personal characteristics) may lead to a reduced exposure to alternate viewpoints and to a misunderstanding of community views (explored further in Section 4.3.1)
- the desire to hold users' attention may lead to the amplification of sensationalist and inaccurate content (see Section 4.3.2)
- candidates, parties and interest groups with larger budgets have ways to amplify their voice compared to people with less money (see Section 4.3.3)
- the ability for people to use social media anonymously or with fake personas makes it hard for people to face real-world consequences for their online behaviour and enables people to give a false impression of what other groups of people believe (see Section 4.3.4)
- the international nature of social media provides a way for foreign governments to interfere in an election and can facilitate cultural influence from other countries (see Section 4.3.5).

In addition, some social media platforms use personal data about users to target advertising to specific groups. This 'microtargeting' can reduce the transparency of statements made during an election campaign. This can make it harder for voters to be informed and can reduce public debate. Concerns about microtargeting are discussed further in Chapter 8.

Several platforms have expressed a desire to reduce harms resulting from their platforms and some have taken measures to improve things (see Section 9.3). However, the features noted above are fundamental parts of the way that social media platforms are designed. They enable platforms to compete and make profits. Many of these features also provide benefits to users and are part of what makes social media engaging (see Section 2.3.1). Given this, social media platforms have an incentive not to change these features.

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<sup>4</sup> Responsible Technology Australia, *Submission 85*, p. 2 (with sources).

It is therefore not surprising that the changes introduced by platforms tend to address specific issues rather than the underlying business models. The Committee also notes that some platforms have responded negatively to government calls for change (see Section 4.4.3) or have been reluctant to respond to inappropriate behaviour (see Section 9.2).

Ultimately, social media platforms' business models do not necessarily align with the values of a robust democracy, such as encouraging healthy political debate, helping voters to be well informed or providing a level playing field for candidates. Changes to the design of platforms which may improve the electoral environment may not be in the interests of social media platforms from a business perspective.

It is therefore important for governments to put pressure on social media platforms to improve design features (see Section 9.5). However, this needs to be supplemented by trying to bring about changes in users' behaviour, as set out in Chapters 10 and 11.

**FINDING 14:** Social media platforms are businesses which seek to make profits through advertising. Several design features which have negative impacts on the electoral environment are important elements of platforms' business models. Changing these features may not be in the business interests of platforms.

## 4.3 How the structure of social media platforms impacts on elections

As outlined in Section 4.2, submitters and witnesses raised concerns about a number of potential negative impacts on elections resulting from the structure of social media. These are explored in detail in this section.

### 4.3.1 Limiting voters' exposure to different opinions and information

**'the ability of individuals to find communities of like-minded believers unconstrained by geography is one of the great benefits of the internet. Nevertheless, the darkest corners of the internet provide self-reinforcing havens for hate, terrorist recruitment, and propagation of conspiracy theories.'**<sup>5</sup>

Multiple submitters and witnesses were concerned that social media users may be exposed to only limited ranges of opinions and information as a result of the way platforms operate. This may lead to people making their decisions about who to vote for based on incomplete or inaccurate information.

<sup>5</sup> Nathaniel Persily, *The internet's challenge to democracy: framing the problem and assessing reforms*, Kofi Annan Commission on Elections and Democracy in the Digital Age, n.d. (=Kofi Annan Commission on Elections and Democracy in the Digital Age, Submission 35, Attachment 1), p. 3.



Two features of social media platforms can lead to this occurring:

- the design of many social media platforms may encourage ‘echo chambers’ and ‘filter bubbles’, meaning that users only get exposed to a subset of other users on the platform
- some platforms tend to attract certain demographic groups more than others (such as particular age groups, genders or political views), meaning that the viewpoints seen on the platform may not reflect all viewpoints in the broader community.

### **Echo chambers and filter bubbles**

A number of submissions to this Inquiry expressed concerns about ‘echo chambers’ in social media. These are spaces in which people only interact with people who share similar views to them. If this occurs, it may mean that people only hear certain viewpoints and information and are not exposed to alternative perspectives.

A related phenomenon is the ‘filter bubble’, which occurs when social media platforms’ algorithms selectively promote content to users based on their personal information. Data such as users’ personal characteristics, their online connections and their previous online activity can be used to determine which content to promote to a particular user. As with the echo chamber, this can reduce a voter’s exposure to different information and perspectives, as algorithms may promote content similar to what users have already seen and liked, rather than different ideas and approaches.

Efforts to manipulate what users see on social media (see Chapter 5) and microtargeting (see Chapter 8) may add to these effects. Echo chambers might also amplify the effect of inaccurate information (see Chapter 6) if it circulates within an echo chamber and there is nobody there with alternative information to correct it.

Some of the features of social media platforms can also enhance the ‘echo chamber’ effect without this being clear to users. For example, moderators on Facebook groups may delete comments supporting a particular view or providing information that disagrees with their narrative. Similarly, if a person blocks another user on Twitter, that user cannot see the Tweets from that person’s account and cannot respond to them. In circumstances like these, it may appear to some users that particular statements are not opposed when that is not the case.

The Victorian Electoral Commission (VEC) expressed common concerns about the effects of echo chambers and filter bubbles, combined with microtargeting:

This has the potential of disconnecting users from broader discussions and amplifying disinformation that penetrates the bubble, both of which can cause harm to democracy in the long term. While it is correct to state that disinformation during electoral events existed well before online media emerged, the creation of filter bubbles has provided like-minded people with unprecedented levels of peer validation, amplifying

disinformation and lending it a legitimacy that it has not previously had. Even discerning voters may struggle to navigate the content being shared within their filter bubble – let alone more vulnerable groups (such as people with low English literacy, or migrants who are distrustful of governments) who may fall victim to this influence.<sup>6</sup>

Some of the concerns about filter bubbles were also noted by Professors Vian Bakir and Andrew McStay from Bangor University:

In terms of negative implications for democracy, many studies find that these filter bubbles result in limited exposure to, and lack of engagement with, different ideas and other people’s viewpoints on social media (especially Facebook). This fuels conspiracy theories and the spread of unverified rumours and fake news; and makes users resistant to debunking of disinformation circulating within the filter bubbles. This state of affairs is problematic for democracy, because, to make informed decisions, all citizens need access to, and engagement with, a sufficiently diverse body of information about public life.<sup>7</sup>

However, Professors Bakir and McStay also explained that some studies have found that social media can have the opposite effect—exposing people to a greater diversity of ideas:

Studies on news exposure on multiple platforms, find that the effect of personalisation is smaller than often assumed; and that recommendation algorithms increase rather than decrease diversity in news consumption.<sup>8</sup>

A 2017 study of Australians found that ‘Almost half (49%) of respondents that use Facebook as a source of news indicated that they agree or strongly agree that they often see news from outlets that they would not normally use.’<sup>9</sup> Evidence from the 2018 Victorian state election period also indicated that certain news outlets, such as 7NEWS and some ABC pages, were shared on Facebook by people across different parts of the political spectrum (see Figure 4.1).

However, Figure 4.1 also shows that there are some news outlets that tended to be favoured more by particular parties on Facebook. This could be seen from the Committee’s analysis of Twitter as well (see, for example, Figure 4.2). This favouring of particular news outlets could contribute to different users being exposed to some different information depending on whom they follow, even though there are also some shared news sources.

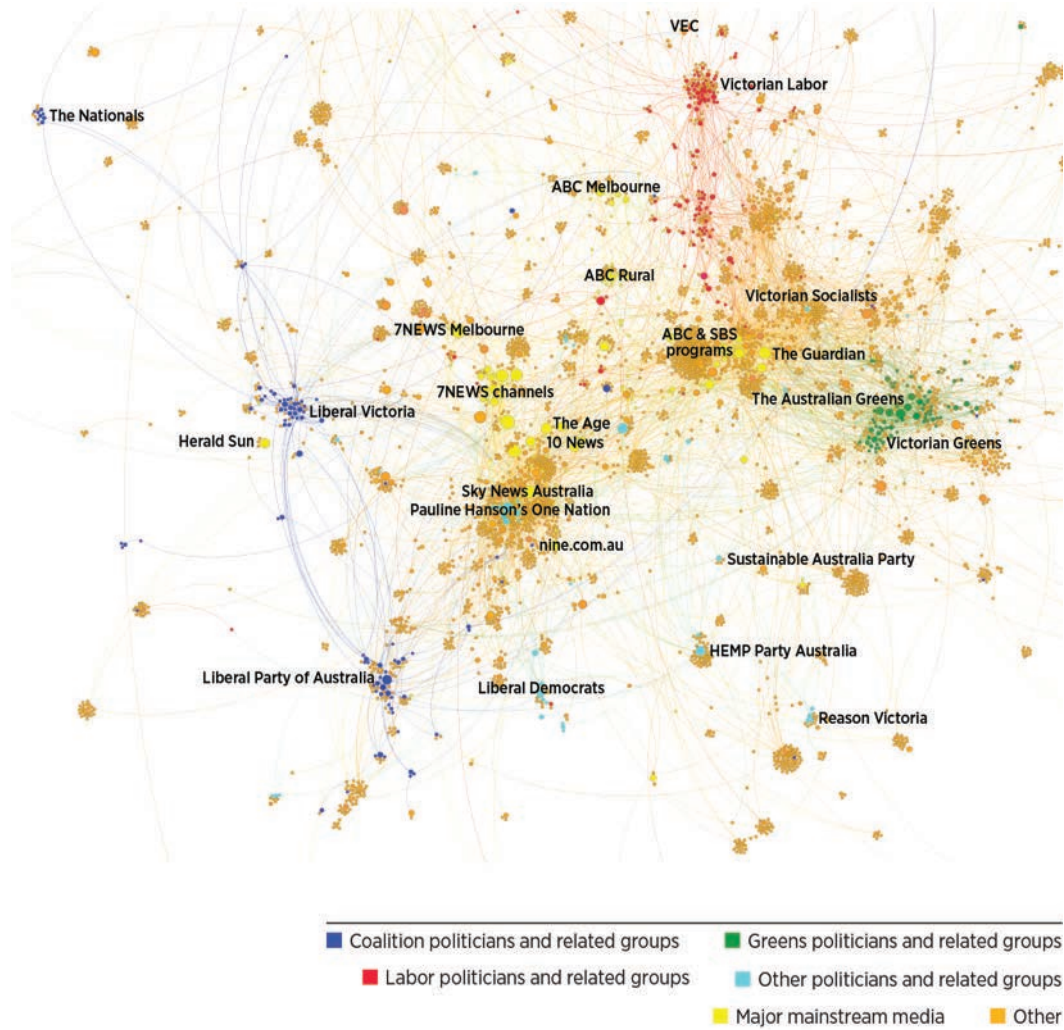
<sup>6</sup> Victorian Electoral Commission, *Submission 77*, p. 15.

<sup>7</sup> Vian Bakir, Professor of Journalism & Political Communication, and Andrew McStay, Professor of Digital Life, Bangor University, *Submission 21*, p. 3 (with sources).

<sup>8</sup> Vian Bakir, Professor of Journalism & Political Communication, and Andrew McStay, Professor of Digital Life, Bangor University, *Submission 21*, p. 3 (with sources); see also Ben O’Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 4.

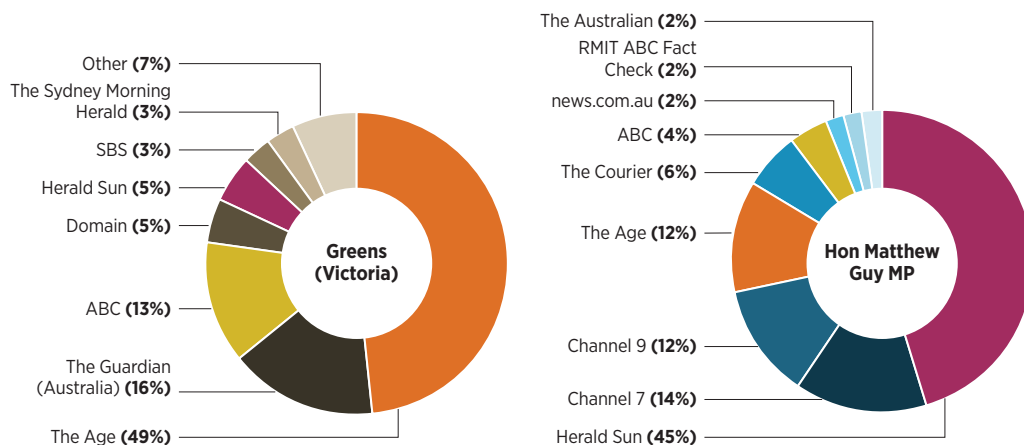
<sup>9</sup> Jerry Watkins et al., *Digital news report: Australia 2017*, News & Media Research Centre, University of Canberra, Canberra, 2017, p. 38; Australian Competition and Consumer Commission, *Digital platforms inquiry: final report*, Canberra, 2019, p. 349.

**Figure 4.1** Partial network map of Facebook posts during the 2018 Victorian state election period



Source: Adapted from research by Queensland University of Technology Digital Media Research Centre, commissioned by the Committee (see Section B.6 in Appendix B).

**Figure 4.2 News sources Tweeted by the Greens (Victoria) and the Hon Matthew Guy MP**



Note: Based on election-related Tweets posted during the 2018 election period (excluding replies).

Source: Electoral Matters Committee. For methodology see Appendix B.

As discussed in Section 3.4.1, though, all of the accounts analysed by the Committee relied on mainstream news sources. These articles from these sources served as a meeting point for people with different political perspectives, as responses to media articles often included views from across the political spectrum. Similarly, the Committee notes that the comments on politicians’ posts can become places for debate, where a variety of viewpoints are expressed. Users also share posts from politicians they disagree with at times. Even if the intention is only to highlight what they disagree with, this plays a valuable role in exposing people to politicians’ viewpoints.

Professor Ben O’Loughlin from the University of London suggested that echo chambers and filter bubbles may not be as wide-spread as people expect:

committees that report that filter bubbles are a problem are generally factually wrong. The filter bubbles—the evidence that people are spending most of their time talking about politics only in a certain social media space or only on a certain website is very low. Most of social media is exposing people to a range of views, a range of perspectives, a range of different party political positions. Most of the evidence for the last five years shows this and yet it seems that many journalists and even some policymakers seem to think that filter bubbles are actually much more of a problem than they are.<sup>10</sup>

Professor Scott Wright from Monash University also noted that a lot of online political discussion takes place in spaces that are not specifically political, such as parenting forums. He indicated that these spaces can bring together people with different political views and tend to exhibit less polarisation.<sup>11</sup>

<sup>10</sup> Ben O’Loughlin, Director, New Political Communication Unit, Royal Holloway, University of London, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 37; see also Ben O’Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, pp. 3-4 (with sources).

<sup>11</sup> Scott Wright, Professor of Political Communication and Journalism, Monash University, public hearing, Melbourne, 5 July 2021, *Transcript of evidence*, pp. 2, 4.

Overall, the Committee notes the risk of echo chambers and filter bubbles in social media. However, it is not clear to what extent (if any) these operate in practice. Nor is it clear how much (if any) impact these are having on people's deliberations about whom to vote for. The Australian Competition and Consumer Commission has noted that people generally rely on more than one source for news and may compensate for any lack of diversity in what they see on social media by their use of traditional media and other information sources.<sup>12</sup>

The Committee notes that some platforms have made some effort to reduce these problems. For example, some platforms have added labels to posts containing inaccurate information which direct people to authoritative sources of information.<sup>13</sup> However, linking users with other like-minded people and providing content that individual users find engaging are key aspects of social media platforms' business models. Social media companies may therefore have limited incentive to combat these problems unless there is pressure from governments.

The need for further research into this and other matters is discussed in Section 4.4.1. Similar conclusions were reached recently by the Australian Competition and Consumer Commission.<sup>14</sup> To enable this research, it is essential for there to be greater transparency about how platforms operate, both in terms of designs and decisions (see Section 10.5).

Once there is a better understanding of how echo chamber and filter bubble effects are impacting on elections, the Government will be better placed to determine whether further action should be taken.

**FINDING 15:** Concerns have been raised that the structure of some social media platforms may encourage echo chambers and filter bubbles, in which people are not exposed to a variety of viewpoints and information. It is not clear to what extent these phenomena exist or what impact (if any) they are having on elections. Further research in this area would be valuable.

### **The users on some platforms may be disproportionately from certain groups**

The variety of perspectives that users encounter in social media may also be limited by the platform they use. Different platforms tend to attract different groups, such as particular age groups, genders or political orientations. This may result in people not encountering certain perspectives on particular platforms. A user may also get a false impression of what the general population thinks if they believe that the people they encounter on a particular platform reflect the broader population.

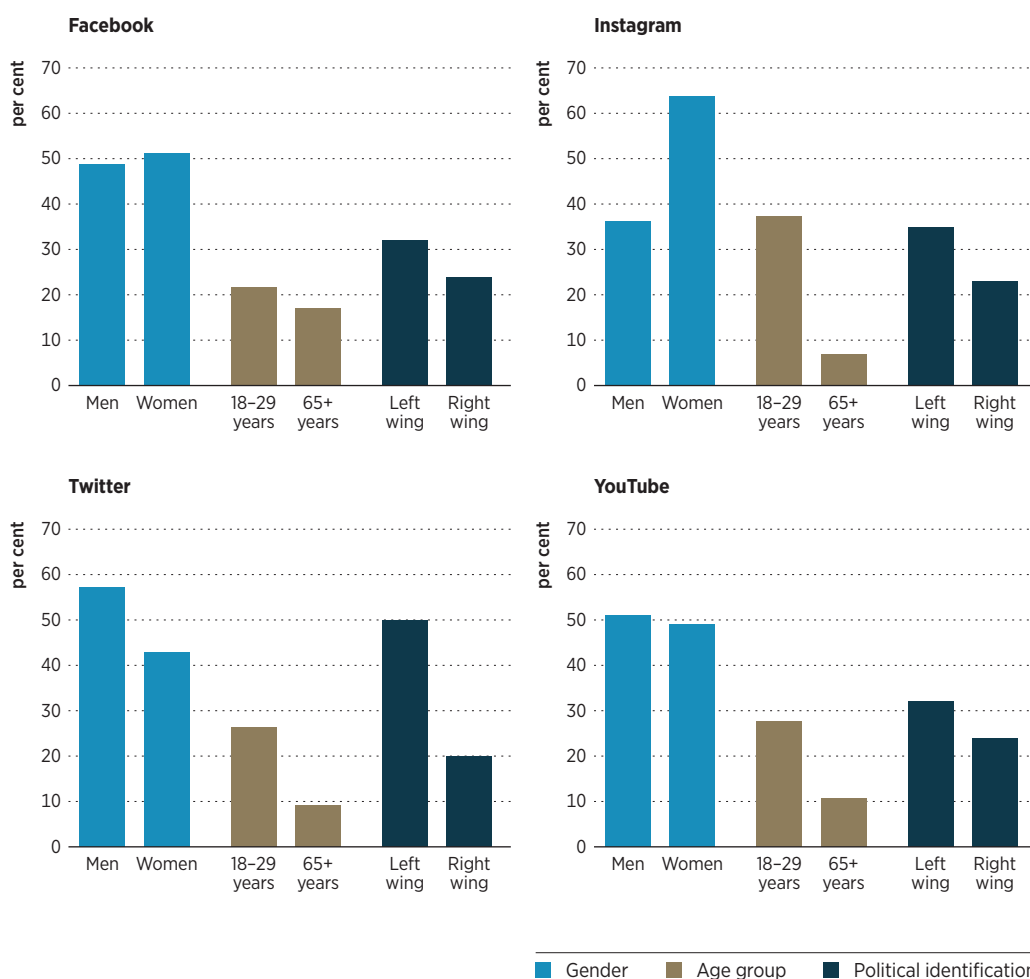
<sup>12</sup> Australian Competition and Consumer Commission, *Digital platforms inquiry: final report*, Canberra, 2019, p. 349.

<sup>13</sup> For example, see Facebook, *Submission 123*, p. 3.

<sup>14</sup> Australian Competition and Consumer Commission, *Digital platforms inquiry: final report*, Canberra, 2019, p. 350.

Figure 4.3 indicates the different characteristics of adult users of different platforms. As can be seen, Facebook and YouTube are relatively balanced in terms of gender and political identification (and Facebook is also relatively balanced in terms of age). However, Twitter users tend to be male, younger and are much more likely to identify as left-wing than right-wing. Instagram users are much more likely to be female and younger.

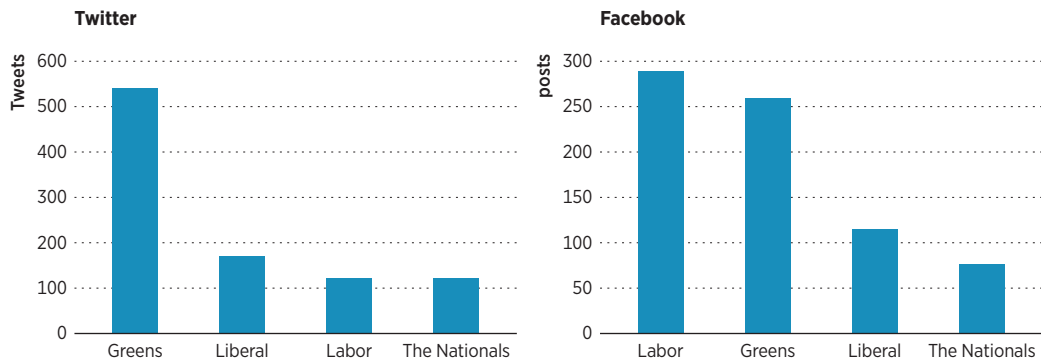
Figure 4.3 Characteristics of adult social media users



Note: Political identification is self-reported and the sample only includes people who use social media to access news. Respondents to the survey could also select 'centre' or 'don't know'.

Source: Electoral Matters Committee, based on Yellow, *Yellow social media report 2020—part 1: consumers*, Melbourne, 2020, p. 11 (gender and age) and Sora Park et al., *Digital news report: Australia 2020*, News & Media Research Centre, University of Canberra, Canberra, 2020, p. 99 (political identification).

Adding to these variations between platforms, different political parties put in different amounts of effort on different platforms (see Figure 4.4), with some parties not having any presence on particular platforms. This means that users on certain platforms have less opportunity to hear from some parties and may hear more from other parties. Depending on which platforms a person uses, they may therefore encounter very different sorts of debate at election time and be exposed to different information and viewpoints.

**Figure 4.4** Different platform use by different parties at the 2018 Victorian election

Notes: Election-related posts between 1 October and 24 November 2018. Each category includes the Victorian party account and the party leader's account. Only includes original posts (that is, Tweets in reply to the Twitter accounts' own Tweets or other accounts have not been counted).

Source: Electoral Matters Committee. For methodology see Appendix B.

These effects can also be magnified by deliberate efforts to amplify certain parties' messages or drown out others, as discussed in Chapter 5.

As with the concerns about echo chambers and filter bubbles, it is not clear how much (if any) impact the differing user groups on social media platforms have on voters' decisions. Nor is it clear how different this is from people's offline experiences, where they may also tend to encounter people disproportionately from particular demographics. This is another area where further research into the effect of social media on voting decisions may be valuable (see Section 4.4.1).

**FINDING 16:** Different social media platforms attract different groups of people (such as different age groups, genders or political orientations). It is important for people to understand that certain groups of people and their perspectives may be underrepresented on any particular platform.

### Reducing the impact

As noted above, it is not clear how much (if any) impact these effects are having on elections. Further research (as recommended in Section 4.4.1) may make this situation clearer and may identify whether or not there is a need for further action.

In the meantime, it is important for people to understand that the views they encounter on a particular platform may not be representative of the broader population. Certain perspectives and ideas may be missing from a person's social media environment. Similarly, an opinion that appears to be commonly held among people a user encounters on social media may not be commonly held in the community.

These things should be taught as part of social media literacy programs (see Section 11.2). Better understanding the possible biases in what a person sees on social media may reduce some of the distorting effects on electoral decision-making.

It may also encourage people to look for opinions and ideas in other places and not to be overly reliant on social media as a news source.

Parties, candidates or political interest groups may wish to make efforts to counter some of these effects by promoting their messages on platforms where they may otherwise receive less attention. However, this is a matter for those groups to decide for themselves.

### 4.3.2 Amplifying sensationalist content

**'As the primary aim of these platforms is to maximise user time spent on them, the algorithms are incentivised to serve material that is calculated to engage users more. This content tends to be more extremist or sensationalist or untrue.'**<sup>15</sup>

For many social media platforms, algorithms play a significant role in determining what people see. For example, the Australian Competition and Consumer Commission explained that:

... Facebook uses algorithms that consider thousands of data points regarding the available inventory of stories to surface and rank the most relevant content on the Facebook News Feed for its users, including consideration of factors such as Facebook's predictions on how likely a user is to comment on a story or share it with a friend.<sup>16</sup>

It has been argued that content which is more sensationalist may be more likely to receive user interactions and is therefore more likely to be promoted by algorithms. In the electoral context, this may lead to algorithms promoting inaccurate information, conspiracy theories, extreme views and short-lived controversies.<sup>17</sup> This can apply to both news items and advertising.<sup>18</sup>

Even if a platform's algorithms do not actively promote this sort of content, there may be a disincentive for a platform to prevent or eliminate it, given that it can increase users' levels of engagement.<sup>19</sup> In the case of platforms (such as YouTube) which financially reward content producers based on engagement, the platforms may also be encouraging people to produce inaccurate information or sensational claims that are more engaging.<sup>20</sup>

<sup>15</sup> Responsible Technology Australia, *Submission 85*, p. 2.

<sup>16</sup> Australian Competition and Consumer Commission, *Digital platforms inquiry: final report*, Canberra, 2019, p. 171 (with source).

<sup>17</sup> Stephan Lewandowsky, Chair in Cognitive Psychology, School of Psychological Science, University of Bristol, and Professor, School of Psychological Science, University of Western Australia, and Ullrich Ecker, Professor, School of Psychological Science, University of Western Australia, *Submission 54*, p. 2; Carnegie UK Trust, *Submission 82*, pp. 3–4 (with sources); Chris Zappone, *Submission 90*, p. 1.

<sup>18</sup> Ben O'Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 7 (with sources); see also Responsible Technology Australia, *Submission 85*, p. 2; Stephan Lewandowsky, Chair in Cognitive Psychology, School of Psychological Science, University of Bristol, and Professor, School of Psychological Science, University of Western Australia, and Ullrich Ecker, Professor, School of Psychological Science, University of Western Australia, *Submission 54*, p. 1.

<sup>19</sup> Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Submission 95*, pp. 1–2.

<sup>20</sup> Carnegie UK Trust, *Submission 82*, p. 4; Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Submission 95*, p. 2.



The Committee recognises that social media platforms have taken some steps recently to reduce the spread of inaccurate information (see Section 9.3). However, it is important to recognise that platforms have a financial incentive to spread sensationalist content which is engaging, as this keeps users on the platforms and therefore allows greater profits through advertising. As a result, there is a tension between platforms' desire to combat inaccurate information and their profit motives. In this context, pressure from governments can play a valuable role in pushing platforms to take greater responsibility for not promoting inaccurate information. This is discussed further in Chapter 9.

It is also important that people understand that platforms may promote particular types of content more than other types. The content a user sees may not reflect what most people are saying on the platform, let alone what the broader community is saying. As with the points raised in Section 4.3.1, this understanding should also be a part of social media literacy.

**FINDING 17:** Some social media platforms promote content based on how much engagement it receives. This may lead to inaccurate information, conspiracy theories, extreme views and short-lived controversies being promoted more than accurate and more dispassionate content.

### 4.3.3 Giving a louder voice to people with more money

As discussed in Section 2.3.2, a democracy is healthier when it is more competitive. An important part of this is a level playing field for candidates. A level playing field allows all candidates to spread their messages, which helps voters to make more informed choices about which candidates will best represent their interests.

In some ways, social media have made the playing field more level (see Section 3.5). Any candidate can publicise themselves and what they stand for on social media with minimal cost.

However, social media platforms also offer ways for people to pay to have their message promoted. This includes formal paid advertising and various indirect ways of paying to have a message promoted. This can give the parties, candidates and groups with more funding an advantage in terms of getting their message to voters.

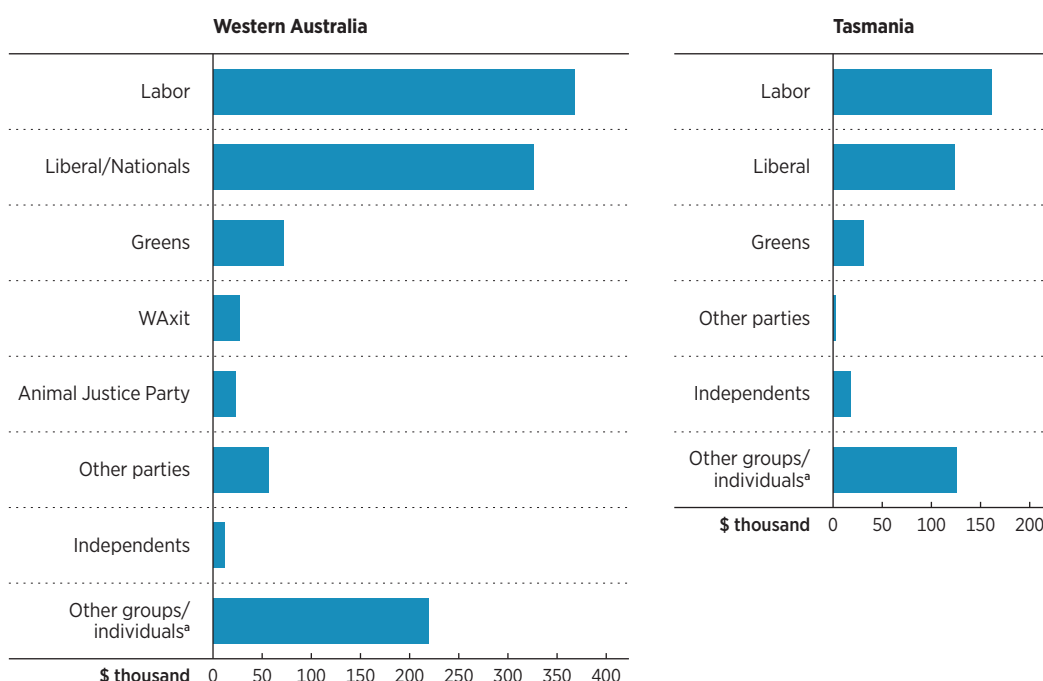
Some platforms (most importantly Facebook) allow users to pay the social media company to promote posts.<sup>21</sup> As can be seen from Figure 4.5, some parties can spend significant amounts on Facebook advertising, which smaller parties and interest groups may not be able to match. However, smaller parties with large revenue sources may have disproportionate access to advertising—for example, the United Australia Party was reported to have spent \$160,000 on Facebook advertising in the month before

<sup>21</sup> Twitter banned political advertising in October 2019—Twitter, *Submission 126*, p. 10.

the 2020 Queensland election,<sup>22</sup> which is comparable to much larger parties in other states (see Figure 4.5). In addition, because some online advertising is auctioned, a large advertising program by one party may increase the cost of advertising for other candidates.<sup>23</sup>

Having additional funds can also enable a party to pay for more data to customise microtargeting (see Chapter 8), which may give that party an advantage.<sup>24</sup> Groups that advertise more may also receive other preferential treatment, such as access to account representatives that can facilitate appeals processes when decisions are made by social media platforms to take action against accounts.<sup>25</sup>

**Figure 4.5 Expenditure on Facebook advertising in the lead up to the 2021 Western Australian and Tasmanian elections**



a. Includes some commercial advertisers and non-political advertising. Excludes electoral commissions.

Notes: Expenditure has been attributed to parties based on the Facebook page name or ‘paid for by’ statement for an advertisement indicating that the page or payer is associated with a party, a candidate or an elected member (including in other jurisdictions). Western Australian data cover advertising to users in Western Australia in the 90 days prior to 14 March 2021 (election day was 13 March 2021). Tasmanian data cover advertising to users in Tasmania in the 90 days prior to 2 May 2021 (election day was 1 May 2021). Only includes advertisements classified as about social issues, elections or politics.

Source: Committee calculations based on data from the Facebook Ad library.

22 Matt Dennien, ‘How the Queensland election was run and won on social media’, *Brisbane Times*, 4 November 2020, <<https://www.brisbanetimes.com.au/politics/queensland/how-the-queensland-election-was-run-and-won-on-social-media-20201104-p56bda.html>> accessed 2 August 2021.

23 The Centre for Public Integrity, *Submission 74*, p. 7.

24 Nathaniel Persily, *The internet’s challenge to democracy: framing the problem and assessing reforms*, Kofi Annan Commission on Elections and Democracy in the Digital Age, n.d. (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 1*), p. 19.

25 Daniel Kreiss and Shannon C. McGregor, ‘The “arbiters of what our voters see”: Facebook and Google’s struggle with policy, process, and enforcement around political advertising’, *Political Communication*, vol. 36, no. 4, 2019, pp. 19–20, doi: 10.1080/10584609.2019.1619639.

There are also indirect ways that candidates or parties can spend money to increase the reach of their messages. In 2020, it was reported that Mike Bloomberg paid social media influencers to spread content about him to their followers as part of his bid to be the US Democrats' presidential candidate.<sup>26</sup> Candidates or parties can also use bots or pay high-intensity users to spread their messages (see Sections 5.3–5.4). These approaches can disguise the fact that the messages have been paid for, which may encourage users to engage with them. Social media platforms' algorithms may further promote messages that are amplified in these ways, as these may appear to have high levels of engagement.

The ability for candidates and parties with more funding to advertise more widely is not unique to social media. This is also the case with traditional forms of advertising, such as newspapers, television and billboards. As Mr Sam McQuestin from the Liberal Party noted:

For as long as politics has existed in whatever country we are in, there have been, if you like, different levels of spending from different areas, and it is not necessarily always slanted one side.<sup>27</sup>

An important difference, however, is that it is relatively easy to see how much advertising a candidate or party is running in newspapers, on television and through billboards. Advertising through social media is less transparent, partly as a result of microtargeting (see Chapter 8).

Some social media platforms have made efforts recently to increase the transparency of this advertising. For example, Facebook has established an 'Ad Library' of paid adverts about 'social issues, elections or politics' which appear on Facebook or Instagram. This is an excellent step, though there are a number of limitations to this (see further discussion in Sections 9.3.1 and 10.3).

Several submitters and witnesses to this Inquiry called for electoral advertising to be banned or restricted on social media (see Section 8.4). The Committee does not favour this view, but would like to see additional transparency around electoral advertising (see Section 10.3) and around indirect efforts to amplify messages (see Section 10.4).

More generally, the Committee notes that Victoria's campaign finance rules changed substantially in 2018, and that an independent, expert panel is due to review the system after the 2022 election.<sup>28</sup> The Committee hopes that the impact of campaign finance on social media activity will be considered as part of that review.

<sup>26</sup> 'Mike Bloomberg campaign pays influencers for memes', *BBC*, 13 February 2020, <<https://www.bbc.com/news/world-us-canada-51493403>> accessed 10 June 2021.

<sup>27</sup> Sam McQuestin, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, p. 4.

<sup>28</sup> Parliament of Victoria, Electoral Matters Committee, *Report on the inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 179–180.

**FINDING 18:** As social media platforms generally make their money from advertising, some platforms allow parties, candidates and organisations to pay for their messages to be amplified through advertising. This can create an imbalance between candidates, advantaging parties and groups with larger financial resources. Parties and groups with more money also have more access to indirect ways of amplifying their messages, such as paying users or bots.

#### 4.3.4 Facilitating inappropriate behaviour by allowing anonymity

**‘So while anonymity gives people the flexibility and the freedom to say whatever they want—like, for example, maybe I have an account which is not necessarily political or is my personal account and is different from my professional account—I think making it easier for social media companies to identify in a second degree who the perpetrator is is essential to actually decreasing the volume of abuse and intimidation.’<sup>29</sup>**

It is easy on most social media platforms to be anonymous or use a fake name. A number of submitters and witnesses were concerned that anonymity may encourage inappropriate behaviour such as spreading inaccurate information (see Chapter 6) and harassing people (see Chapter 7). Anonymity can also facilitate foreign influence (see Section 4.3.5), as it is easy for foreign users to falsely present themselves as Australian. Where accounts are anonymous and social media platforms do not know the users’ true identity, it can also be difficult for authorities to take action against people who break the law online.

Some stakeholders believed that anonymity on social media encourages users to abuse political candidates. For example, Dr Sofia Collignon from the University of London told the Committee:

people hiding behind anonymity tend to be way more aggressive towards politicians because basically they do not think that they can be identified and basically they would not be saying all the things that they say face to face.<sup>30</sup>

Australia’s eSafety Commissioner has also stated more generally that:

The ease with which anonymous, fake, imposter and impersonator accounts can be generated is a contributing factor to cyberbullying of children and adult cyber abuse, as reflected in a significant number of the complaints we receive through our reporting schemes.<sup>31</sup>

<sup>29</sup> Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 37.

<sup>30</sup> Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 37. See also Ben O’Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 4.

<sup>31</sup> eSafety Commissioner, *Anonymity and identity shielding*, <<https://www.esafety.gov.au/about-us/tech-trends-and-challenges/anonymity>> accessed 25 March 2021.

The lack of identity checking when setting up a social media account also enables users to set up profiles with fake personas which present false information about where the user lives, their ethnicity, their gender, what they do for a living or any other personal details. This can be particularly useful if a user is trying to create a false impression of what a community believes.

An alternative view of anonymity was presented by Associate Professor Daniel Angus (Queensland University of Technology). He argued that there is an absence of evidence that real-name policies reduce anti-social behaviour.<sup>32</sup> In particular, he noted a laboratory experiment which found that anonymity on its own did not impact on how aggressive online comments were (though it did make a small difference when users were commenting in a more aggressive environment).<sup>33</sup> Another study of online 'firestorms' found that people who were not anonymous were more aggressive than anonymous users.<sup>34</sup>

However, the Committee also notes two studies which found that people tend to be more uncivil in comments on newspaper articles when they are anonymous compared to when they are not.<sup>35</sup> In particular, one of the studies found that:

First, the occurrence of uncivil communicative behaviour in reader comments is significantly more common on the website version of the Washington Post, where users are able to maintain their anonymity, compared to the Facebook version of the Washington Post, where commenters are identified with, and accountable for, their content. Second, the uncivil and impolite behaviour that was identified on the Washington Post website was significantly more likely to be interpersonal, meaning it is directed towards others participating in the discussion.<sup>36</sup>

One of the studies also noted, though, that removing anonymity did not eliminate uncivil behaviour.<sup>37</sup>

Professor Axel Bruns of the Queensland University of Technology argued that there were good reasons to allow anonymity in social media:

there is also a value in anonymity for vulnerable communities. There are many people who are using social media in order to form communities—for instance, women who have been abused; for instance, other groups in society who are vulnerable for

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- <sup>32</sup> Daniel Angus, Associate Professor, Queensland University of Technology Digital Media Research Centre, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 25; Daniel Angus, Associate Professor, Queensland University of Technology Digital Media Research Centre, response to questions on notice, received 21 December 2020, p. 1.
- <sup>33</sup> Leonie Rösner and Nicole C. Krämer, 'Verbal venting in the social web: effects of anonymity and group norms on aggressive language use in online comments', vol. 2, no. 3, *Social Media + Society*, 2016, pp. 8, 10, doi: 10.1177/2056305116664220.
- <sup>34</sup> Katja Rost, Lea Stahel and Bruno S. Frey, 'Digital social norm enforcement: online firestorms in social media', *PLoS ONE*, vol. 11, no. 6, 2016, p. 1, doi: 10.1371/journal.pone.0155923.
- <sup>35</sup> Arthur D. Santana, 'Virtuous or vitriolic: the effect of anonymity on civility in online newspaper reader comment boards', *Journalism Practice*, vol. 8, no. 1, 2014, pp. 18–33, doi: 10.1080/17512786.2013.813194; Ian Rowe, 'Civility 2.0: a comparative analysis of incivility in online political discussion', *Information, Communication & Society*, vol. 18, no. 2, 2015, pp. 121–138, doi: 10.1080/1369118X.2014.940365.
- <sup>36</sup> Ian Rowe, 'Civility 2.0: a comparative analysis of incivility in online political discussion', *Information, Communication & Society*, vol. 18, no. 2, 2015, p. 132, doi: 10.1080/1369118X.2014.940365.
- <sup>37</sup> Arthur D. Santana, 'Virtuous or vitriolic: the effect of anonymity on civility in online newspaper reader comment boards', *Journalism Practice*, vol. 8, no. 1, 2014, p. 28, doi: 10.1080/17512786.2013.813194.

whatever reason—and they are quite often online on social media anonymously or pseudonymously in order to support each other, but obviously they are not going to use their real names in doing so because that would again enable their abusers to find them. So while, yes, the anonymous abuse that members of Parliament and other public figures receive is deeply problematic and there is more that the platforms need to do about this, at the same time there is a value in anonymity, there is a value in pseudonymity for those groups who are being abused by others ...<sup>38</sup>

Professor Lorna Woods from Essex University similarly noted that there were benefits to people being able to use social media anonymously, ‘even for something as simple as wanting to keep your work life and your home life separate.’<sup>39</sup>

The Committee accepts that there are benefits to allowing anonymity online. It is less clear to what extent anonymity also encourages inappropriate behaviour.

Regardless of whether users can present themselves to other users as anonymous, it should be possible for authorities to take legal action against people who break the law online (for example, by harassment, defamation or publishing unauthorised electoral material). However, many social media platforms do not require users to provide sufficient identification for their accounts to be linked to the person in real life. Representatives from both the Greens and the Labor Party noted that anonymity makes abuse difficult for regulators to respond to.<sup>40</sup>

It is possible for platforms to know who users are without preventing people from interacting anonymously online. As noted by the Queensland Government:

identity verification does not equate to the user’s identity being known by everyone. After a user’s identity is verified the user’s name as seen by other users could still be something anonymous as we often see today (like hotdog54, cooldude23, etc). Thus, a worker who does not want their employer to know of their social activities, or a victim of domestic and family violence who does not want the perpetrator to know what they are doing, could still have anonymity.<sup>41</sup>

This approach was advocated by some submitters and witnesses to this Inquiry.<sup>42</sup>

Anonymity on social media is a broader issue than just its impact on elections. Work is being done in this space in other jurisdictions, such as the Commonwealth Online Safety Act (see Section 7.2 of this report), the activities of the Australian eSafety

<sup>38</sup> Axel Bruns, Professor, Queensland University of Technology Digital Media Research Centre, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, pp. 24–25.

<sup>39</sup> Lorna Woods, Professor of Internet Law, Essex University, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 48.

<sup>40</sup> Jessica Wheelock, Communications Director, Australian Greens Victoria, public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, p. 7; Victorian Labor Women’s Caucus 59th Parliament, *Submission 91*, p. 2.

<sup>41</sup> Queensland Government, *Social media and identity verification: Queensland Department of the Premier and Cabinet research paper*, 2020, p. 22.

<sup>42</sup> Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 37; Julian Knight MP, Chair, House of Commons Digital, Culture, Media and Sport Committee, Parliament of the United Kingdom, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, pp. 42–43.

Commissioner<sup>43</sup> and the Queensland Government.<sup>44</sup> A Commonwealth parliamentary committee recently recommended that people be required by law to identify themselves to open or maintain a social media account, which is currently under consideration by the Australian Government.<sup>45</sup> The Committee considers that the Victorian Government should watch the progress of these initiatives, with a view to identifying whether additional investigation and action is necessary in the future.

**FINDING 19:** Some people have expressed concern that anonymity on social media may encourage inappropriate behaviour, though research has led to varying findings. Being anonymous to other users can be important for people from vulnerable communities to express themselves online. However, if the real identities of users are not known by social media platforms, it can be difficult for authorities to take action against people breaking laws (such as harassment, defamation or publishing unauthorised electoral material). Work is being done in other jurisdictions to consider whether changes should be made to people's ability to set up social media accounts anonymously.

**RECOMMENDATION 7:** That, as recommended by the Commonwealth Parliament's House of Representatives Standing Committee on Social Policy and Legal Affairs, social media companies should be required to establish the identity of users before they can get a social media account—the Victorian Government and future Electoral Matters Committees should monitor developments in other jurisdictions and undertake further investigation about options for Victoria if needed.

### 4.3.5 Facilitating foreign input into Victorian elections

**'While foreign influence is nothing new in international relations, the growth of digital networks has greatly reduced the political and financial costs, as well as enabled foreign governments to carry out these actions at scale.'**<sup>46</sup>

The international nature of social media means that anyone from anywhere in the world can join or start a conversation about Victorian politics. This gives foreign governments a way to try to influence the results of elections. It also enables 'organic' foreign influence through people making international connections on social media. The strong interest of many Victorians online in US politics in particular means that political debates in the USA may influence Victorian political debate online.

<sup>43</sup> eSafety Commissioner, *Anonymity and identity shielding*, <<https://www.esafety.gov.au/about-us/tech-trends-and-challenges/anonymity>> accessed 25 March 2021.

<sup>44</sup> Queensland Government, *Social media and identity verification: Queensland Department of the Premier and Cabinet research paper*, 2020.

<sup>45</sup> Parliament of Australia, House of Representatives Standing Committee on Social Policy and Legal Affairs, *Inquiry into family, domestic and sexual violence*, March 2021, p. 164.

<sup>46</sup> Tom Sear, Industry Fellow and PhD candidate, UNSW Canberra Cyber, Australian Defence Force Academy, *Submission 114*, p. 2.

Electoral interference by foreign governments can involve attempts to shape policy, to influence whom people vote for, to increase social tensions and to reduce confidence in electoral systems. Russian interference in the 2016 US election has been widely recognised. This is said to have included:

- using 470 Facebook accounts to publish 80,000 posts in a 31-month period
- purchasing over 3,500 advertisements on Facebook
- establishing 3,814 Twitter accounts
- Retweeting posts by Donald Trump more than 470,000 times in the months before the election
- creating accounts purporting to be US individuals and groups discussing divisive issues
- purchasing advertisements in the names of fictitious US individuals and groups
- organising protests in the USA.<sup>47</sup>

Russia has also been suspected of attempting to cause social disruption more recently by amplifying controversies within US society.<sup>48</sup>

An investigation by the Australian Strategic Policy Institute into elections and referenda between 2016 and 2019 found evidence for foreign interference in 20 of the 97 countries examined.<sup>49</sup> The investigation noted that:

There are multiple examples of social media platforms being exploited to reach target populations, often used in concert with state-sponsored media outlets ... This ranges from organising rallies and amplifying the voices of favoured groups to suppressing voter turnout and exacerbating existing divisions.<sup>50</sup>

Responsible Technology Australia provided a number of examples of apparent foreign interference in Australian elections and political debate on social media.<sup>51</sup> The Department of Home Affairs stated that it:

has previously observed cases of apparent disinformation on social media platforms that were similar to activities that have been linked by third-parties to foreign state actors. In 2017, following a terrorist attack in Brighton, Melbourne, the Department

<sup>47</sup> Michael McFaul and Bronte Kass, 'Understanding Putin's intentions and actions in the 2016 U.S. presidential election' in Michael McFaul (ed.), *Securing American elections: prescriptions for enhancing the integrity and independence of the 2020 U.S. presidential election and beyond*, Cyber Policy Centre, Freeman Spogli Institute for International Studies, Stanford University, Stanford, 2019, pp. 9–10.

<sup>48</sup> Carlo Kopp, Lecturer, Department of Data Sciences and AI, Monash University, *Submission 79*, pp. 7–8; Tom Sear, Industry Fellow and PhD candidate, UNSW Canberra Cyber, Australian Defence Force Academy, *Submission 114, Attachment 3*; National Intelligence Council, *Foreign threats to the 2020 US federal elections*, 2021, p. 4.

<sup>49</sup> Fergus Hanson et al., *Hacking democracies: cataloguing cyber-enabled attacks on elections*, Australian Strategic Policy Institute, 2019, p. 8.

<sup>50</sup> Fergus Hanson et al., *Hacking democracies: cataloguing cyber-enabled attacks on elections*, Australian Strategic Policy Institute, 2019, p. 9.

<sup>51</sup> Responsible Technology Australia, *Submission 85*, pp. 9–13; see also Department of Home Affairs, *Submission 59, Attachment 1*, p. 7.



identified Tweets associated with accounts that have since been publicly attributed by Twitter to a foreign government entity.

In another Australian example from 2017, accounts linked to the same foreign government entity were involved in discussions related to a plot to bomb an Etihad airlines flight departing Sydney International Airport. One account used the disrupted plot to promote and amplify the hashtags “#MuslimBan” and “#StopImportingIslam”. In this instance, hostile foreign state actors used social media to interfere in Australia’s public discourse and attempt to undermine social cohesion.<sup>52</sup>

In some cases, foreign governments may also have an influence over how a platform is run. For example, it has been suggested that the Chinese government has influenced what is said on WeChat and possibly TikTok.<sup>53</sup> This could potentially influence some voters if particular election issues were downplayed.

Despite these concerns, Commonwealth government bodies have stated that they ‘did not identify foreign interference nor any other interference that compromised the delivery of the 2019 Federal election or would undermine the confidence of the Australian people in the electoral process.’<sup>54</sup> Twitter similarly told the Committee that, ‘our teams have not observed or found any foreign manipulation or foreign malicious activity related to the suppression or interference with an election in Australia.’<sup>55</sup>

Nonetheless, the Commonwealth Department of Home Affairs has stated that, ‘Noting recent events overseas, the manipulation by foreign states of social media during Australia’s electoral processes is a realistic prospect for federal, state and territory elections.’<sup>56</sup>

The Committee considers that foreign interference is more appropriately managed at the national level than the state level. The Committee has therefore not made any recommendations on this matter and notes the work currently underway at the Commonwealth level (see Section 1.3).

However, the Committee encourages the VEC to remain vigilant in this area and to consider the risk of foreign interference (especially disruption) as part of its election planning. At the Commonwealth level, an Electoral Integrity Assurance Taskforce was established in 2018 which consists of the Australian Electoral Commission and a variety of Commonwealth departments and intelligence agencies. Its remit is:

to bring together those agencies across government that may have an interest or a capability to look into, in particular, interference, being both domestic and foreign,

<sup>52</sup> Department of Home Affairs, *Submission 59, Attachment 1*, p. 7.

<sup>53</sup> Tom Sear, Industry Fellow and PhD candidate, UNSW Canberra Cyber, Australian Defence Force Academy, *Submission 114*, p. 9 and Attachment 4; see also Responsible Technology Australia, *Submission 85*, p. 13; Fergus Ryan, Audrey Fritz and Daria Impiombato, *TikTok and WeChat: curating and controlling global information flows*, Australian Strategic Policy Institute, Canberra, 2020.

<sup>54</sup> Department of Home Affairs, *Submission 59, Attachment 1*, p. 6.

<sup>55</sup> Twitter, *Submission 126*, p. 5.

<sup>56</sup> Department of Home Affairs, *Submission 59, Attachment 1*, p. 5.

that may impact on the integrity of an electoral event and to share that information and bring together their collective capability to address those particular issues as they arise.<sup>57</sup>

In 2019, the Taskforce was exploring the option of extending support to state electoral commissions.<sup>58</sup> This may be a valuable assistance for the VEC if available.

In addition to foreign governments using social media to influence elections, social media also enable foreign input to happen ‘organically’ (that is, through natural interactions) from individuals and groups in other countries. This can result from parties and politicians connecting with like-minded people overseas. It can involve individuals being influenced in their voting by the issues discussed by foreign users in relation to their own politics. Social media also allow people from other countries to participate in discussions of Victorian politics.

The Committee particularly notes the influence of US politics in Australia through social media, as US politics is regularly discussed by Australians. One analysis identified 534,175 Tweets from Australia mentioning QAnon, making Australia the fourth most active country discussing QAnon on Twitter.<sup>59</sup> It has also been claimed that a New South Wales-based member of an Australian political party called on their US Twitter followers to answer a survey about Victorian government policy.<sup>60</sup>

The Committee does not consider that action should be taken to prevent foreign individuals organically taking part in social media discussions about Victorian politics or elections. However, it may be worth looking at this issue as part of research to understand the way that social media are changing Victorian elections (see Section 4.4.1).

**FINDING 20:** Social media allow foreign input through foreign individuals participating in discussion of Victorian politics and through Victorians engaging with politics in other countries. Foreign governments have used social media to interfere in other countries’ elections. Work is being done at the Commonwealth level to manage the risk of foreign interference in Australian elections. The Committee considers that foreign interference is most appropriately dealt with at a Commonwealth level but encourages the VEC to remain vigilant for possible threats to Victorian elections.

<sup>57</sup> Ian Nicholas, Assistant Secretary, Department of Finance—Parliament of Australia, Joint Standing Committee on Electoral Matters, public hearing, Canberra, 18 November 2020, *Transcript of evidence*, p. 10.

<sup>58</sup> Australian Electoral Commission, *Report on the conduct of the 2019 federal election*, submission to the Parliament of Australia, Joint Standing Committee on Electoral Matters, Inquiry into and report on all aspects of the conduct of the 2019 federal election and matters related thereto, 2019, p. 32.

<sup>59</sup> Aoife Gallagher, Jacob Davey and Mackenzie Hart, *The genesis of a conspiracy theory: key trends in QAnon activity since 2017*, ISD, London, 2020, p. 9 (the period analysed was from October 2017 to June 2020).

<sup>60</sup> ABC: Media Watch, *Online polls gamed*, video, 14 September 2020, <<https://www.abc.net.au/mediawatch/episodes/polls/12662916>> accessed 14 May 2021.

## 4.4 The challenges of responding to the problems of social media

The nature of social media platforms and the companies that run them create a number of challenges for the Victorian Parliament and Government if they want to address the negative impacts of social media on elections. These challenges present difficulties for both regulation and government policy.

Perhaps the largest obstacle is a lack of clarity about exactly what is happening online. This makes it hard to understand what needs to be done. It also means that it would be hard to assess the impact of any decisions. If regulations were introduced, it would be hard for the Government to monitor whether or not they were being breached and to therefore enforce the regulations.

Several aspects of the way social media platforms are structured also limit what the Victorian Parliament and Government can do. In particular, they are restricted by platforms not being legally considered publishers, by platforms generally being foreign companies and by there being a variety of platforms with different designs and business models.

### 4.4.1 The need to better understand what is happening

**‘to preserve democracy from digital threats, it is still necessary to identify and understand them.’<sup>61</sup>**

There are multiple aspects of social media where what is happening is not entirely clear. These include what users are doing, what platforms are doing and the impact that social media have on elections. As a result, there is a need for greater transparency and further research. When there is a better understanding of what is occurring, it may be appropriate to consider additional actions from the Government or Parliament to counter the negative impacts of social media.

One area of uncertainty is exactly how people act on social media. This point was made by multiple submitters and witnesses to the Inquiry. For example:

Lack of transparent data from social media firms makes it impossible to research how users engage with political ads online on some platforms. No access to Facebook data has made it impossible for researchers to measure the effects of individual ads or the longitudinal effect of exposure to repeated ads. There is evidence suggesting that WhatsApp plays a key role in distributing and sharing campaign information as informal networks meet and engage in politics there but its closed, encrypted groups are impossible to follow.<sup>62</sup>

<sup>61</sup> Philippe R. Dubois, Thierry Giasson and Eric Montigny, Groupe de recherche en communication politique, Université Laval, *Submission 83*, p. 14.

<sup>62</sup> Ben O’Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 2 (with sources).

Another area of uncertainty relates to how social media companies are influencing what people see. As discussed in Section 4.3.2, the algorithms designed by social media companies play an important role in determining what content people see. However, it is not always clear how these algorithms work. Decisions by employees of social media companies also impact on what people see. These decisions and the policies underlying them are not transparent in some cases (see Section 10.5).

Without transparency, it is difficult to know whether the algorithms or employees' decisions are advantaging particular political actors. Given the major role that social media platforms play as information sources, the lack of transparency (and therefore accountability) presents a risk to election competitiveness in Victoria.

Several submitters to the Inquiry called for greater transparency about what is happening on social media. The Committee agrees that this is important and would like to see more transparency about electoral advertising, about efforts to amplify messages through other means (such as bots, fake accounts and high-intensity accounts), about social media platforms' algorithms and about content decisions. These issues and the Committee's recommendations are discussed in Chapter 10.

In addition to increasing transparency about what is happening, it is important to understand how these things are affecting elections. Assistant Professor Bruce Baer Arnold from the University of Canberra noted that researchers currently 'do not have a strong sense, based on comprehensive data, of the *impact* of social media in relation to elections and other political processes.'<sup>63</sup>

Assistant Professor Arnold called for additional research into the impact of social media on elections.<sup>64</sup> Responsible Technology Australia similarly called for research 'to understand the true influence these digital platforms have on Australian society in order to adequately classify and address their impacts, ultimately ensuring that they work in the public interest'.<sup>65</sup> Other submitters suggested research specifically looking at the impacts of the way women are treated in social media<sup>66</sup> and the impacts of microtargeting on electorates.<sup>67</sup>

As noted in Section 4.3, there may also be value in better understanding echo chamber effects, the impact of being exposed to different types of people depending on which platform one uses and the effect of foreign influence (both state-backed and organic).

It is particularly important to understand the impact of social media specifically on Victoria and Australia. As Politoools noted in its submission to the Inquiry, 'The scientific discussion on the impact of social media is dominated by research from the USA.

<sup>63</sup> Bruce Baer Arnold, Assistant Professor, University of Canberra, *Submission 110*, p. 8.

<sup>64</sup> Bruce Baer Arnold, Assistant Professor, University of Canberra, *Submission 110*, pp. 8–9.

<sup>65</sup> Responsible Technology Australia, *Submission 85*, p. 8.

<sup>66</sup> More Women for Local Government Facebook Group, *Submission 116*, p. 6; Gender Equity Victoria, *Submission 117*, p. 2; EMILY's List Australia, *Submission 119*, pp. 1–2.

<sup>67</sup> Vian Bakir, Professor of Journalism & Political Communication, and Andrew McStay, Professor of Digital Life, Bangor University, *Submission 21*, p. 16.

However, most of these findings cannot be reproduced in Switzerland.<sup>68</sup> The same may be the case with Victoria and it is important for policy makers going forward to have an accurate understanding of the Victorian electoral environment on social media, rather than making assumptions based on behaviour in other countries.

The Committee considers that government support for research into the impact of social media on Victorian and Australian elections would be beneficial to future policy making.

**FINDING 21:** There is currently uncertainty about how people are using social media around elections, about how social media platforms are intervening in what people see and about the impacts of these things on the electoral environment. This uncertainty makes it difficult to formulate appropriate and effective government policy in this area.

**RECOMMENDATION 8:** That the Government provide funding for detailed research into the impact of social media on elections in Victoria and/or Australia. This should include a focus on the effects of advertising, efforts to amplify messages through other means (such as bots, fake accounts and high-intensity accounts) and the behaviour of users. It should also consider the effects of the way platforms are designed and the impact of platform algorithms and employee decisions influencing what users see.

#### 4.4.2 Companies not being responsible for the content on their platforms

**‘through the US Congress, they [social media companies] were able to have themselves defined as platforms specifically. I draw the analogy with a megaphone. They are effectively the megaphone—that is their legal responsibility in the United States. They are not responsible for what is being said through the megaphone.’<sup>69</sup>**

A key factor restricting the regulation of social media platforms is that they are treated as platforms rather than content producers. A variety of laws, regulations and codes impose obligations on traditional media relating to the content they publish. However, much of this does not apply to social media platforms.<sup>70</sup>

Social media companies have argued that the responsibility for what is said on social media should rest with the users and not the platform.<sup>71</sup> As Mr Allan Dunlavy has explained:

There is a publishing spectrum. On the one end is the telephone – essentially, just a platform. Anyone can say anything damaging about someone on the line, and a

<sup>68</sup> Politools, *Submission 97*, p. 6.

<sup>69</sup> Julian Knight MP, Chair, House of Commons Digital, Culture, Media and Sport Committee, Parliament of the United Kingdom, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 45.

<sup>70</sup> Australian Competition and Consumer Commission, *Digital platforms inquiry: final report* Canberra, 2019, pp. 174–188.

<sup>71</sup> See, for example, Josh Machin, Head of Policy, Australia and New Zealand, Facebook, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 13.

telephone company could never be implicated because they did not edit or control that content; they merely transmitted the conversation. On the other end is a fully edited newspaper where every word in the newspaper is written by an employee of the company and completely under the company's editorial control ... social media companies' claims that they are just platforms has historically put them closer to telephone companies than newspapers on this spectrum.<sup>72</sup>

In Australia, a Commonwealth law invalidates any state law which makes an 'internet content host' liable for content that it is not aware of or any law which requires a host to monitor or make inquiries about content it hosts.<sup>73</sup>

The consequences of treating social media as just platforms are that the companies cannot be held liable for what is said on them. Traditional publishers are cautious about publishing content which breaches laws (such as defamation or hate speech) because they have some liability for it. The fact that the liability rests with the publisher also makes it easier to take action when these laws have been breached, as authorities can resolve matters by talking to publishers. In contrast, social media platforms do not have this factor pushing them to prevent illegal things being said and to take responsibility for fixing the problem when they are said.

Some people have suggested that the platforms should be treated as publishers.<sup>74</sup> The way that content is curated by algorithms and promoted through advertising (see Sections 4.3.2–4.3.3) is more like a publisher than a telephone. In 2020 and 2021, platforms have also made major decisions about what content they would allow to be published, such as removing inaccurate information about COVID-19 and suspending Donald Trump for allegedly supporting violence (see Section 9.3). This sort of decision-making about the content on their platforms makes it harder to accept that the social media companies are not publishers.

However, it would be problematic to treat them as the same as traditional publishers like newspapers or television. The volume of content that is published on social media platforms would be hard for companies to monitor. Making platforms liable for their content may also lead to them shutting down speech to avoid penalties.<sup>75</sup> In the UK, the Digital, Culture, Media and Sport Committee has called for a middle path. That committee has suggested that a new legal category be formulated which is different to both 'platform' and 'publisher'.<sup>76</sup> This could make companies more liable for content than a platform but without the same obligations as a publisher.

72 Allan Dunlavy, 'Social media companies are acting like publishers, so they should expect to be regulated like one', *Lexology*, 8 February 2021, <<https://www.lexology.com/library/detail.aspx?g=4fec37ff-cf69-4cb1-af64-0040d57b1135>> accessed 6 April 2021.

73 *Broadcasting Services Act 1992* (Cth) sch 5 s 91(1)(a)–(b). Ambiguities in this legislation are noted in Attorneys-General, *Discussion paper: review of model defamation provisions – stage 2*, NSW Government, [2021], pp. 31–32.

74 Sandra Martin, *Submission 19*, p. 1; John Lawrence, *Submission 39*, pp. 1–2; compare International IDEA, *Submission 94*, p. 4.

75 MediaLaws, *Submission 99*, pp. 1–2; see also Attorneys-General, *Discussion paper: review of model defamation provisions – stage 2*, NSW Government, [2021], p. 28.

76 Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Submission 95*, p. 3; Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Disinformation and 'fake news': final report*, February 2019, p. 10.

The Commonwealth Joint Standing Committee on Electoral Matters has called for clarification of the status of social media platforms as platforms or publishers,<sup>77</sup> and the VEC has noted a lack of clarity in Victorian legislation.<sup>78</sup> This issue is currently under consideration by Australian attorneys-general as part of a review of defamation laws.<sup>79</sup>

In the meantime, the Committee is recommending a review of the way that the Electoral Act regulates social media (see Section 4.6.1). This review should consider whether it would be appropriate for legislation to require action from social media platforms in relation to illegal content on their platforms once it has been identified.

**FINDING 22:** A variety of laws, regulations and codes are applied to traditional media publishers which are not applied to social media platforms. Users are legally responsible for content on social media platforms rather than the platforms, which reduces platforms' incentive to prevent content which breaches legislation or to take responsibility when breaches occur.

### 4.4.3 The international nature of social media platforms

**'For a platform like Facebook, the market share of political advertising is very small. Once you narrow this further to be limited to Victorian State Election political advertising, then it is safe to deduce that Facebook will simply not want to spend time and capacity regulating state elections in Victoria.'**<sup>80</sup>

A particular challenge for Victoria (or even Australia) in managing problems with social media is that the companies are large, international organisations. This can make it difficult to force them to do things if they are not willing and reduces their incentives to implement difficult reforms that only apply to Victoria.

As set out in Section 9.2 of this report, the VEC has already encountered resistance from some social media platforms when trying to enforce Victorian legislation. Many platforms are based in the USA, which provides strong immunity for platforms regarding speech on social media through section 230 of the *Communications Decency Act 1996* (USA). Social media companies may not recognise Victorian or Australian legislation which contradicts this. This was put to the test in one case in which Google was ordered to do something by the Supreme Court of Canada but sought and was granted an injunction by a US court based on the US Communications Decency Act.<sup>81</sup>

The international nature of these organisations also means that Victoria (and even Australia) is a relatively small segment of their business. As a consequence, efforts to control social media content may cause the platform to simply withdraw from

<sup>77</sup> Parliament of Australia, Joint Standing Committee on Electoral Matters, *Inquiry into the conduct of the 2016 federal election and matters related thereto*, November 2018, p. 181.

<sup>78</sup> Victorian Electoral Commission, *Submission 77*, p. 7.

<sup>79</sup> Attorneys-General, *Discussion paper: review of model defamation provisions – stage 2*, NSW Government, [2021].

<sup>80</sup> Victorian Trades Hall Council, *Submission 108*, p. 4.

<sup>81</sup> Thomson Reuters Practical Law, *California court grants Google injunction: SCC order is unenforceable and undermines US internet policy*, <<https://ca.practicallaw.thomsonreuters.com/w-011-7843>> accessed 29 April 2021.

the market. This has occurred in a number of other jurisdictions. In 2019 in Canada, Microsoft, Reddit and Amazon.ca chose to ban all political advertising rather than comply with advertising repository laws.<sup>82</sup> Google and Facebook made similar decisions in the state of Washington in the US in 2018 and 2019.<sup>83</sup> As a result of recent Australian Government efforts to get internet providers to pay for digital content, Google threatened to leave Australia<sup>84</sup> and Facebook banned news links for a period in 2021.<sup>85</sup>

This is not to say that social media companies are completely unresponsive to governments' requirements. Facebook introduced a number of initiatives to meet Canada's advertising archive requirements and other requirements.<sup>86</sup> Facebook also reached an agreement with the Australian Government in relation to paying for digital content.<sup>87</sup> However, the international nature of social media platforms can present a challenge for governments seeking to regulate them.

Given these considerations, the Committee's preferred approach is generally to work with platforms in the first instance, to bring about improvements through cooperation as far as possible. Legislation compelling platforms to change can be pursued where cooperation cannot be obtained. The Committee also sees value in working with other governments to put combined pressure on platforms where appropriate. These approaches are discussed further in Section 4.5.

#### 4.4.4 Influencing a market with multiple players

Another major challenge for anybody seeking to regulate social media is that there are multiple platforms, each operating in a different way with a different business model. The Commonwealth Department of Home Affairs noted:

While major social media companies such as Facebook and Twitter, due to their size and reach, are currently the main conduits of digital disinformation in Australia, other smaller companies and platforms have been misused as well. For example, in 2018 Business Insider Australia compiled a list of 16 platforms, sites, and digital service providers that

<sup>82</sup> Yasmin Dawood, 'Protecting elections from disinformation: a multifaceted public-private approach to social media and democratic speech', *Ohio State Technology Law Journal*, vol. 16, no. 2, 2020 (=Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, *Submission 7*), p. 649. See also discussion in Victorian Electoral Commission, *Submission 77*, p. 18; Government of Canada, *Submission 112*, p. 2.

<sup>83</sup> Yasmin Dawood, 'Protecting elections from disinformation: a multifaceted public-private approach to social media and democratic speech', *Ohio State Technology Law Journal*, vol. 16, no. 2, 2020 (=Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, *Submission 7*), p. 651.

<sup>84</sup> Melanie Silva, Managing Director and Vice President, Google Australia and New Zealand—Parliament of Australia, Senate Economics Legislation Committee, public hearing, Canberra, 22 January 2021, *Transcript of evidence*, p. 1.

<sup>85</sup> William Easton, Managing Director, Facebook Australia & New Zealand, *Changes to sharing and viewing news on Facebook in Australia*, <<https://about.fb.com/news/2021/02/changes-to-sharing-and-viewing-news-on-facebook-in-australia>> accessed 9 August 2021.

<sup>86</sup> Yasmin Dawood, 'Protecting elections from disinformation: a multifaceted public-private approach to social media and democratic speech', *Ohio State Technology Law Journal*, vol. 16, no. 2, 2020 (=Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, *Submission 7*), pp. 651–652.

<sup>87</sup> William Easton, Managing Director, Facebook Australia & New Zealand, *Changes to sharing and viewing news on Facebook in Australia*, <<https://about.fb.com/news/2021/02/changes-to-sharing-and-viewing-news-on-facebook-in-australia>> accessed 9 August 2021.



had been used for the dissemination of disinformation [during the 2016 US election]; including the mobile game Pokemon Go, group-hosting site Meet Up, and social media network Gab.<sup>88</sup>

The variety of platforms means that it can be difficult to create any ‘one-size-fits-all’ regulation. For example, while it would be feasible to require political Facebook posts or YouTube videos to contain the same authorisation information as advertising in a newspaper (that is, the name and address of the person authorising the content), this would not be practical for Twitter, where messages have a limit of 280 characters.

It also means that governments have to work with multiple social media companies to ensure compliance. Some of these may be difficult to regulate as they may be uncooperative. The Committee notes the growth of some platforms in recent years which have had a ‘censorship-free’ ideology as part of their business model.

These problems are compounded by the fact that platform usage changes over time. New platforms, with different business models, regularly evolve. Existing platforms change their features and policies.

The variety of platforms and the ease with which new ones can be established also provide a disincentive for platforms to take actions against problematic behaviour. If a platform does take action, users may simply move to another, less restrictive platform. This happened in 2020, when Twitter and Facebook took actions such as labelling certain Tweets misinformation and banning particular groups. In response, millions of users turned to Parler, which allowed the same statements without interference.<sup>89</sup> The group Reignite Democracy Australia has established its own social media platform which it states is censorship-free.<sup>90</sup> In some countries with stringent censorship measures, users have turned to encrypted messenger platforms to avoid censorship.<sup>91</sup>

The fact that people can move to alternative platforms in response to a platform’s actions also has the potential to create a ‘Tower of Babel’ effect, where people with different ideologies congregate on different platforms. This is similar to the ‘echo chamber’ effect (see Section 4.3.1). However, while different echo chambers on one platform are unlikely to have hard boundaries, if an entire platform is composed of people with common ideological views, the echo chamber effect may be stronger.

These factors need to be taken into account when considering possible regulation of social media.

<sup>88</sup> Department of Home Affairs, *Submission 59, Attachment 1*, p. 5.

<sup>89</sup> Elizabeth Dwoskin and Rachel Lerman, “‘Stop the Steal’ agitators ditch favourite apps”, *Australian Financial Review*, 12 November 2020, p. 12.

<sup>90</sup> Reignite Democracy Australia, *RDASocial*, <<https://www.reignitedemocracyaustralia.com.au/rdasocial>> accessed 7 April 2021.

<sup>91</sup> Carlo Kopp, Lecturer, Department of Data Sciences and AI, Monash University, *Submission 79*, p. 11.

## 4.5 Working with social media platforms but focusing on Victorians

As set out in Section 4.3, various aspects of social media platforms' design and the business models on which they are based negatively impact on the democratic environment. However, as discussed in Section 4.4, there are a number of challenges to regulating social media platforms. Nonetheless, it is important for the Government and Parliament to endeavour to improve platforms and protect the electoral environment on social media.

In the first place, the Government should work with platforms to encourage changes which reduce the harms caused by social media. The Committee notes that social media companies have introduced a variety of measures designed to reduce harms in recent years (see Section 9.3). Generally, the Committee welcomes this work by social media platforms. However, as discussed in Chapter 9, there are areas where more should be done and the Government should be advocating for these improvements. There is also a role for government to ensure that social media companies' interventions do not have negative effects on elections.

The Committee therefore recommends that the Government work together with social media platforms to encourage them to continue improving and to seek a role providing input to the policies adopted by platforms.

If the Government is unable to bring about change by working with platforms, then legislation should be considered. There are practical challenges with enforcing legislation (as set out in Section 4.4) and it is an area where governments must be cautious (see Section 2.3.4). Nonetheless, legislation may be necessary to reduce certain harms if voluntary efforts are not sufficient. Section 9.5 considers this approach in more detail.

At the same time, many of the problems identified with social media can be reduced by interventions aimed at candidates, parties, interest groups and voters. Legislation and policy aimed at influencing how Victorians act on social media may be more straightforward and more effective than legislation aiming to change social media platforms. The majority of the recommendations in this report are therefore aimed at these groups rather than the platforms.

**FINDING 23:** The Committee's preferred approach to reducing the harms of social media on elections is to work with social media platforms to bring about changes to the way they work, while simultaneously directing legislation and policy towards the behaviour and understanding of Victorian users. There are challenges in introducing legislation to force social media platforms to change, but legislation should be considered if other approaches fail.

## 4.6 Updating legislation to reflect the nature of social media

Although social media are structured differently from traditional media in multiple ways, this is not always reflected in the legislation governing elections. Reviewing the legislation to ensure that it explicitly and appropriately reflects the nature of social media may help to reduce some problems.

### 4.6.1 The Victorian Electoral Act

The Victorian Electoral Act was passed in 2002, before social media were a significant part of elections. While some changes have been made to the Act to incorporate social media, these have been piecemeal, rather than a thorough review to account for the nature of social media.

The VEC has argued for the legislation to be updated in relation to electoral matter (see further discussion in Section 10.2) and the liability of platforms (see Section 4.4.2):

It is clear that there are some weaknesses within the existing regulatory framework that could be strengthened to give greater definition about electoral matter ‘published’ to social media and how social media platforms can be regulated. The current provisions pre-date the proliferation of social media as a means of political communication and should be updated to give certainty about the liability of online platforms in their role as publishers.<sup>92</sup>

The Committee has made specific recommendations for changes to the Electoral Act regarding electoral matter in Section 10.2. In addition, the Committee considers that it would be appropriate for a thorough review of the Act to ensure that it is appropriate to an electoral environment which includes social media. This review should examine all parts of the Act that may apply to social media and should ensure that social media activity is specifically and clearly addressed and that the regulations are suitable and practicable for social media.

**FINDING 24:** Victoria’s Electoral Act was passed in 2002 before social media were a major component of elections and updates since then have been piecemeal. Given the important role that social media now play, it would be appropriate for a thorough review of the Act to ensure that it regulates social media clearly and appropriately.

<sup>92</sup> Victorian Electoral Commission, *Submission 77*, p. 12; see also Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian state election*, 2019, Melbourne, p. 110.

**RECOMMENDATION 9:** That the Government thoroughly review the Electoral Act to examine whether all provisions that apply to social media are appropriate. This should include considering the provisions affecting electoral matter and the liability of social media platforms for content that they host. The review should make sure that:

- social media activity is specifically and unambiguously addressed (where appropriate) and
- the provisions are suitable and practicable for social media.

### 4.6.2 The Commonwealth Broadcasting Services Act

Similar concerns have been raised about legislation at the Commonwealth level. In particular, current Commonwealth legislation sets a blackout period (which also applies to Victorian state elections) preventing television and radio stations from running election advertisements from the end of the Wednesday before an election though to the close of polls.<sup>93</sup> However, this does not apply to social media.

As a result of this, Free TV Australia argued:

On commencement of the blackout period, political parties simply transfer their advertising from television to other digital media platforms that are not regulated, including via Facebook videos, targeted text messages, and through digital news media sites and other social media.<sup>94</sup>

This makes the rule largely ineffective at preventing electoral advertising in the days before an election and disadvantages television and radio stations.

The Committee received a number of submissions calling for consistency in advertising rules between social media and traditional media, either by removing the blackout restrictions on television and radio<sup>95</sup> or by extending the blackout laws to cover social media.<sup>96</sup>

As this legislation is at the Commonwealth level, the Committee has not investigated blackout laws in the detail necessary to recommend specific action on this issue. However, there may be benefits to the Commonwealth Parliament reviewing whether the inconsistencies between the way the legislation treats social media and traditional media are appropriate.

<sup>93</sup> *Broadcasting Services Act 1992* (Cth) sch 2 s 3A (and see sch 2 s 1 for the definition of 'relevant period').

<sup>94</sup> Free TV Australia, *Submission 100*, p. 5.

<sup>95</sup> Free TV Australia, *Submission 100*, p. 7; Commercial Radio Australia, *Submission 101*, p. 2.

<sup>96</sup> Vian Bakir, Professor of Journalism & Political Communication, and Andrew McStay, Professor of Digital Life, Bangor University, *Submission 21*, p. 14; Stephan Lewandowsky, Chair in Cognitive Psychology, School of Psychological Science, University of Bristol, and Professor, School of Psychological Science, University of Western Australia, and Ullrich Ecker, Professor, School of Psychological Science, University of Western Australia, *Submission 54*, p. 4; Ritesh Chugh, Senior Lecturer, CQUniversity Melbourne, *Submission 72*, p. 2; The Centre for Public Integrity, *Submission 74*, p. 11. In addition, Facebook (*Submission 123*, p. 18) called for consistency between social media and traditional media without specifying how the legislation should be changed.

**FINDING 25:** Commonwealth law requires television and radio stations to observe a blackout period for election advertising ahead of an election. However, this does not apply to social media. The Commonwealth Parliament may wish to consider whether this inconsistency is appropriate.

### 4.6.3 The Local Government Act

Local government elections in Victoria are primarily governed by the *Local Government Act 2020*. The Local Government Inspectorate, which is responsible for investigating offences under the Act, has noted the growing use of social media in local government election campaigns. The number of complaints received about social media and online content in election campaigns increased from 78 in 2016 to 266 in 2020.<sup>97</sup>

In its report on the 2020 local government elections, the Inspectorate stated:

The current legislation does not cater for the fast and fluid social and new media forums. We received many enquiries in relation to Twitter and whether tweets constituted election material that was required to be authorised. We received enquiries about the same issues arising around Facebook and received several formal complaints about the use of group emails. With the continuing dominance of the social media, we support a review of the current laws and how they operate in the new media landscape, or a tailored legislative approach for social media uses.<sup>98</sup>

The Inspectorate identified two provisions in the Act where it considers that amendments would be helpful.<sup>99</sup> The Committee has not specifically investigated local government elections as part of this Inquiry. However, the Committee suggests that a review of the Local Government Act, similar to what has been recommended by the Committee for the Electoral Act (see Section 4.6.1), may be helpful, along with consideration of the issues specifically identified by the Local Government Inspectorate.

**FINDING 26:** Social media is an increasingly important tool for campaigning in local government elections. Although the Committee has not investigated local government elections as part of this Inquiry, it may be helpful for the Local Government Act to be reviewed to ensure that social media activity is specifically and unambiguously addressed (where appropriate) and that the provisions are suitable and practicable for social media, as has been recommended for the Electoral Act.

<sup>97</sup> Local Government Inspectorate, *Social media fuels rise in complaints during 2020 council elections*, Melbourne, 2021, p. 11.

<sup>98</sup> Local Government Inspectorate, *Social media fuels rise in complaints during 2020 council elections*, Melbourne, 2021, p. 12.

<sup>99</sup> Local Government Inspectorate, *Social media fuels rise in complaints during 2020 council elections*, Melbourne, 2021, p. 17.



# 5 Amplifying and marginalising messages

## 5.1 Introduction

As set out Chapter 4, what people see on social media is partly determined by the way that platforms are designed. Some platforms allow political messages to be amplified through paid advertising (see Section 4.3.3). However, there are also other techniques that exploit platforms' design to amplify messages or to shut down opposing messages. This chapter looks at these techniques.

Fake accounts (including 'bots'—fully or partially automated programs that pretend to be social media users) can be used to like, share or comment on posts. They can spread posts to additional followers, can make it look like messages have community support and can make it more likely for algorithms to promote their preferred posts. Fake accounts and bots can also be used to post the same (or similar) messages in multiple places so they are seen by more people. These techniques are explored in Section 5.3.

Messages can also be spread through 'high-intensity accounts' (see Section 5.4). These accounts present themselves as ordinary people but post large numbers of partisan political messages throughout the day, every day. In some cases, these accounts can have large numbers of followers and are savvy in the way they use platforms, giving them the capacity to spread their messages to many users. It is not always clear who is behind these accounts and whether or not some accounts may be connected with political parties or candidates. However, these accounts seem to play a significant role in shaping the political conversation on social media in Victoria.

Gate-keeping behaviour, such as flooding a user with unfavourable messages when they express certain opinions, is discussed in Section 5.5. This technique can be used to marginalise and shut down people so that opposing views are not expressed.

Social media platforms have taken a number of actions recently to prevent inauthentic behaviour such as fake accounts and bots. These efforts have only been partially successful, and the Committee encourages platforms to continue work in this area. In addition, several recommendations in later chapters are intended to address problems raised here. In particular, more transparency about this sort of behaviour (see Chapter 10) may help people to interpret what they see and may make candidates and parties less likely to use these techniques, as they may be perceived poorly by the electorate. Explaining this sort of behaviour in social media literacy programs may help people to be more aware of these techniques, reducing their effectiveness (see Section 11.2). In addition, parties and candidates should commit to avoiding this sort of manipulation (see Section 11.3).

## 5.2 The impact of manipulating social media to amplify or marginalise messages

**‘Misinformation can drastically influence voters['] opinions on topics for the wrong reasons[,] swaying our elections unfairly with Bots being a big deal as influencers with money will have more of a say in an election rather than the people’<sup>1</sup>**

The activities discussed in this chapter take advantage of the way that social media platforms work to make particular messages more prominent or make other messages less prominent. These activities reduce the competitiveness of elections, advantaging candidates, parties and groups that use these techniques rather than paid advertising, and making it harder for voters to make accurately informed decisions.

An advantage for people using these techniques is that users may not be as sceptical about the messages amplified through these techniques as they would be about paid advertising. Whereas paid advertising is labelled, it can be hard for users to detect when messages have been amplified by some of the techniques set out in this chapter. This is exacerbated by the fact that the legislated disclosure requirements which apply to paid advertising (such as authorisation) are less likely to be applied to content that has been promoted in these ways. As a result, users may be more likely to accept or believe the content than if they knew it was part of a political campaign.

Some of these techniques can also give users a false impression of what the community thinks, making it hard to be accurately informed when deciding how to vote. Coordinated action to have the same messages repeated by multiple accounts may make certain opinions appear more popular than they are. Gate-keeping can have this effect as well. In addition, these techniques may make people feel illegitimate for thinking a different way. This can result in them not expressing their views, which leads to other users not being exposed to particular views. These factors can reduce the breadth of political debate and disadvantage some candidates.

Other concerns have also been raised about the tactics described in this chapter. If these techniques are used to promote large volumes of partisan material, this may encourage others to post highly partisan material. This may result in a more polarised environment and less civil debate. Seeing politicians and parties attempt to manipulate social media through these sorts of opaque techniques may also lower people’s trust in politicians and democratic processes if the techniques are perceived as unfair or cheating.

These techniques can also exacerbate other problems, such as inaccurate information (discussed further in Chapter 6) and harassment (see Chapter 7). Fake accounts and bots can be made to spread this sort of content more widely without the person behind them being identifiable.

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<sup>1</sup> Carter Wrangles, *Submission 26*, p. 1.



These various risks to elections have been raised during this Inquiry and elsewhere, but the actual impact of these techniques on Victorian elections is unclear. The Committee has been able to identify instances of these techniques in Victorian and Australian elections. However, the full extent of these activities and their effects is unknown. As noted by Dr Katharine Dommett from the University of Sheffield:

there is almost no data available for analysis into unpaid electoral campaign material, or ‘organic’ campaigning. Social media companies provide very few resources for gathering and analysing this kind of data, meaning we have little insight into what is happening online.<sup>2</sup>

The Committee therefore recommends more transparency about these activities (see Section 10.4) and would like to see them included in research to understand the impact of social media on elections (as recommended in Section 4.4.1).

The additional information gained through this transparency and research can assist future policy-makers to design further responses to these techniques if necessary.

**FINDING 27:** Techniques such as fake accounts, bots, high-intensity accounts and gate-keeping can be used to amplify certain messages and marginalise other messages on social media. These techniques make it hard for users to identify the messages that are part of political campaigns. The techniques may have a number of negative impacts on social media discussions, including making users less sceptical about content they see and giving a false impression of what the community thinks. While it is clear that these techniques are being used in Victoria and Australia, the extent and their impact on Victorian elections are not clear.

### 5.3 Fake accounts and bots

**‘the problem to my mind is not just people pretending or not giving their real name, it is the fact that they are not even real people; it is the whole bot army. That I think is a very challenging situation. I do not know what percentage of the people on Twitter are actually not even people, they are just software.’<sup>3</sup>**

Facebook defines a fake account as ‘an account where someone is pretending to be something or someone that doesn’t exist.’<sup>4</sup> This can include made-up people and organisations. Fake accounts may be run by individuals wishing to hide their identity or pretending to be somebody else. Fake accounts are sometime fully or partially run by bots (that is, software that automatically posts content). Fake accounts are relatively common on social media, and there are multiple reports of them being used in Victorian and Australian politics, as set out in Section 5.3.1.

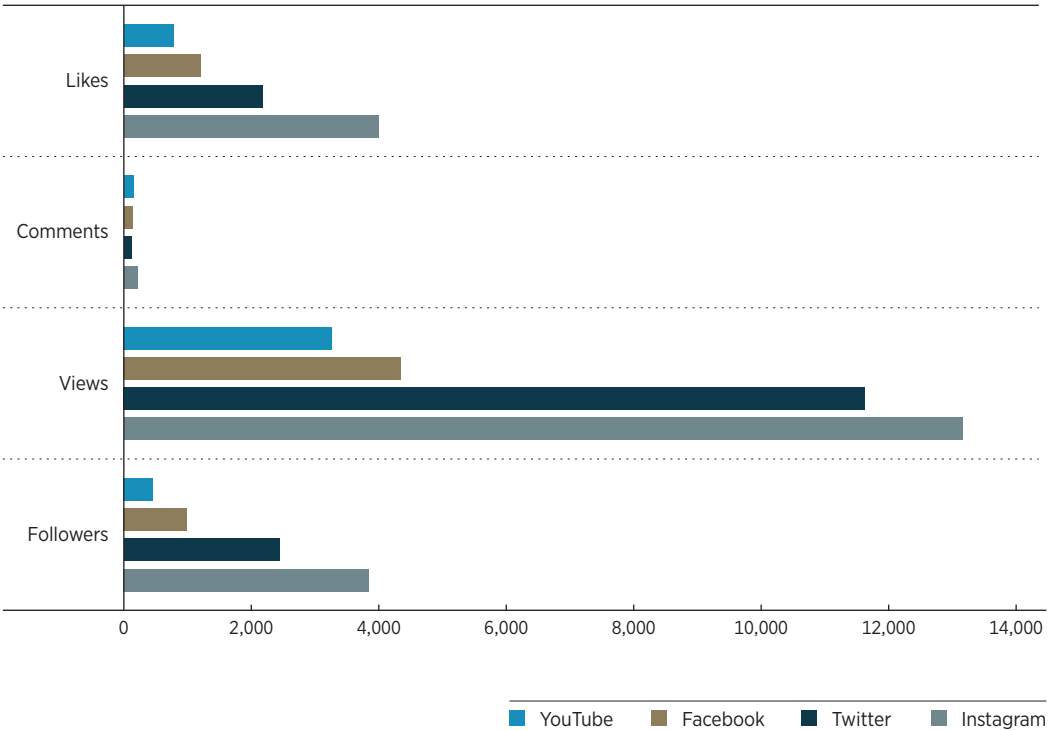
<sup>2</sup> Katharine Dommett, Senior Lecturer in the Public Understanding of Politics, University of Sheffield, *Submission 11*, p. 2.

<sup>3</sup> Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, public hearing, Melbourne, 12 March 2021, *Transcript of evidence*, p. 10.

<sup>4</sup> Facebook, *How do I report a fake Facebook account?*, <<https://www.facebook.com/help/306643639690823>> accessed 29 June 2021.

Fake accounts can be set up by individuals for free. There are also companies which can be hired to manipulate social media using fake accounts at a relatively low cost. Figure 5.1 illustrates how many likes, comments, views and followers could be purchased for 10 euros on different social media platforms in 2019.

Figure 5.1 The number of likes, comments, views or followers that can be purchased for 10 euros (2019)



Source: Adapted from NATO Strategic Communication Centre of Excellence, *Falling behind: how social media companies are failing to combat inauthentic behaviour online*, report prepared by Sebastian Bay and Rolf Fredheim, Riga, 2019, p. 14.

A major factor which allows these sorts of manipulations is the ease with which people can be anonymous online.<sup>5</sup> Section 4.3.4 of this report explores the issue of anonymity in further detail.

Major social media platforms have policies prohibiting fake accounts and they are trying to combat them. However, fake accounts continue to be a problem and are likely to remain a problem in the future. Platforms need to continue working in this space to reduce the number of fake accounts. The use of fake accounts and bots should also be made more transparent, so that users can interpret what they see accordingly. Section 5.3.2 looks at responses to the problem of fake accounts and bots in the electoral context.

5 Nathaniel Persily, *The internet's challenge to democracy: framing the problem and assessing reforms*, Kofi Annan Commission on Elections and Democracy in the Digital Age, n.d., (=Kofi Annan Commission on Elections and Democracy in the Digital Age, Submission 35, Attachment 1), p. 12.

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### 5.3.1 Evidence for fake accounts and bots in Australian politics

A number of claims have been made about people using fake accounts and bots in Australian politics (including elections). These are set out below. The Committee has not sought to verify the claims, but notes that they are consistent with claims made in other jurisdictions by various authorities and are certainly realistic risks.

Examples of politicians and candidates creating fake community groups to promote their messages or criticise opponents include:

- a member of the Commonwealth Parliament creating Facebook community groups and news groups that criticise his opponents without disclosing his links to the groups and without authorisation details<sup>6</sup>
- local council candidates and their supporters being administrators of community pages or groups and using those positions to promote certain candidates, shut down debates and evict users who have opposing views (allowing the pages to have inaccurate information without any refutation).<sup>7</sup>

There have also been claims that members of parliament have used fake identities to post comments about themselves in the third person<sup>8</sup> and that Labor party members have created Facebook pages purporting to be from aggrieved ex-Greens members encouraging people to vote Labor.<sup>9</sup> In addition, fake accounts have been detected among the Twitter followers of several leading Australian politicians.<sup>10</sup>

Bots have been used in a variety of ways:

- bots appear to have been used to distort online polls run by *The Age* and Channel 9 about a Victorian Government policy<sup>11</sup>
- a large number of bots have been identified Tweeting during the 2019 Australian election, with most of the identified bots Tweeting from New York<sup>12</sup>

6 Sarah Martin, 'Liberal MP Andrew Laming created dozens of Facebook pages to promote LNP and attack opponents', *The Guardian*, 6 April 2021, <<https://www.theguardian.com/australia-news/2021/apr/06/liberal-mp-andrew-laming-used-dozens-of-facebook-pages-to-promote-lnp-and-attack-opponents>> accessed 14 May 2021.

7 Jamie Ramsay, *Submission 65*, p. 1; Australian Local Government Women's Association Victorian Branch, *Submission 120*, p. 2; Local Government Inspectorate, *Social media fuels rise in complaints during 2020 council elections*, Melbourne, 2021, pp. 19–20.

8 Michael Wray, 'LNP Senator Amanda Stoker admits to using pseudonym on social media', *The Courier Mail*, 27 June 2020, <<https://www.couriermail.com.au/news/queensland/queensland-government/lnp-senator-amanda-stoker-admits-to-using-pseudonym-on-social-media/news-story/31db925b71050b14dbce9d8a21386836>> accessed 14 May 2021; 'Australian MP gets caught praising himself on Facebook', *BBC News*, 1 May 2019, <<https://www.bbc.com/news/world-australia-48119878>> accessed 14 May 2021.

9 Martin McKenzie-Murray, 'Inside the Vic election dirt files', *The Saturday Paper*, 1 December 2018, p. 10.

10 Samantha Bradshaw and Phillip N. Howard, *Online supplement to working paper 2018.1: challenging truth and trust: a global inventory of organized social media manipulation*, Oxford Internet Institute, University of Oxford, 2018, pp. 5–6.

11 ABC: Media Watch, *Online polls gamed*, video, 14 September 2020, <<https://www.abc.net.au/mediawatch/episodes/polls/12662916>> accessed 14 May 2021.

12 Felicity Caldwell, 'Bots stormed Twitter in their thousands during the federal election', *The Sydney Morning Herald*, 20 July 2019, <<https://www.smh.com.au/politics/federal/bots-stormed-twitter-in-their-thousands-during-the-federal-election-20190719-p528s0.html>> accessed 17 May 2021; Responsible Technology Australia, *Submission 85*, p. 9.

- at the local council level, it has been claimed that a candidate paid for bots to overwhelm another candidate's Facebook page with negative comments so that it could no longer function.<sup>13</sup>

Apparently inauthentic activity has been associated with a hashtag critical of the Victorian Premier (#DanLiedPeopleDied). The hashtag was started by a fake account that several months earlier had switched from only Tweeting about Egyptian politics in Arabic to Tweeting about Victorian politics and issues in English. It was later amplified by a suspicious number of new accounts.<sup>14</sup> Describing these accounts, Dr Timothy Graham from the Queensland University of Technology stated:

Many lack real profile photos, show no other interests, and in some cases tweet every few minutes about the same topic for hours at a time.

They do not appear to be automated (“bots”), but more like trolls or sockpuppet accounts (false identities used for deceptive purposes).<sup>15</sup>

Fake accounts have also been used by people outside Australia to spread certain messages, such as:

- Facebook accounts from North Macedonia and Kosovo purporting to represent Australian groups, discussing social issues and criticising certain Australian politicians<sup>16</sup>
- a coordinated network of up to 21 Facebook pages posting thousands of coordinated fake news items in multiple countries, including Australia; posts included anti-Islamic content, amplifying some Australian politicians and parties, and inciting action against a Muslim member of Parliament; at least some of the content originated in Israel.<sup>17</sup>

<sup>13</sup> Australian Local Government Women's Association Victorian Branch, *Submission 120*, p. 3.

<sup>14</sup> Timothy Graham, 'The story of #DanLiedPeopleDied: how a hashtag reveals Australia's "information disorder" problem', *The Conversation*, 14 August 2020, <<https://theconversation.com/the-story-of-danliedpeople died-how-a-hashtag-reveals-australias-information-disorder-problem-144403>> accessed 17 May 2021; Timothy Graham et al., '#IStandWithDan versus #DictatorDan: the polarised dynamics of Twitter discussions about Victoria's COVID-19 restrictions', *Media International Australia*, vol. 179, no. 1, 2021, pp. 15–17, doi: 10.1177/1329878X20981780.

<sup>15</sup> Timothy Graham, 'The story of #DanLiedPeopleDied: how a hashtag reveals Australia's "information disorder" problem', *The Conversation*, 14 August 2020, <<https://theconversation.com/the-story-of-danliedpeople died-how-a-hashtag-reveals-australias-information-disorder-problem-144403>> accessed 17 May 2021.

<sup>16</sup> Michael Workman and Stephen Hutcheon, 'Facebook trolls and scammers from Kosovo are manipulating Australian users', *ABC News*, 16 March 2019, <<https://www.abc.net.au/news/2019-03-15/trolls-from-kosovo-are-manipulating-australian-facebook-pages/10892680>> accessed 17 May 2021; Facebook, *Removing coordinated inauthentic behavior from Iran, Russia, Macedonia and Kosovo*, 2019, <<https://about.fb.com/news/2019/03/cib-iran-russia-macedonia-kosovo>> accessed 14 May 2021; Responsible Technology Australia, *Submission 85*, p. 11.

<sup>17</sup> Christopher Knaus, Michael McGowan, Nick Evershed and Oliver Holmes, 'Inside the hate factory: how Facebook fuels far-right profit', *The Guardian*, 6 December 2019, <<https://www.theguardian.com/australia-news/2019/dec/06/inside-the-hate-factory-how-facebook-fuels-far-right-profit>> accessed 17 May 2021; Christopher Knaus and Michael McGowan, 'Far-right "hate factory" still active on Facebook despite pledge to stop it', *The Guardian*, 5 February 2020, <<https://www.theguardian.com/australia-news/2020/feb/05/far-right-hate-factory-still-active-on-facebook-despite-pledge-to-stop-it>> accessed 17 May 2021.

These last efforts appear to be (at least partly) motivated by gaining profit through advertising revenue rather than political goals.<sup>18</sup> However, the Department of Home Affairs told the Committee that it had also observed instances of accounts linked to foreign governments being used to distort debate in Australia.<sup>19</sup>

In most of the other cases, these interventions appear to be deliberate efforts to affect Australian politics.

### 5.3.2 Responding to fake accounts and bots

**‘there are numerous points in the system design and business model [of social media platforms] where “architectural features” affect content that is seen by large numbers of users, and ... in some instances these features have been deliberately weaponised by certain groups of users. These are not issues relating to content, but to the system itself for which a platform should take responsibility and, at the least, take steps to ensure that they cannot be (easily) weaponised and are otherwise reasonably safe.’<sup>20</sup>**

Many of the actions described in Section 5.3.1 are prohibited by the rules of major social media platforms. For example, Twitter prohibits ‘inauthentic engagements, that attempt to make accounts or content appear more popular or active than they are’. Facebook similarly prohibits users misleading people about ‘the identity, purpose or origin of the entity that they represent’ or about ‘the popularity of Facebook or Instagram content’. Both Twitter and Facebook also have rules against using multiple fake accounts for certain purposes.<sup>21</sup>

Twitter and Facebook invest considerable efforts in enforcing these rules. However, these issues remain a problem. For example, Facebook told the Committee that it removed 1.3 billion fake accounts between July and September 2020. Facebook indicated that ‘the majority of these accounts were caught within minutes of registration’.<sup>22</sup> However, the data give some sense of the scale of people trying to establish fake accounts and suggest that there may still be a considerable number of fake accounts that are not detected. As has been noted by the Queensland Government:

the fact that 1.7 billion fake accounts can exist [the number removed in January-March 2020] so soon after 6.5 billion are removed [in 2019] indicates that fake accounts are continually being created.<sup>23</sup>

18 Michael Workman and Stephen Hutcheon, ‘Facebook trolls and scammers from Kosovo are manipulating Australian users’, *ABC News*, 16 March 2019, <<https://www.abc.net.au/news/2019-03-15/trolls-from-kosovo-are-manipulating-australian-facebook-pages/10892680>> accessed 17 May 2021; Christopher Knaus, Michael McGowan, Nick Evershed and Oliver Holmes, ‘Inside the hate factory: how Facebook fuels far-right profit’, *The Guardian*, 6 December 2019, <<https://www.theguardian.com/australia-news/2019/dec/06/inside-the-hate-factory-how-facebook-fuels-far-right-profit>> accessed 17 May 2021.

19 Department of Home Affairs, *Submission 59, Attachment 1*, p. 7.

20 Carnegie UK Trust, *Submission 82*, p. 5.

21 Twitter, *Platform manipulation and spam policy*, <<https://help.twitter.com/en/rules-and-policies/platform-manipulation>> accessed 13 May 2021; Facebook, *Community standards: 20. Inauthentic behaviour*, <[https://www.facebook.com/communitystandards/inauthentic\\_behavior](https://www.facebook.com/communitystandards/inauthentic_behavior)> accessed 13 May 2021; see also Josh Machin, Head of Policy, Australia and New Zealand, Facebook, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 13.

22 Facebook, *Submission 123*, p. 5.

23 Queensland Government, *Social media and identity verification: Queensland Department of the Premier and Cabinet research paper*, 2020, p. 15.

An experiment by the NATO Strategic Communication Centre of Excellence in 2019 found that social media platforms had limited effectiveness in removing accounts involved in manipulation (such as buying likes, comments, views, and followers) or removing this sort of inauthentic behaviour.<sup>24</sup>

The Committee recognises that this is an area where platforms are continuing to focus (see Section 9.3 of this report). The Committee encourages platforms to continue work in this area and to explore new options. However, the Committee recognises that some of the actions listed above would be hard for social media platforms to prevent or detect given the current structure of platforms.

California has enacted a law making it illegal for a person to use bots 'to influence a vote in an election' unless they disclose that it is a bot.<sup>25</sup> The Committee's preferred approach is to highlight this sort of behaviour through real-time reporting on social media activity during election periods. This is discussed further in Section 10.4. It is also important for social media literacy programs (as recommended in Section 11.2) to include the ease with which fake accounts can be created and how they can be used to manipulate what people see and what appears to be community sentiment online.

One activity which the Committee is particularly concerned about is attempts to impersonate another candidate, another party or the Victorian Electoral Commission in order to mislead voters. This sort of activity is a different sort of manipulation and is discussed in Section 6.3.4.

**FINDING 28:** Numerous claims have been made about people in Victoria and Australia attempting to manipulate political discussion on social media by using false identities, by creating fake community groups and by using bots. While major social media platforms are taking action to reduce many of these activities, they are likely to remain an ongoing part of social media. Platforms need to keep working in this space. It is also important for users to be aware that this sort of activity can take place and the impact it has on what they see.

**RECOMMENDATION 10:** That the Government encourage social media platforms to take further actions to reduce the number of fake accounts.

## 5.4 High-intensity accounts

Based on analyses of activity around the 2018 Victorian state election (see Appendix B), it appears that 'high-intensity accounts' play a significant role in Australian social media discussions about politics on Twitter (and possibly on other platforms too). These accounts:

- produce large numbers of posts (sometimes hundreds per day)

<sup>24</sup> NATO Strategic Communication Centre of Excellence, *Falling behind: how social media companies are failing to combat inauthentic behaviour online*, report prepared by Sebastian Bay and Rolf Fredheim, Riga, 2019.

<sup>25</sup> *Business and Professions Code (California)* ss 17940–17943.

- Tweet on all days of the week, throughout most of the day
- primarily Tweet about politics
- produce posts supporting one political party and/or criticising another political party.

There are a significant number of high-intensity accounts discussing Australian politics on Twitter. Boxes 5.1 and 5.2 provide two examples—one account which was prolific at the time of the 2018 Victorian state election, and one which began in March 2020 and has Tweeted considerably about Victorian and Commonwealth politics since then.

These accounts can have large numbers of followers and their Tweets often get high levels of engagement. These factors, together with the volume of Tweets, mean that the posts from these accounts are seen widely. In some cases, high-intensity accounts Retweet or mention other like-minded high-intensity accounts, amplifying each other.

These high-intensity accounts play a significant role in shaping political discussion on Twitter. This can be seen, for example, in the role these sorts of accounts play in promoting hashtags on Twitter. A relatively small number of accounts was responsible for a large proportion of the Tweets using the hashtags #DictatorDan and #IStandWithDan in 2020 (see Table 5.1). This included some high-intensity accounts (along with other types of accounts, such as politicians and former candidates). For example, @LesStonehouse (see Box 5.1) used the #IStandWithDan hashtag 107 times, receiving 1,048 Retweets, while a similar account (@BelindaJones68) used the hashtag 156 times, with 4,910 Retweets.<sup>26</sup>

**Table 5.1** Top 1% most active accounts using the hashtags #DictatorDan and #IStandWithDan

Hashtag	Number of accounts in the top 1%	Number of Tweets using the hashtag that those accounts are responsible for	Proportion of total Tweets using the hashtag that those accounts are responsible for
#DictatorDan	180	36,882	34%
#IStandWithDan	273	89,114	32%

Note: Data reflect usage of the hashtags between 1 March and 25 September 2020.

Source: Committee calculations based on Timothy Graham et al., '#IStandWithDan versus #DictatorDan: the polarised dynamics of Twitter discussions about Victoria's COVID-19 restrictions', *Media International Australia*, vol. 179, no. 1, 2021, pp. 5, 12–13, doi: 10.1177/1329878X20981780.

<sup>26</sup> Timothy Graham et al., '#IStandWithDan versus #DictatorDan: the polarised dynamics of Twitter discussions about Victoria's COVID-19 restrictions', *Media International Australia*, vol. 179, no. 1, 2021, p. 13, doi: 10.1177/1329878X20981780.

**BOX 5.1: High-intensity account example 1 @LesStonehouse**

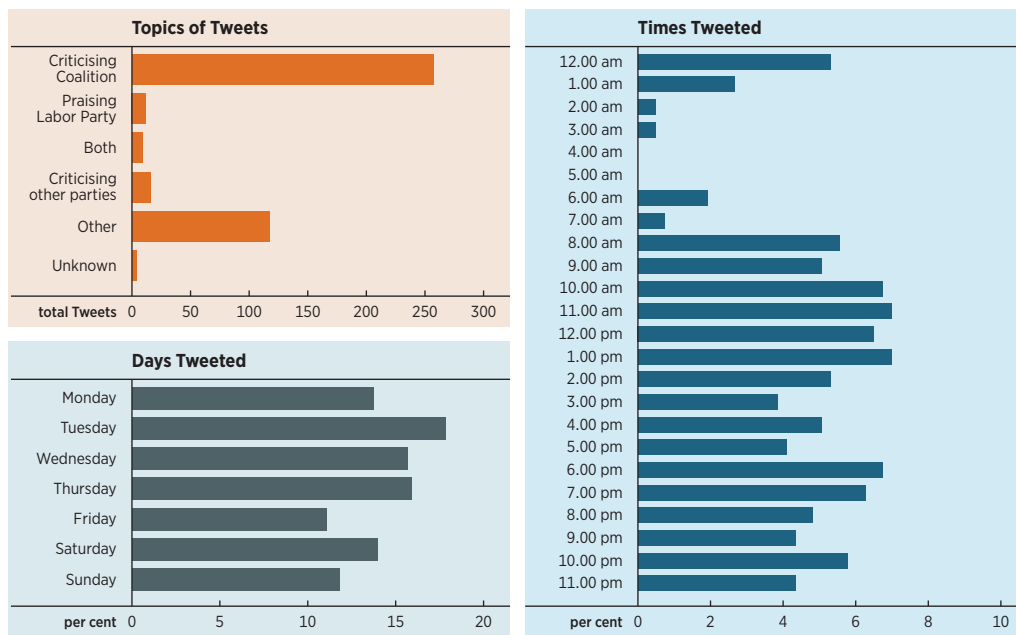
Bio: Australian politics with sometimes humour.. some tweets triggers a few.. s--t stirrer.. Bogan who's has seen the light<sup>a</sup>

Followers: 22,529<sup>a</sup>

General activity <sup>b</sup>	Average	Highest
Tweets per day	88.8	approximately 135
Number of Retweets per Tweet <sup>c</sup>	22.9	441
Number of likes per Tweet <sup>d</sup>	109.0	4,105

2018 election period activity <sup>e</sup>	Average per day	Total
Tweets	7.4	415

**Topics and timing of Tweets during the election period<sup>e</sup>**



(Continued)





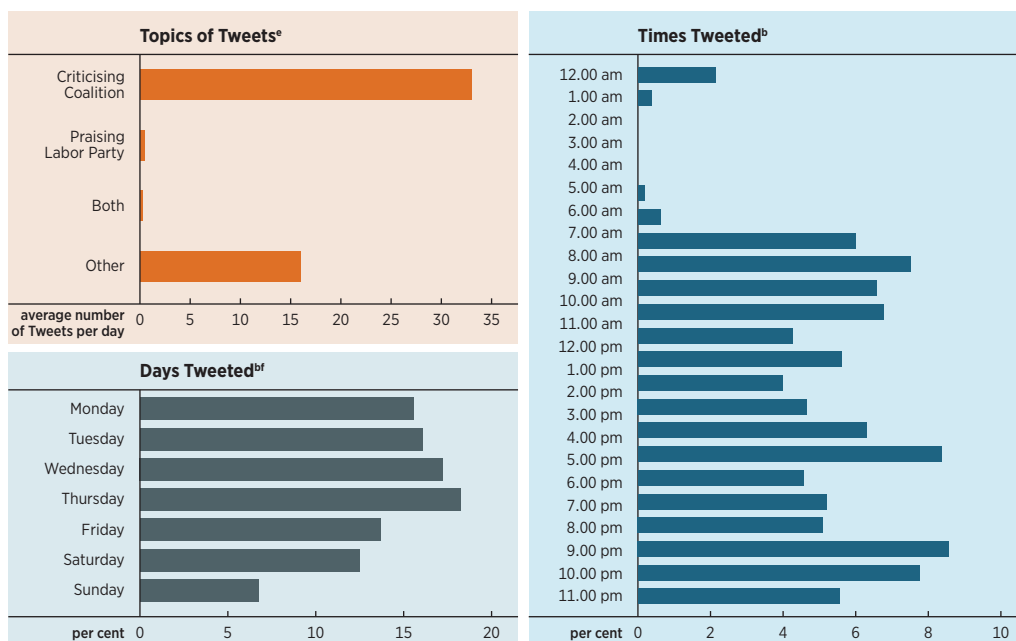
**BOX 5.2: High-intensity account example 2: @PRGuy17**

Bio: PRGuy (not Hillary Clinton). Melbourne ❤️<sup>a</sup>

Followers: 20,972<sup>a</sup>

General activity <sup>b</sup>	Average	Highest
Tweets per day	32.3	128
Number of Retweets per Tweet <sup>c</sup>	113.2	1,562
Number of likes per Tweet <sup>d</sup>	348.1	7,598

**Topics and timing of Tweets**



- a. As at 20 May 2021.
- b. Based on Tweets between 19 February 2021 and 20 May 2021 (2,941 Tweets), with Retweet and like statistics reflecting the state of those Tweets on 20 May 2021.
- c. Includes only Tweets which were Retweeted at least once.
- d. Includes only Tweets which were liked at least once.
- e. Based on Tweets between 26 March 2021 and 2 April 2021 (348 Tweets).
- f. Days based on Greenwich Mean Time.

Note: Figures include Retweets of other accounts.

Source: Committee calculations based on data from Twitonomy.

Dr Timothy Graham from Queensland University of Technology noted that it took less than an hour for a separate political hashtag to become the highest trending hashtag in Australia once @PRGuy17 (see Box 5.2) promoted it.<sup>27</sup>

The ability to promote hashtags is an indicator of the influence of these accounts and their ability to use Twitter to amplify their messages.

The impact of these accounts can also be seen beyond social media. @PRGuy17's Tweets have been quoted in traditional media, including the ABC, SBS and news.com.au.<sup>28</sup> This further extends their influence and promotes the accounts.

The motivations behind these accounts are not clear and, in some cases, the identity of the people behind the accounts is not disclosed. @LesStonehouse (see Box 5.1) has stated that he is 'not a member of the ALP..or any political group'<sup>29</sup> and @PRGuy17 (see Box 5.2) has stated that he is not paid to Tweet and has no association with the Labor party.<sup>30</sup> However, it may be that some high-intensity accounts are individuals employed by political parties or people paid to Tweet. People have been paid to Tweet political messages in other countries.<sup>31</sup>

The Committee believes that these sorts of accounts are having a real impact on the social media conversation around Victorian elections and politics. While it is unclear exactly who is behind them and what their precise motivations are, it would seem that this type of behaviour is intended to influence the conversation in Victorian politics. The Committee also cannot discount the possibility that political parties or candidates may be behind some of these accounts.

The Committee recognises that individuals have the right to express their political views on social media. However, it would be inappropriate if political parties were paying people to make these Tweets without disclosing the fact.

Regardless of who is behind these accounts, it is important for voters to know about the impact that these accounts are having on the online discussion. On a more general

27 Timothy Graham (@timothyjgraham), Tweet, 17 January 2021, <<https://twitter.com/Timothyjgraham/status/1350754939379740672>> accessed 25 August 2021.

28 Alex Adcock, 'Victorian politics, astroturfed?', *Medium*, 20 October 2020, <<https://medium.com/australia-zone/victorian-politics-astroturfed-5a8341a43045>> accessed 25 May 2021; ABC: Media Watch, *Online polls gamed*, video, 14 September 2020, <<https://www.abc.net.au/mediawatch/episodes/polls/12662916>> accessed 9 August 2021; Eden Gillespie, 'Liberal MP posts "capture or kill" style playing cards of Dan Andrews and Labor MPs', *The Feed*, 6 October 2020, <<https://www.sbs.com.au/news/the-feed/liberal-mp-posts-capture-or-kill-style-playing-cards-of-dan-andrews-and-labor-mps>> accessed 9 August 2021; Eden Gillespie, 'News Corp slammed for "unbalanced" reporting on Victorian Premier as poll shows majority supports him', *The Feed*, 22 September 2020, <<https://www.sbs.com.au/news/the-feed/news-corp-slammed-for-unbalanced-reporting-on-victorian-premier-as-poll-shows-majority-supports-him>> accessed 9 August 2021; 'Government considering 100 points of ID to get Facebook, Tinder account', *news.com.au*, 2 April 2021, <<https://www.news.com.au/technology/online/security/government-considering-100-points-of-id-to-get-facebook-tinder-account/news-story/624550c621d662da7d3bd98ff3f0e888>> accessed 9 August 2021.

29 @LesStonehouse, Tweet, 25 February 2021, <<https://twitter.com/LesStonehouse/status/1364814468597698562>> accessed 25 August 2021.

30 @PRGuy17, Tweets, 2 April 2021, <<https://twitter.com/PRGuy17/status/1377765332031471619>> and <<https://twitter.com/PRGuy17/status/1377766726499102721>> accessed 25 August 2021.

31 See, for example, Isaac Stanley-Becker, 'Pro-Trump youth group enlists teens in secretive campaign likened to a "troll farm," prompting rebuke by Facebook and Twitter', *The Washington Post*, 15 September 2020, <[https://www.washingtonpost.com/politics/turning-point-teens-disinformation-trump/2020/09/15/c84091ae-f20a-11ea-b796-2dd09962649c\\_story.html](https://www.washingtonpost.com/politics/turning-point-teens-disinformation-trump/2020/09/15/c84091ae-f20a-11ea-b796-2dd09962649c_story.html)> accessed 21 May 2021.

level, this should be part of social media literacy programs (see Section 11.2). It is also important for this sort of activity to be publicised during an election campaign, especially where multiple high-intensity accounts are working towards the same goals. In Section 10.4, the Committee recommends that the Government fund real-time reporting on social media activity during election periods, including a focus on high-intensity accounts and their impact.

Transparency about these sorts of accounts may also assist researchers to better understand the nature and impact of these accounts on Victorian elections (as recommended in Section 4.4.1). This may help future policy makers to identify whether additional action is required.

**FINDING 29:** High-intensity accounts, which post large volumes of partisan political content, are able to influence the political debate in Victoria by promoting particular messages. Little is known about these accounts, including to what extent they are organic as opposed to paid or coordinated by political parties. Increased transparency about these accounts will help voters to understand and interpret what is happening on social media.

## 5.5 Gate-keeping

**‘There are right leaning people on Reddit, it’s just you’ll often find their opinions buried with downvotes or too scared to speak because of the hate and mean spirit they receive for having an opinion.’<sup>32</sup>**

A false impression of what the community thinks can also be created by ‘gate-keeping’. This consists of abusing or marginalising people who express particular points of view to restrict what opinions are expressed on social media. When significant numbers of people regularly do this to particular views, it can deter people from expressing those views and can make it appear that one perspective is more widely held than it is.

Examples of this sort of gate-keeping behaviour were reported during 2020:

The Melbourne writer Jill Stark tweeted last Saturday: ‘Dan Andrews really has perfected the art of fronting up each day to give the perception of transparency and accountability but then not actually saying anything.’

Over the next 48 hours it received more than 3,000 responses, including those calling her a ‘stupid girl’ (Stark is 44), accusing her of being a rightwing hack (she left journalism four years ago) and asking why she was not instead criticising Scott Morrison (he wasn’t speaking, but she has been critical of the prime minister too).

...

The threat of a social media pile-on has discouraged some experts from contributing to the public debate, says Deakin University’s professor of epidemiology, Catherine Bennett.

<sup>32</sup> Quote from a Reddit user taken from research by Bakamo, commissioned by the Committee (see Appendix B).

Bennett is one of the few independent public health experts who has kept talking. After each opinion piece or interview, she receives a flood of emails: 99% from other academics who praise her for speaking out even as they keep their silence; and 1% from members of the public who question her integrity, twist her arguments or issue threats.<sup>33</sup>

This sort of behaviour has also been seen in relation to journalists reporting on politics (see Section 7.4.3).

Figure 5.2 provides an example of gate-keeping behaviour in relation to a regular member of the community. In response to the user's comment on the Premier's Tweet, several different people posted messages which delegitimated the user's views or the user rather than engaging with the content.

Some electoral candidates have also stated that campaigns of abuse from multiple people were directed towards them on social media. This can have the effect of intimidating the candidate or even driving them off a platform. Mr Dinesh Mathew, a candidate at the 2018 Victorian state election, told the Committee that he received so much abuse through Facebook during the election period that he closed his Facebook page down (see Box 7.1 in Chapter 7). Ms Nicolle Flint MP, from the Commonwealth Parliament, has also spoken of being harassed online by multiple people prior to the 2019 Commonwealth election:

it was the thousands of Facebook posts—mainly Facebook, but also Twitter. Serial offenders were just attacking me—nasty, nasty attacks. You block them and you ban them, but then more of them pop up.<sup>34</sup>

The Australian Local Government Women's Association Victorian Branch also indicated that, in relation to local government elections, it observed: 'People, some with dubious or fake profiles, ganging up on candidates in "opposition" to other candidates and making negative, often intimidating, comments in unison or group style.'<sup>35</sup>

Gate-keeping may be an organic process—that is, a result of users' natural interactions, rather than something coordinated by parties or candidates. While certain types of behaviour that may be part of gate-keeping (such as harassment and vilification) are illegal, it is overall not something where it would be practical to intervene without impacting on people's freedom of political speech.

Nonetheless, this sort of behaviour can reduce people's willingness to engage in political discussion on social media and can limit the views that users see. The Committee considers it important that parties and candidates not encourage gate-keeping nor participate in it. In Section 11.3 of this report, the Committee recommends that parties and campaigns commit to avoiding this sort of behaviour.

<sup>33</sup> Calla Wahlquist, 'Questioning Daniel Andrews: how reporters came under attack in Victoria', *The Guardian*, 3 October 2020, <<https://www.theguardian.com/australia-news/2020/oct/03/questioning-daniel-andrews-how-reporters-came-under-attack-in-victoria>> accessed 25 May 2021.

<sup>34</sup> Parliament of Australia, House of Representatives, 16 March 2021, *Parliamentary debates*, p. 2438.

<sup>35</sup> Australian Local Government Women's Association Victorian Branch, *Submission 120*, p. 3.

Similarly, it is important for people to understand that this occurs and may be distorting what they see on social media. This should be part of social media literacy programs (see Section 11.2).

Figure 5.2 Selection of responses to a Tweet about African gangs

The image shows a screenshot of a Twitter thread. At the top is a tweet from Dan Andrews (@DanielAndrewsMP) dated March 16, 2020. The tweet text reads: "I understand that people are worried. And I don't blame anyone for wanting to be prepared. But the panic in aisles and checkouts around our state has got to stop. Staff are being abused and assaulted. Decent people are fighting over pasta and hand wash. So let me say this:". Below the tweet are icons for replies (326), retweets (981), and likes (4.5K). Below this is a reply from a user whose profile picture and name are redacted. The reply text says: "You couldn't manage the sudo gangs who would be at best a level one against this level ten disease!". Below the reply are icons for retweets (1) and likes (11). This is followed by another reply from a redacted user dated March 17, 2020, with the text: "Really. You're throwing that in here and now? Be better". Below this are icons for replies (1), retweets, and likes (4). The next reply is from another redacted user dated March 17, 2020, with the text: "Level ten d... head". Below this are icons for replies, retweets, and likes (13). The following reply is from a redacted user dated March 16, 2020, with the text: "F... off mate. Your probably one of the crazies doing this at the shops.". Below this are icons for replies, retweets, and likes (4). The final reply is from a redacted user dated March 17, 2020, with the text: "Racist f... wit". Below this are icons for replies (1), retweets, and likes (5).

Source: Tweets, 16 March 2020, accessed 19 August 2021.

**FINDING 30:** Gate-keeping activities, in which social media users receive large volumes of negative interactions when expressing particular views, may prevent those views from being expressed online. This may reduce people’s engagement in political conversation, limit voters’ exposure to certain ideas and give a false impression of what the general community thinks. Parties and candidates should discourage people from gate-keeping. Social media users should be aware that this occurs and take it into account when interpreting what they see online.





# 6 Spreading inaccurate information

## 6.1 Introduction

For a democracy to be robust, voters must have accurate information about candidates, parties, voting processes and what is happening in the world. Without accurate information, voters cannot make informed choices about which candidates will represent their interests. As discussed in Chapter 3, social media can play a helpful role in making information available. However, social media can also spread inaccurate information and it can be difficult for social media users to tell what is accurate and what is not.

The difficulty users have differentiating truth from inaccurate information is widely considered to be one of the most serious negative impacts of social media on elections and democracy. This chapter discusses how inaccurate information starts and spreads on social media, including how this has happened during Victorian and Australian elections and the role that parties and candidates have played (Section 6.2).

Several social media platforms have recently implemented additional processes to limit the spread of inaccurate information. For some platforms, this includes signing up to an Australian Code of Practice on Disinformation and Misinformation. The Committee generally supports these efforts, which are discussed in Section 9.3.

Despite these efforts, inaccurate information on social media remains a serious risk to the health of Victorian elections. Various people and groups have called for ‘truth in political advertising’ laws, which are discussed in Section 6.3. The Committee is aware that any laws need to be balanced with a general principle of caution in relation to restricting speech (see Section 2.3.4). However, the Committee considers that it would be appropriate for legislation prohibiting some acts which are clearly intended to deceive voters—advertising which includes inaccurate statements purporting to be facts; and impersonating an electoral commission, a party or a candidate in an effort to deceive voters.

The Committee also sees value in non-regulatory approaches to counter other sorts of inaccurate information. One approach is to promote trustworthy sources of information that voters can turn to (see Section 6.4). This includes the Victorian Electoral Commission (VEC), the Parliament, independent fact-checking organisations and traditional media. The Committee also considers that there may be benefits to a central and trusted source of information about candidates, parties and their policies.

Other ways to promote trustworthy information and reduce the spread of inaccurate information include programs to increase social media literacy and encouraging parties and candidates to behave responsibly. These are explored in Chapter 11.

## 6.2 The ‘fake news’ phenomenon

‘Fake news’ is a term which has become increasingly popular in recent years. It generally refers to inaccurate information which is spread as news purporting to be accurate, though the term has been used in a variety of ways.<sup>1</sup> For the purposes of this Inquiry, the Committee has generally used ‘inaccurate information’ as a broader term to capture any false information that spreads through social media. However, the Committee recognises that inaccurate information may be particularly disruptive when it is presented as genuine news, especially when it comes from sources that appear to be reliable sources of information.

Fake news is not a new phenomenon. Prior to social media, fake news and inaccurate information were spread through pamphlets, traditional advertising or word of mouth. In the lead up to the 1980 Commonwealth election, it was alleged that advertisements were published in traditional media with demonstrably untrue statements about the Australian Democrats’ voting records.<sup>2</sup> At a state by-election in 1985, members from one political party allegedly handed out how-to-vote cards purporting to be from another party, directing preferences towards themselves.<sup>3</sup> False claims distributed in a leaflet during the 1979 state election about Ms Joan Coxsedg (a candidate at that election) are outlined in Section 7.2. These examples show that the problem of people circulating inaccurate information at election time predates social media.

However, social media enable inaccurate information to be spread in different ways. In particular, social media allow information to be spread widely, quickly and cheaply by anyone. Given the importance of social media for political discussions, it is important to understand the way that inaccurate information spreads on social media and its impact.

### 6.2.1 The origin and spread of inaccurate information on social media

**‘Fake news in social media ... is spread quickly on an exponential basis while truth is still getting its boots on.’<sup>4</sup>**

Inaccurate information on social media can come from a number of sources. It may come from people deliberately spreading information that they know to be false (often referred to as ‘disinformation’). It may come from people spreading information they believe to be true but which actually is false (often referred to as ‘misinformation’). Inaccurate information can originate from political parties, from interest groups, from members of the community and from foreign countries seeking to influence an election.

1 Tom Sear, Industry Fellow and PhD candidate, UNSW Canberra Cyber, Australian Defence Force Academy, *Submission 114*, p. 8.

2 *Evans v Crichton-Browne* (1981) HCA 14; 147 CLR 169; Don Chipp, ‘Politicians play it loose and fast’, *The Age*, 11 November 2002, p. 15.

3 Bob Bottom, John Silvester, Tom Noble and Paul Daley, *Inside Victoria: a chronicle of scandal*, Pan Macmillan Publishers Australia, Chippendale NSW, 1991, p. 132.

4 Bruce Baer Arnold, Assistant Professor, University of Canberra, *Submission 110*, p. 9.

Inaccurate information can also appear on social media in a variety of forms. It can include completely false information or a mixture of accurate and inaccurate statements. For this Inquiry, the Committee is also including misleading content as inaccurate information. This typically involves selectively publishing partial information about something in a way that misleads readers. It may involve highlighting particular anecdotes to suggest general trends which are not accurate.<sup>5</sup> It can consist of sharing information out of context to create a false impression of the original speaker or writer's intentions.<sup>6</sup>

Once something inaccurate has been posted to social media, several factors can lead to it spreading. It may be spread by ordinary users because of their interest in sensational and controversial news. It may be spread deliberately by people seeking to influence elections through bots, coordinated networks or high-intensity accounts (see Chapter 5). Once inaccurate content starts to spread through these mechanisms, platforms' algorithms may then promote it further (see Section 4.3.2).

In some cases, inaccurate information that starts on social media can be picked up and published by traditional media. That can legitimise the inaccurate information and lead to it spreading even further (see further discussion in Section 6.4.3).

Research has shown that most people are cautious about believing information on social media. One survey of Australians found that only 14% of respondents saw social media as a trusted source of news.<sup>7</sup> The Australian Digital News Report, which surveys Australians who consume news online, found that 64% of respondents were concerned about what is real and what is fake in relation to online news.<sup>8</sup> The same survey found that only 18% of respondents agreed that they can trust news on social media most of the time (with 43% agreeing that they can trust news more generally most of the time).<sup>9</sup> Another survey found that, over the last ten years, trust in social media for general news and information had fluctuated between 23% and 32% of respondents.<sup>10</sup>

Despite this caution about news on social media, people still spread inaccurate information. One Australian survey found that 35% of respondents had reacted to something on social media but found out later that it was not true.<sup>11</sup> A study in the USA found that people were more likely to share fake news than to believe it. Together with other results in that study, the authors suggested:

we advance the inattention-based account, in which (i) people do care more about accuracy than other content dimensions, but accuracy nonetheless often has little

<sup>5</sup> Tom Sear, Industry Fellow and PhD candidate, UNSW Canberra Cyber, Australian Defence Force Academy, *Submission 114*, p. 9 (with sources).

<sup>6</sup> Philip Seargeant, The Open University, *Submission 14*, p. 2.

<sup>7</sup> Yellow, *Yellow social media report 2020: part one—consumers*, Melbourne, 2020, p. 18.

<sup>8</sup> Sora Park et al., *Digital news report: Australia 2021*, News & Media Research Centre, University of Canberra, Canberra, 2021, p. 79.

<sup>9</sup> Sora Park et al., *Digital news report: Australia 2021*, News & Media Research Centre, University of Canberra, Canberra, 2021, p. 75.

<sup>10</sup> Edelman, *Edelman trust barometer 2021 country report: trust in Australia*, 2021, p. 19.

<sup>11</sup> Yellow, *Yellow social media report 2020: part one—consumers*, Melbourne, 2020, p. 18.

effect on sharing, because (ii) the social media context focuses their attention on other factors such as the desire to attract and please followers/friends or to signal one's group membership.<sup>12</sup>

Submitters and witnesses to this Inquiry suggested several factors which can contribute to people spreading inaccurate information on social media, including:

- for some partisan social media users, sharing inaccurate information about their opposition may be a way of expressing their feelings of belonging to a group<sup>13</sup>
- echo chamber and filter bubble effects may make people more likely to believe inaccurate information,<sup>14</sup> though the Committee notes the uncertainty around these effects (see Section 4.3.1)
- people may be more susceptible to inaccurate information in social media, as they are exposed to it when they are seeking entertainment or distraction and so are not approaching it the way they would if they were expecting political messages<sup>15</sup>
- inaccurate information can often be sensationalist or shocking, which can make it engaging and can motivate people to share it.<sup>16</sup>

Of particular concern is that inaccurate information can spread more easily on social media than accurate information. As noted by International IDEA, one study of 126,000 stories on Twitter found that inaccurate information was 70% more likely to be Retweeted than the truth and that it took true stories six times longer to reach 1,500 people. The study also found that false political news reached more people and travelled faster than other sorts of false news.<sup>17</sup>

This can make correcting inaccurate information very difficult once it has spread. Content which tries to counter inaccurate information can be less likely to spread because it often relies on facts and is less engaging and emotional than inaccurate information.<sup>18</sup> Corrections can also often require detailed statements, whereas inaccurate information can often be spread with concise statements, memes or hashtags.<sup>19</sup>

<sup>12</sup> Gordon Pennycook et al., 'Shifting attention to accuracy can reduce misinformation online', *Nature*, 17 March 2021, p. 2 (with sources), doi: 10.1038/s41586-021-03344-2.

<sup>13</sup> Vian Bakir, Professor of Journalism & Political Communication, and Andrew McStay, Professor of Digital Life, Bangor University, *Submission 21*, p. 4 (with sources).

<sup>14</sup> Darren Lilleker, Professor, Centre for Comparative Politics and Media Research, Bournemouth University, *Submission 78*, p. 2.

<sup>15</sup> Darren Lilleker, Professor, Centre for Comparative Politics and Media Research, Bournemouth University, *Submission 78*, p. 1.

<sup>16</sup> Stephan Lewandowsky, Chair in Cognitive Psychology, School of Psychological Science, University of Bristol, and Professor, School of Psychological Science, University of Western Australia, and Ullrich Ecker, Professor, School of Psychological Science, University of Western Australia, *Submission 54*, p. 2; Responsible Technology Australia, *Submission 85*, p. 2.

<sup>17</sup> Soroush Vosoughi, Deb Roy and Sinan Aral, 'The spread of true and false news online', *Science*, vol. 359, no. 6,380, 2018, pp. 1146–1151, doi: 10.1126/science.aap9559; International IDEA, *Submission 94*, p. 2.

<sup>18</sup> AAP FactCheck, *Submission 84*, p. 3.

<sup>19</sup> AAP FactCheck, *Submission 84*, p. 3; Proportional Representation Society of Australia (Victoria-Tasmania), *Submission 86*, p. 1.

Even if these challenges can be overcome, people can be resistant to changing their minds once they have accepted inaccurate information as true, even when presented with evidence that what they believe is false.<sup>20</sup>

## 6.2.2 The impact of inaccurate information on elections

**‘Democracy requires stable, trusted sources of information for the public to exercise their voting rights as informed citizens. It also requires a culture of trusted information for citizens to understand but respectfully disagree with other citizens and feel they are part of a national political community.’<sup>21</sup>**

Inaccurate information poses a serious threat to elections. Democracy relies on people being able to make informed decisions about which candidates will best represent their interests. Inaccurate information about candidates and issues can make that more difficult. Inaccurate information about voting can also disrupt electoral processes.

Several different types of inaccurate information may influence how a person votes. Inaccurate information about a candidate’s or party’s policies (such as the ‘death tax’—see Section 6.2.3) may dissuade people from voting for them. False claims about a candidate’s personal life (as in the case of Dr Anne Webster MP—see Section 6.3.1) might also discourage people from voting for them. Inaccurate information about what is happening in society can be used to make one party’s policy seem more important.

Inaccurate information can also cause confusion. Seeing contradictory information and not being able to determine which is accurate may cause people to disengage from political debate. In some cases, this may be an unintended side-effect of efforts to change people’s votes. In other cases, creating confusion may be a deliberate tactic:

Contemporary propaganda deceptions often aim for no more than to create uncertainty or confusion in victim audiences, that might otherwise require significantly greater effort to “turn” to the propagandist’s asserted viewpoint. Confused consumers of such information will often withdraw from a debate leaving the field to the propagandist uncontested. There are indeed documented instances of this approach being employed to discourage US voters from participating in an election.<sup>22</sup>

Elections can also be threatened by inaccurate information about electoral processes, such as where to vote or how to fill out ballot papers (see, for example, Figure 6.1). Similarly, inaccurate claims that electoral commissions are not trustworthy or that voter fraud has occurred may affect voters’ turn out and willingness to accept election results.

<sup>20</sup> Stephan Lewandowsky, Chair in Cognitive Psychology, School of Psychological Science, University of Bristol, and Professor, School of Psychological Science, University of Western Australia, and Ullrich Ecker, Professor, School of Psychological Science, University of Western Australia, *Submission 54*, p. 2; International IDEA, *Submission 94*, p. 2.

<sup>21</sup> Ben O’Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 7.

<sup>22</sup> Carlo Kopp, Lecturer, Department of Data Sciences and AI, Monash University, *Submission 79*, p. 4.

The Committee notes that the proportion of Australians satisfied with the way democracy works in Australia has declined in recent years<sup>23</sup> and that the 2018 Victorian state election saw a drop in the voter turnout rate.<sup>24</sup> The Committee is not claiming that inaccurate information on social media is a major factor contributing to these trends. However, in this context, it may be helpful to reduce the risk that inaccurate information further disengages voters.

### 6.2.3 Inaccurate information in Victoria and Australia

**‘The tactic of bombarding opposition campaigns with incendiary, false and damaging online messages is increasingly in use. Unchecked, the prevalence of false and misleading campaigning will have a toxic influence on the freedom and fairness of our elections.’<sup>25</sup>**

It has been widely recognised that inaccurate information has been circulated on social media during recent electoral events overseas.<sup>26</sup> The extent of the problem in Victorian state elections is less clear. The VEC told the Committee:

It is difficult to gauge the volume of disinformation circulating on social media during Victorian electoral events given that current legislation does not explicitly prohibit the spreading of disinformation in political advertising and commentary, and it has not been closely monitored or policed in the past ... it is also difficult to discern the impact that this is having on the electorate and the behaviour of voters.<sup>27</sup>

While recognising these limitations in our knowledge, the Electoral Commissioner suggested that ‘the current evidence suggests that the fake news phenomenon and its impact on the electorate during election events [in Victoria] is not a widespread issue.’<sup>28</sup>

The Committee is aware of a small number of claims about inaccurate information on social media during the 2018 Victorian election. One news article identified two examples of misleading or inaccurate content on politicians’ social media accounts prior to the 2018 election.<sup>29</sup> Another stated that inaccurate information about gangs (an election issue) was published in traditional media and shared by at least one

<sup>23</sup> Sarah Cameron and Ian McAllister, *The 2019 Australian federal election: results from the Australian Election Study*, The Australian National University School of Politics and International Relations, Canberra, 2019, p. 15.

<sup>24</sup> Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 16.

<sup>25</sup> Australian Greens Victoria, *Submission 87*, submission to the Electoral Matters Committee Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 10.

<sup>26</sup> See, for example, Philip Howard et al., *The IRA, social media and political polarization in the United States, 2012–2018*, n.d.; Renee DiResta et al., *The tactics and tropes of the Internet Research Agency*, report for the United States Senate Select Committee on Intelligence, n.d.; Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Disinformation and ‘fake news’: interim report*, July 2018.

<sup>27</sup> Victorian Electoral Commission, *Submission 77*, p. 12.

<sup>28</sup> Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, p. 26.

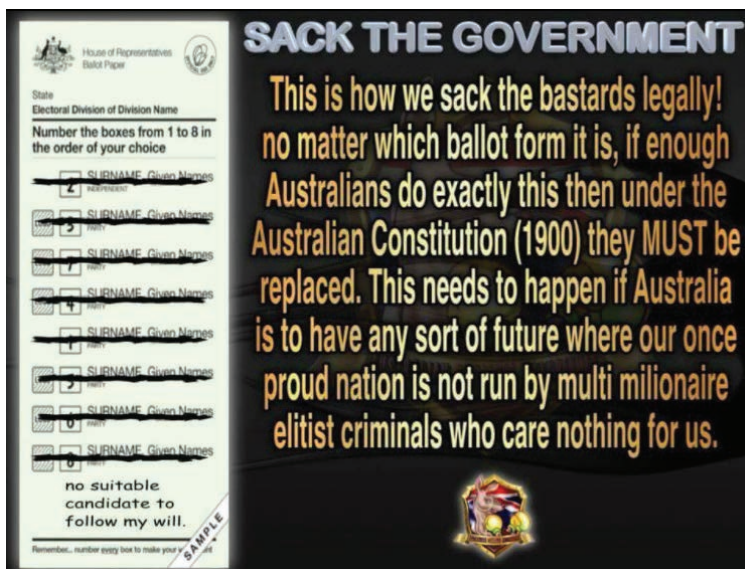
<sup>29</sup> Adam Carey, ‘Could fake news infect the Victorian election?’, *The Age*, 2 September 2018, <<https://www.theage.com.au/politics/victoria/could-fake-news-infect-the-victorian-election-20180830-p500u6.html>> accessed 3 May 2021.

candidate on Facebook.<sup>30</sup> The Australian Greens told the Committee (in a previous inquiry) that:

As a party, we had particular difficulties in the district of Northcote [at the 2018 state election], due to the prevalence of false and highly offensive published political communications online that were designed to mislead voters but which were also completely anonymous.<sup>31</sup>

Inaccurate information about filling out ballot papers was also circulated on social media in the lead up to the 2018 Victorian election (and the 2019 Commonwealth election<sup>32</sup>). The material incorrectly claimed that crossing out all candidates on a ballot paper and writing ‘no suitable candidate to follow my will’ would result in a new election (see Figure 6.1).

**Figure 6.1** Inaccurate information posted to Facebook prior to the 2018 Victorian election



Source: Facebook post, 18 November 2018, accessed 1 April 2021.

Inaccurate information which spread through social media at the 2019 Commonwealth election was noted by several submitters to this Inquiry. The Victorian Trades Hall Council told the Committee:

During the 2019 Federal Election, Chinese-Australian voters were targeted by scare campaigns over WeChat, including claims that more than a million refugees could

<sup>30</sup> Nyadol Nyuon, ‘Collateral damage’, *The Saturday Paper*, 24 November 2018, p. 7.

<sup>31</sup> Australian Greens Victoria, *Submission 87*, submission to the Electoral Matters Committee Inquiry into the conduct of the 2018 Victoria state election, 2019, pp. 10–11.

<sup>32</sup> Tom Rogers, Electoral Commissioner, Australian Electoral Commission—Parliament of Australia, Finance and Public Administration Legislation Committee, 2019–20 supplementary budget estimates, public hearing, Canberra, 22 October 2019, *Transcript of evidence*, p. 156.

come to Australia over a 10-year period if a Labor government was elected while also propagating homophobic assertions dating back to the marriage equality vote.<sup>33</sup>

The inaccurate information included a doctored Tweet purporting to come from the account of the Hon Bill Shorten MP.<sup>34</sup>

The Centre for Public Integrity cited two other examples of inaccurate information from the Commonwealth election:

- The Liberal Party used Facebook to disseminate false information that Labor would, if elected, create a “car tax”. It specifically targeted owners and fans of particular car manufacturers, leading to Toyota distancing itself from advertisements.
- False information was also disseminated regarding Labor’s intention to institute a “death tax”. Notwithstanding Labor’s requests that the misleading content be removed, Facebook did not remove it.<sup>35</sup>

The death tax was also mentioned by multiple other submitters to this Inquiry.<sup>36</sup> An analysis by *The Guardian* identified that political parties and members of parliament played a role in spreading stories about the death tax through Facebook advertising.<sup>37</sup>

The posts ranged from material explicitly claiming that the Labor Party would introduce a tax on inheritance through to material indirectly suggesting it (see Figure 6.2).

The claims about a death tax were also spread by third parties and anonymous Facebook messages which were sent to individuals, along with ‘some evidence ... of a coordinated and well-financed effort to boost the messaging’.<sup>38</sup> Similar claims about the Queensland Labor Party planning to introduce a death tax were repeated in 2020 in Facebook posts by the United Australia Party.<sup>39</sup>

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- 33 Victorian Trades Hall Council, *Submission 108*, p. 3 (with source); see also Responsible Technology Australia, *Submission 85*, pp. 9–10 and Yan Zhuang and Farrah Tomazin, ‘Labor asks questions of WeChat over doctored accounts, “fake news”’, *The Sydney Morning Herald*, 6 May 2019, <<https://www.smh.com.au/national/labor-asks-questions-of-wechat-over-doctored-accounts-fake-news-20190506-p51kkj.html>> accessed 23 August 2021.
- 34 Responsible Technology Australia, *Submission 85*, p. 9; see also Yan Zhuang and Farrah Tomazin, ‘Labor asks questions of WeChat over doctored accounts, “fake news”’, *The Sydney Morning Herald*, 6 May 2019, <<https://www.smh.com.au/national/labor-asks-questions-of-wechat-over-doctored-accounts-fake-news-20190506-p51kkj.html>> accessed 23 August 2021.
- 35 The Centre for Public Integrity, *Submission 74*, p. 4 (with sources).
- 36 Darryn Fisher, *Submission 18*, p. 1; Chris Zappone, *Submission 90*, p. 3; Sally Woodward, *Submission 121*, pp. 1, 4; Jordan Guiao, *Distorting the public square: political campaigning on social media requires greater regulation*, The Australia Institute, Canberra, 2019 (=The Australia Institute, *Submission 122, Attachment 1*), p. 11.
- 37 Katharine Murphy, Christopher Knaus and Nick Evershed, “‘It felt like a big tide’”: how the death tax lie infected Australia’s election campaign’, *The Guardian*, 8 June 2019 <<https://www.theguardian.com/australia-news/2019/jun/08/it-felt-like-a-big-tide-how-the-death-tax-lie-infected-australias-election-campaign>> accessed 9 August 2021.
- 38 Katharine Murphy, Christopher Knaus and Nick Evershed, “‘It felt like a big tide’”: how the death tax lie infected Australia’s election campaign’, *The Guardian*, 8 June 2019 <<https://www.theguardian.com/australia-news/2019/jun/08/it-felt-like-a-big-tide-how-the-death-tax-lie-infected-australias-election-campaign>> accessed 9 August 2021.
- 39 The Australia Institute, *Submission 122*, p. 16; Emma Pollard, ‘Labor lodges complaint with Facebook and Twitter over Queensland election death tax claim by Clive Palmer’s United Australia Party’, *ABC News*, 16 October 2020 <<https://www.abc.net.au/news/2020-10-16/qld-election-2020-labor-complains-says-uap-death-tax-claim-a-lie/12774238>> accessed 9 August 2021.



Figure 6.2 Facebook posts about the 'death tax'

Started running on Apr 23, 2019

**Senator Jane Hume**  
Sponsored

"There will be no carbon tax under a Government I lead"

Remember that one? 🤔

Well now Bill Shorten has said:

"Labor has never had any plan for a Death Tax under my leadership."

We know Labor want to tax retirees, small businesses, families, tradies, nurses, doctors with \$387 billion in new taxes.

Imagine what he's not telling us.

#TheBillAustraliaCantAfford

Carbon Tax Death Tax

**DEATH TAX**  
LABOR & THE GREENS  
WANT YOUR ASSETS WHEN  
YOU DIE & BEFORE YOUR  
FAMILY INHERIT THEM

“ In this world, nothing can  
be said to be certain  
except **Death**  
and  
**Taxes** ”

Benjamin Franklin, Excerpt from a letter to Jean-Baptiste Lezay

**IF YOU VOTE LABOR  
OR THE GREENS  
YOU'RE VOTING FOR  
A DEATH TAX**

Authorised by MPucci for Pauline Hansons One Nation 2/38 Hudson Rd Albion

Source: Facebook via Katharine Murphy, Christopher Knaus and Nick Evershed, "It felt like a big tide": how the death tax lie infected Australia's election campaign', *The Guardian*, 8 June 2019 <<https://www.theguardian.com/australia-news/2019/jun/08/it-felt-like-a-big-tide-how-the-death-tax-lie-infected-australias-election-campaign>> accessed 23 August 2021.

Several submitters also claimed that inaccurate information had been spread on social media during the 2020 Victorian local council elections.<sup>40</sup>

It is clear to the Committee that there is a significant risk of inaccurate information being spread through social media in relation to Victorian elections. This has the potential to have a number of negative impacts, as set out in Section 6.2.2.

**FINDING 31:** 'Fake news' and other sorts of inaccurate information can spread quickly on social media and can be difficult to counteract. Inaccurate information can make it difficult for voters to determine which candidates will best represent their interests and has the potential to lead to disengagement with democratic processes. It can also mislead voters about election processes, potentially depriving people of their vote.

**FINDING 32:** A number of examples of inaccurate information circulating around Victorian and Australian elections have been identified. In some cases, parties and candidates played a role in spreading the inaccurate information.

<sup>40</sup> Name withheld, *Submission 115*; More Women for Local Government Facebook Group, *Submission 116*, p. 3; Victorian Local Governance Association, *Submission 118*, pp. 2–3; Australian Local Government Women's Association Victorian Branch, *Submission 120*, p. 2–3. See also Local Government Inspectorate, *Social media fuels rise in complaints during 2020 council elections*, Melbourne, 2021, pp. 11, 20.

## 6.3 Prohibiting inaccurate information

**‘Anything is possible when you lie. People need to know the truth so that they can make the best decision they can based on their own judgement.’<sup>41</sup>**

One approach to reducing inaccurate information online is to create legal penalties for people creating or spreading inaccurate information. Laws against inaccurate information (sometimes referred to as ‘truth in political advertising laws’) have been introduced in a number of other jurisdictions, most notably South Australia.

There are already laws in Victoria which prohibit certain types of inaccurate information being published on social media. A number of submitters to this Inquiry called for additional legislation, with some suggesting South Australia’s legislation as a model. The Committee considers that Victoria should enact similar laws. The Committee also recommends laws prohibiting people from falsely purporting to be from the VEC or impersonating another candidate or party.

### 6.3.1 Existing laws prohibit some inaccurate information

The Electoral Act currently makes it an offense to print, publish or distribute ‘any matter or thing that is likely to mislead or deceive an elector in relation to the casting of the vote of the elector.’<sup>42</sup> Similar provisions apply at the Commonwealth and local government levels.<sup>43</sup> However, the High Court has interpreted the Commonwealth legislation narrowly to only apply to statements about obtaining, marking and depositing ballot papers.<sup>44</sup> It is expected that the same narrow interpretation would apply to the legislation about state and local government elections. Nonetheless, this legislation does prohibit some types of inaccurate information.

Defamation laws can apply to inaccurate statements about politicians in some cases. For example, a woman was successfully sued in 2020 for defamation as a result of Facebook posts about Dr Anne Webster MP (a member of the Commonwealth Parliament), her husband and a not-for-profit organisation founded by Dr Webster. The posts included claims that they were part of a criminal network involved in the sexual abuse of children.<sup>45</sup> Other Commonwealth politicians have also sued people for defamation on Twitter recently.<sup>46</sup> However, Ms Nicola Castleman from the Labor Party

<sup>41</sup> Thomas Danese, *Submission 75*, p. 2.

<sup>42</sup> *Electoral Act 2002* (Vic) s 84(1).

<sup>43</sup> *Commonwealth Electoral Act 1918* (Cth) s 329(1); *Local Government Act 2020* (Vic) s 288(1).

<sup>44</sup> *Evans v Crichton-Browne* (1981) HCA 14; 147 CLR 169.

<sup>45</sup> *Webster v Brewer* (No 3) (2020) FCA 1343.

<sup>46</sup> Paul Karp, ‘Peter Dutton accuses Shane Bazzi of malice over abusive tweets in defamation case’, *The Guardian*, 25 June 2021, <<https://www.theguardian.com/australia-news/2021/jun/25/peter-dutton-accuses-shane-bazzi-of-malice-over-abusive-tweets-in-defamation-case>> accessed 28 June 2021; Sophie Elsworth, ‘MP Laming sues ABC journo for defamation’, *The Australian*, 28 June 2021, p. 3; Michaela Whitbourn, ‘Louise Milligan agrees to pay Andrew Laming \$79,000 in damages over tweets’, *The Age*, 11 August 2021, <<https://www.theage.com.au/national/louise-milligan-agrees-to-pay-andrew-laming-79-000-in-damages-over-tweets-20210811-p58hpf.html>> accessed 12 August 2021.

suggested that the application of defamation laws in social media can be difficult, noting the anonymity on social media (see Section 4.3.4). She stated that the party has observed ‘candidates and MPs seeing defamatory comments about them and having no power to do anything about it.’<sup>47</sup>

It is certainly the case that, despite the current provisions, it is possible to say many untrue things in relation to politics or elections without there being any legal penalty.

### 6.3.2 Calls for additional laws to prohibit more inaccurate information

A significant number of submitters to this Inquiry called for additional laws which would penalise people publishing inaccurate information. Several submitters argued that political advertising should be held to the same standard as commercial advertising.<sup>48</sup> The majority of people responding to the Committee’s survey supported truth in political advertising laws. Some people explained that they supported such laws because they thought the laws would make politicians more honest. One argued that truth in political advertising laws were ‘absolutely necessary if we are [to] regain faith in politicians’.<sup>49</sup> Several respondents to the survey were surprised that such laws did not already exist.<sup>50</sup>

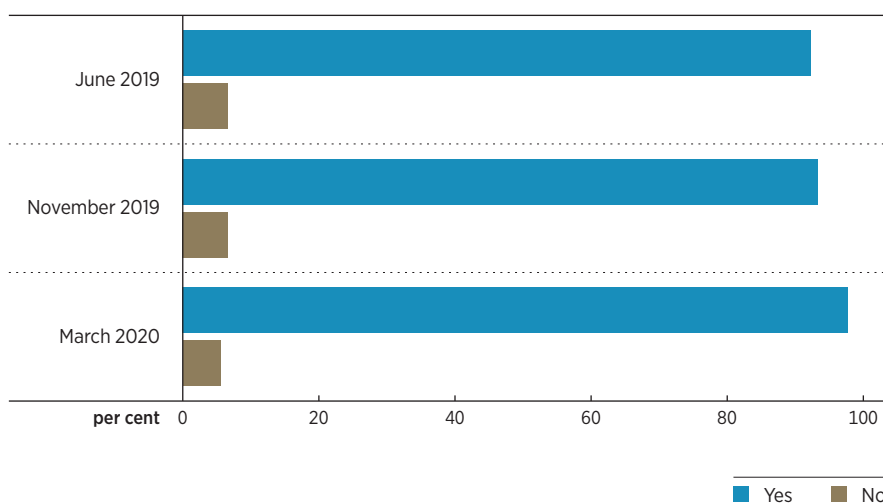
Approximately 88% of Victorians responding to a survey by The Australia Institute in March 2020 supported truth in political advertising laws in Australia (see Figure 6.3).

<sup>47</sup> Nicola Castleman, Assistant State Secretary, Australian Labor Party, Victorian Branch, public hearing, Melbourne, 1 March 2021, *Transcript of evidence*, p. 3.

<sup>48</sup> Luke Beck, Associate Professor of Constitutional Law, Monash University, *Submission 1*, p. 1; Darren Lilleker, Professor, Centre for Comparative Politics and Media Research, Bournemouth University, *Submission 78*, p. 5; Sally Woodward, *Submission 121*, p. 2.

<sup>49</sup> Brian Barber, *Submission 66*, p. 2.

<sup>50</sup> Helen Allison, *Submission 36*, p. 2; Kathryn Stanislawski, *Submission 37*, p. 2; Elizabeth Turner, *Submission 38*, p. 2. Both the VEC and the Local Government Inspectorate have received complaints from people incorrectly believing that current Victorian laws prohibit inaccurate information in electoral matter—Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian state election*, Melbourne, 2019, p. 80; Local Government Inspectorate, *Social media fuels rise in complaints during 2020 council elections*, Melbourne, 2021, p. 11.

**Figure 6.3** Should Australia pass truth in political advertising laws?

Note: Responses from Victorians to the question, 'Should Australia pass "truth in political advertising" laws so that it is illegal for political parties and candidates to publish ads that are inaccurate and misleading?' Surveys conducted by The Australia Institute.

Source: Adapted from The Australia Institute, *Submission 122*, p. 11; Bill Browne, *We can handle the truth: opportunities for truth in political advertising*, The Australia Institute, Canberra, 2019 (=The Australia Institute, *Submission 122, Attachment 2*), p. 38.

On the other hand, some submitters to this Inquiry raised concerns about the prospect of truth in electoral advertising laws. Some of these concerns related to the practical aspects of administering this sort of legislation. Other concerns were about such laws potentially being abused by people in power or impacting on free speech.

The Committee recognises these concerns and reiterates its general principle of caution in relation to restricting speech (see Section 2.3.4). However, the Committee considers that it would be appropriate to introduce legislation in three narrow circumstances involving deliberate acts to deceive people:

1. prohibiting electoral advertising containing inaccurate statements which are purporting to be facts
2. prohibiting people from impersonating an electoral commission in an effort to deceive voters
3. prohibiting people from impersonating a party or candidate in an effort to deceive voters.

### 6.3.3 Truth in political advertising laws

Several submitters and witnesses suggested South Australia's legislation against inaccurate and misleading electoral advertising as a model for Victoria.

#### South Australia's legislation

South Australia's Electoral Act has included a provision restricting inaccurate information in electoral advertising since 1985. The Act currently states:

A person who authorises, causes or permits the publication of an electoral advertisement (an advertiser) is guilty of an offence if the advertisement contains a

statement purporting to be a statement of fact that is inaccurate and misleading to a material extent.<sup>51</sup>

An individual breaching this provision can be fined up to \$5,000 and a body corporate can be fined up to \$25,000. If the Electoral Commissioner believes that the provision has been breached, they can request that the advertising be withdrawn and/or a retraction published. The Supreme Court can order the same.<sup>52</sup>

There are several key aspects of this legislation worth noting:

- it only applies to electoral advertisements, not other forms of communication (such as newspaper articles or regular social media posts)
- it only applies to statements purporting to be statements of fact—that is, it does not apply to opinions or speculations about what might happen in the future
- a statement must be both inaccurate and misleading to breach the provision (that is, it is not a breach if the statement is misleading but not inaccurate)
- the statement must be inaccurate and misleading ‘to a material extent’.<sup>53</sup>

The legislation also specifies that it is a defence against a charge if a person:

- took no part in determining the content of the advertisement; and
- could not reasonably be expected to have known that the statement to which the charge relates was inaccurate and misleading.<sup>54</sup>

This limits the responsibility of publishers, such as social media platforms.

Similar legislation was passed in the Australian Capital Territory in 2020.<sup>55</sup>

Associate Professor Luke Beck (Monash University) proposed legislation for Victoria which is similar to South Australia’s legislation. However, he reworded it to reflect what he described as a more modern legislative drafting approach:<sup>56</sup>

A person must not authorise or permit the publication of electoral matter to which Division 6 of Part 5 of the *Electoral Act 2002* applies; and which

- contains a statement purporting to be a statement of fact; and
- the statement purporting to be a statement of fact is misleading or deceptive or is likely to mislead or deceive.<sup>57</sup>

<sup>51</sup> *Electoral Act 1985* (SA) s 113(2).

<sup>52</sup> *Electoral Act 1985* (SA) s 113.

<sup>53</sup> Electoral Commission SA, *Election report: 2018 South Australian state election*, Adelaide, 2019, p. 80; Mick Sherry, Electoral Commissioner, Electoral Commission SA, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, pp. 1–2; Lisa Hill, Ravi Baltutis and Max Douglass, *Towards a workable legal regime for truth in political advertising*, video, 18 March 2021, <<https://www.adelaide.edu.au/stretton/news/list/2021/03/18/truth-in-political-advertising>>.

<sup>54</sup> *Electoral Act 1985* (SA) s 113(3).

<sup>55</sup> *Electoral Act 1992* (ACT) s 297A.

<sup>56</sup> Luke Beck, Associate Professor of Constitutional Law, Monash University, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, pp. 9–10.

<sup>57</sup> Luke Beck, Associate Professor of Constitutional Law, Monash University, *Submission 1*, p. 1.

He also suggested a similar defence to the South Australian legislation, so that publishers (such as Facebook and Twitter) would only face penalties if they could reasonably be expected to know that the advertisement was misleading or deceptive. This would mean that social media platforms would be in breach of his proposed legislation if they fail to act once they have been alerted to the problem, but may not be in breach of it beforehand.<sup>58</sup>

Associate Professor Beck argued that this approach:

- would be limited in scope to only material currently requiring authorisation
- would use established and understood legal terms ('misleading or deceptive or is likely to mislead or deceive', which is used in the Australian Consumer Law in relation to commercial advertising,<sup>59</sup> rather than South Australia's 'inaccurate and misleading')
- would not apply to opinions and 'puffery'
- would involve restrictions which are similar to what currently applies to commercial advertising.<sup>60</sup>

Associate Professor Beck's proposed amendment does not include a provision that the statement must be misleading 'to a material extent.' A previous electoral commissioner in South Australia recommended removing the clause 'misleading to a material extent', so that the legislation only prohibited material that was inaccurate. She argued that this would be less onerous on the electoral commission and that 'the office would be in a better position to monitor the content of electoral material based on accuracy alone'.<sup>61</sup>

The VEC similarly argued that the phrase 'to a material extent' meant that decisions about whether or not something breached the legislation were open to interpretation.<sup>62</sup> The Australia Institute noted that removing this clause 'would make the laws easier to enforce, but risk censoring political parties and candidates for minor errors of fact.'<sup>63</sup>

Associate Professor Beck recommended civil penalties rather than criminal penalties for people who breach the law, and suggested a number of ways this could be done.<sup>64</sup> It has been noted, though, that fines must be large enough to be a deterrent—they will not be effective if they can be accepted as a cost in order to gain an electoral advantage.<sup>65</sup> Rather than fines, the More Women for Local Government Facebook

<sup>58</sup> Luke Beck, Associate Professor of Constitutional Law, Monash University, *Submission 1*, p. 2; Luke Beck, Associate Professor of Constitutional Law, Monash University, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 8.

<sup>59</sup> *Competition and Consumer Act 2010* (Cth) sch 2 (The Australian Consumer Law) s 18.

<sup>60</sup> Luke Beck, Associate Professor of Constitutional Law, Monash University, *Submission 1*, p. 2.

<sup>61</sup> Electoral Commission SA, *Election report: Frome by-election 17 January 2009*, Adelaide, n.d., p. 22.

<sup>62</sup> Victorian Electoral Commission, *Submission 77*, p. 14.

<sup>63</sup> The Australia Institute, *Submission 122*, p. 6.

<sup>64</sup> Luke Beck, Associate Professor of Constitutional Law, Monash University, *Submission 1*, p. 2; Luke Beck, Associate Professor of Constitutional Law, Monash University, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, pp. 13–14.

<sup>65</sup> Lisa Hill, Ravi Baltutis and Max Douglass, *Towards a workable legal regime for truth in political advertising*, video, 18 March 2021, <<https://www.adelaide.edu.au/stretton/news/list/2021/03/18/truth-in-political-advertising>>; see also Luke Beck, Associate Professor of Constitutional Law, Monash University, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, pp. 13–14.

Group recommended that any person found guilty of spreading fake news or misusing social media be prohibited from standing for any public election for five years or lose their office if elected.<sup>66</sup> A survey by The Australia Institute found support for public funding being taken away from parties and candidates that publish inaccurate and misleading advertisements, or for the parties and candidate to face criminal charges.<sup>67</sup>

### Effects of legislating against inaccurate, misleading or deceptive electoral advertising

**‘Some things can be fact checked, some are interpretation, some are surmise. All levels of statement are legitimate. Only those that can be fact-checked can really be the subject of meaningful legislation.’<sup>68</sup>**

The South Australian laws and the legislation proposed by Associate Professor Beck are quite limited in their scope. As noted above, they only apply to advertising, meaning that inaccurate information could still spread through regular (non-advertising) social media posts, which could be amplified through the sorts of techniques discussed in Chapter 5. The legislation is restricted to statements purporting to be facts. People may be able to avoid the laws with carefully worded posts which suggest things without explicitly saying them (like the post by Senator the Hon Jane Hume in Figure 6.2 above), through omitting context and other techniques.

The Committee recognises that these laws would therefore only have a limited effect on preventing inaccurate information spreading during election campaigns. Given the importance of preserving freedom of political communication (see Section 2.3.4), the Committee considers it appropriate that laws only restrict speech in limited and carefully selected circumstances. Similar views were also expressed by The Australia Institute:

There are good reasons to protect opinion and predictions, and to limit laws to advertising. Truth in political advertising laws are not intended to, by themselves, address all the problems with dishonesty in politics. They can still make a valuable contribution – as shown by the fact that in most South Australian elections, ECSA [Electoral Commission South Australia] requires some political ads to be withdrawn or retracted.<sup>69</sup>

As noted by The Australia Institute, South Australia’s laws have made an impact, despite the limited scope. The Electoral Commissioner has requested content be withdrawn at most elections since 1997 (see Table 6.1).<sup>70</sup> An analysis by academics in the UK similarly

66 More Women for Local Government Facebook Group, *Submission 116*, p. 5; see also Perrin Hoyle, *Submission 46*, p. 2 and Lisa Hill, Ravi Baltutis and Max Douglass, *Towards a workable legal regime for truth in political advertising*, video, 18 March 2021, <<https://www.adelaide.edu.au/stretton/news/list/2021/03/18/truth-in-political-advertising>>.

67 The Australia Institute, *Submission 122*, p. 12; Bill Browne, *We can handle the truth: opportunities for truth in political advertising*, The Australia Institute, Canberra, 2019 (=The Australia Institute, *Submission 122, Attachment 2*), p. 39.

68 Sandra Martin, *Submission 19*, p. 2.

69 The Australia Institute, *Submission 122*, p. 6.

70 For examples of the sorts of statements for which action was requested, see: Bill Browne, *We can handle the truth: opportunities for truth in political advertising*, The Australia Institute, Canberra, 2019 (=The Australia Institute, *Submission 122, Attachment 2*), pp. 9–11; Alan Renwick and Michela Palese, *Doing democracy better: how can information and discourse in election and referendum campaigns in the UK be improved?*, The Constitution Unit, University College London, 2019 p. 24.

concluded that South Australia’s legislation ‘does not have an enormous effect on information or discourse, but it does constrain politicians from making claims that are demonstrably false.’<sup>71</sup>

**Table 6.1** Complaints about inaccurate and misleading information in South Australia, 1997–2018

	1997	2002	2006	2010	2014	2018
Complaints received relating to inaccurate and misleading advertising	40	53	32	63	90	35
Cases where withdrawal or retraction requested	6	0	n/a	2	11	6
Cases where legal action taken	0	0	0	0	0	0

Source: Alan Renwick and Michela Palese, *Doing democracy better: how can information and discourse in election and referendum campaigns in the UK be improved?*, The Constitution Unit, University College London, 2019 p. 23; see also Bill Browne, *We can handle the truth: opportunities for truth in political advertising*, The Australia Institute, Canberra, 2019 (=The Australia Institute, *Submission 122, Attachment 2*), p. 8.

However, the full effect of the legislation may be hard to measure, as a major impact may be preventing inaccurate information being published in the first place. Associate Professor Beck explained:

introducing new deceptive and misleading advertising rules, is not about fining people. It is not about taking people to court. It is really about bringing about cultural change ...<sup>72</sup>

Associate Professor Yasmin Dawood argued that measures to tackle inaccurate information, even if only partially successful, can also be helpful in increasing public trust in democracy.<sup>73</sup>

The VEC told the Committee that South Australia’s legislation had ‘proved problematic in many respects.’<sup>74</sup> The VEC raised a number of concerns about whether or not an electoral commission is the appropriate body to make determinations about inaccurate advertising, which are discussed below. The VEC also noted practical considerations, such as the fact that there can be delays in determining cases, that political parties can misuse the provisions for electioneering purposes, that it can be challenging to determine what level of inaccuracy would constitute a ‘material extent’ and that the legislation may be unenforceable without cooperation from social media companies.<sup>75</sup>

<sup>71</sup> Alan Renwick and Michela Palese, *Doing democracy better: how can information and discourse in election and referendum campaigns in the UK be improved?*, The Constitution Unit, University College London, 2019 p. 29.

<sup>72</sup> Luke Beck, Associate Professor of Constitutional Law, Monash University, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 9.

<sup>73</sup> Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, public hearing, Melbourne, 12 March 2021, *Transcript of evidence*, p. 9.

<sup>74</sup> Victorian Electoral Commission, *Submission 77*, p. 13.

<sup>75</sup> Victorian Electoral Commission, *Submission 77*, pp. 13–16.



The current electoral commissioner of South Australia, Mr Mick Sherry, told the Committee that ‘in a broad sense the legislation does prevent misleading advertising heavily influencing elections here in South Australia.’<sup>76</sup> However, Mr Sherry noted that the current heads of the two major parties played an important role in this.<sup>77</sup> Previous electoral commissioners in South Australia have been less positive about the provisions.<sup>78</sup>

A number of other submitters considered that such laws would be inappropriate. Some considered that it could be impractical to decide what is inaccurate in electoral advertising.<sup>79</sup> Others were concerned about who would determine whether or not an advertisement was inaccurate and about the potential for an election to be manipulated by whoever was making the decisions.<sup>80</sup> The former Electoral Matters Committee when considering this matter in 2010 also expressed concerns that such laws would be difficult to administer, could make elections more litigious and may have ‘a chilling effect on robust political discourse.’<sup>81</sup>

Rather than legislating against inaccurate information, some submitters argued for transparency instead. For example, Facebook stated:

transparency in political advertising is a better way to make advertisers more accountable. It allows journalists, watchdogs, regulators and the general public to scrutinise the content of political ads and know who is behind them, which we believe leads to behavioural changes.<sup>82</sup>

A similar view was reached by the former Electoral Matters Committee in 2010. The Committee concluded that it would not be appropriate to introduce new legislation against inaccurate information and that:

there are already some measures in place to regulate misleading or deceptive political advertising. Parliamentary inquiries and the media have the ability to scrutinise and bring the policies and conduct of candidates, as well as the political issues at stake, to electors’ attention. The Committee believes that the highest authority to test truth in political advertising is the electors. Electors who are dissatisfied with a government, political party, or a candidate’s election campaign or question a government, political party or a candidate’s honesty and integrity can “discipline” the candidate or party at an election by not voting for them.<sup>83</sup>

<sup>76</sup> Mick Sherry, Electoral Commissioner, Electoral Commission SA, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 2.

<sup>77</sup> Mick Sherry, Electoral Commissioner, Electoral Commission SA, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 2.

<sup>78</sup> Alan Renwick and Michela Palese, *Doing democracy better: how can information and discourse in election and referendum campaigns in the UK be improved?*, The Constitution Unit, University College London, 2019 p. 25.

<sup>79</sup> Katharine Dommett, Senior Lecturer in the Public Understanding of Politics, University of Sheffield, *Submission 11*, p. 3; Philip Seargeant, The Open University, *Submission 14*, p. 3; Facebook, *Submission 123*, p. 18.

<sup>80</sup> Michael Gavaghan, *Submission 5*, p. 2; Michael Kelaart, *Submission 70*, p. 2.

<sup>81</sup> Parliament of Victoria, Electoral Matters Committee, *Inquiry into the provisions of the Electoral Act 2002 (Vic) relating to misleading or deceptive political advertising*, March 2010, pp. 158–159.

<sup>82</sup> Facebook, *Submission 123*, p. 18.

<sup>83</sup> Parliament of Victoria, Electoral Matters Committee, *Inquiry into the provisions of the Electoral Act 2002 (Vic) relating to misleading or deceptive political advertising*, March 2010, p. 159.

The current Committee agrees that transparency about electoral advertising is very important, to allow voters to make their own decisions about candidates' and parties' conduct. Recommendations in relation to increasing transparency are set out in Chapter 10 of this report.

However, the Committee considers that a lot has changed since 2010 in terms of electoral advertising and that, in this particular case, transparency is not enough. Traditional media are no longer as well resourced and have less capacity to interrogate claims at election time. Indeed, as discussed in Section 6.4.3 of this chapter, traditional media sometimes play a role in amplifying inaccurate information rather than countering it. In addition, social media advertising, especially when microtargeting is used (see Chapter 8), is also more varied and less public than the traditional forms of advertising that were more dominant in 2010.

As a result, the Committee believes that legislation specifically targeting purported statements of fact in electoral advertising can play a helpful role as one part of a strategy to maintain and strengthen Victorian democracy.

### **Should laws target social media companies and other publishers?**

Laws prohibiting inaccurate statements should primarily be aimed at the people creating and authorising the statements. However, there is some debate about whether it should also be illegal for social media platforms (or other companies) to host electoral advertising on their sites if it contains inaccurate statements purporting to be facts.

As discussed above, South Australian legislation makes it illegal to permit the publication of electoral advertisements with inaccurate and misleading statements, though it is a defence if the person could not reasonably be expected to have known that the statement was inaccurate and misleading.<sup>84</sup> In the Australian Capital Territory, the equivalent law was drafted differently, with the intention that the law not apply to publishers.<sup>85</sup>

Free TV Australia, Commercial Radio Australia and Facebook argued against penalising the publisher or broadcaster.<sup>86</sup> Free TV Australia argued that broadcasters and publishers:

cannot reasonably be expected to know what amounts to political truth and whether statements made are 'inaccurate and misleading'. Broadcasters are simply not equipped to make such assessments, particularly where they must be made in short time frames.<sup>87</sup>

<sup>84</sup> *Electoral Act 1985* (SA) s 113(2)–(3).

<sup>85</sup> Supplementary Explanatory Statement, Electoral Amendment Bill 2018 (ACT): amendments to be moved by Caroline Le Couteur MLA, p. 3.

<sup>86</sup> Free TV Australia, *Submission 100*, pp. 10–11; Commercial Radio Australia, *Submission 101*, p. 2; Facebook, *Submission 123*, p. 19.

<sup>87</sup> Free TV Australia, *Submission 100*, p. 10.

It was also argued that it would not be appropriate for a commercial organisation to take such a role in the political process, that administering such laws would be difficult and that it would add a complex regulatory burden to broadcasters and publishers.<sup>88</sup> The risk of penalties for running advertisements with inaccurate information may also discourage publishers from allowing political advertising more generally, which may be a bad thing from a democratic perspective.<sup>89</sup>

The Committee agrees that publishers (including social media platforms) should not be required to assess the accuracy of statements in advertisements before publishing them. However, the Committee considers that legislation should prohibit publishers from continuing to publish an electoral advertisement once the relevant authority has determined that the advertisement contains inaccurate information.

This can be particularly important in circumstances where the person creating the advertisement cannot be contacted<sup>90</sup> or refuses to accept the ruling. Electoral commissions already experience some difficulty getting social media platforms to remove inappropriate content (see Section 9.2). Platforms may be more cooperative if there are laws clearly stating that social media platforms must not continue publishing electoral advertisements once it has been determined that the advertisements are in breach of the legislation.

### Administering the legislation

In South Australia and the Australian Capital Territory, the electoral commissioners are responsible for administering the legislation. If the electoral commissioners believe that an advertisement contains inaccurate and misleading information, they can ask for it to not be further published and/or for a retraction to be published. The commissioners can apply to their jurisdiction's supreme court for an order if necessary.<sup>91</sup>

In favour of electoral commissions administering the legislation, The Australia Institute argued that they 'are trusted, non-partisan, familiar with electoral processes and used to ramping up during election periods.'<sup>92</sup> This was supported by survey results, which found that electoral commissions were the most popular choice of Victorians to adjudicate complaints about truth in political advertising, though magistrates and judges were almost as popular (see Figure 6.4).

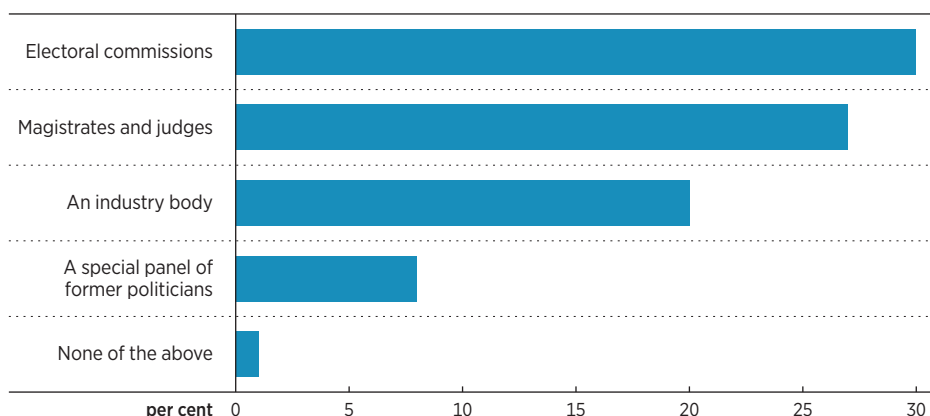
<sup>88</sup> Free TV Australia, *Submission 100*, p. 10; Commercial Radio Australia, *Submission 101*, p. 2.

<sup>89</sup> Lisa Hill, Ravi Baltutis and Max Douglass, *Towards a workable legal regime for truth in political advertising*, video, 18 March 2021, <<https://www.adelaide.edu.au/stretton/news/list/2021/03/18/truth-in-political-advertising>>.

<sup>90</sup> Luke Beck, Associate Professor of Constitutional Law, Monash University, *Submission 1*, p. 2; Luke Beck, Associate Professor of Constitutional Law, Monash University, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 8.

<sup>91</sup> *Electoral Act 1985 (SA)* s 113; *Electoral Act 1992 (ACT)* s 297A.

<sup>92</sup> The Australia Institute, *Submission 122*, p. 5.

**Figure 6.4** Who should adjudicate truth in political advertising?

Note: Responses from Victorians to the question, 'If "truth in political advertising" laws were adopted, who should adjudicate whether an ad is inaccurate and misleading?' Surveys conducted by The Australia Institute.

Source: Adapted from The Australia Institute, *Submission 122*, p. 12; Bill Browne, *We can handle the truth: opportunities for truth in political advertising*, The Australia Institute, Canberra, 2019 (=The Australia Institute, *Submission 122, Attachment 2*), p. 40.

However, the VEC was reluctant to take on this sort of role, arguing that:

the VEC does not consider its role to be an arbiter of 'truth' ... The VEC is expert in electoral matters and follows up attempts to mislead voters about how to vote correctly. The VEC is not an authority on the myriad of issues that arise in an election, and it would be an overreach for the VEC to purport to determine the truth in such issues.<sup>93</sup>

The VEC also raised concerns that 'it is sometimes difficult for the [Electoral] Commission [of South Australia] to perform its role without being involved in political controversy.'<sup>94</sup> This view was also expressed by the former Electoral Commission of South Australia after the 2014 state election:

Enforcement of this provision compromises the role of Electoral Commissioner and often requires the Commissioner to determine who is 'right' or 'wrong' in terms of the two major parties. These decisions can then be used during political campaigning and can offend against the independence of the Electoral Commissioner.<sup>95</sup>

The current Electoral Commission of South Australia noted similar experiences.<sup>96</sup> Despite this, an analysis of media reporting between 1987 and 2017 found only one accusation of bias against the commission and no attempts to undermine its legitimacy.<sup>97</sup>

The VEC also expressed concern about the potential workload associated with administering this legislation.<sup>98</sup> The Electoral Commissioner of South Australia

<sup>93</sup> Victorian Electoral Commission, *Submission 77*, p. 14.

<sup>94</sup> Victorian Electoral Commission, *Submission 77*, p. 13.

<sup>95</sup> Electoral Commission SA, *Election report: state election 2014*, Adelaide, n.d., p. 79.

<sup>96</sup> Mick Sherry, Electoral Commissioner, Electoral Commission SA, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 7.

<sup>97</sup> Alan Renwick and Michela Palese, *Doing democracy better: how can information and discourse in election and referendum campaigns in the UK be improved?*, The Constitution Unit, University College London, 2019, p. 28.

<sup>98</sup> Victorian Electoral Commission, *Submission 77*, p. 14.

confirmed that administering the legislation did require additional resources. He also noted that the South Australian legislation requires the Electoral Commissioner personally to make determinations. He recommended that, if Victoria were to adopt similar legislation, it should allow for the ability to make determinations to be delegated to reduce the impact on the Electoral Commissioner during election time.<sup>99</sup> He also stated that the workload is reduced in his case because of the familiarity of the heads of the two major parties with the legislation.<sup>100</sup>

Noting concerns from electoral commissions about their capacity to enforce such legislation, Associate Professor Beck suggested that Consumer Affairs Victoria could be responsible for enforcing the law.<sup>101</sup> The Australia Institute suggested that a new ‘Election Complaints Authority’ could be created (though the institute was also comfortable with the VEC taking the role).<sup>102</sup> At the Commonwealth level, the Greens have suggested that an independent body or the Australian Competition and Consumer Commission could fulfil the role.<sup>103</sup> In New Zealand, an industry body, the Advertising Standards Authority, is responsible for ensuring paid electoral advertisements in some media (including social media) are truthful.<sup>104</sup>

AAP FactCheck noted that partnering with professional fact-checking services may be a way to assist organisations administering this sort of legislation.<sup>105</sup> For example, if the VEC were responsible for administering the legislation, it could engage a fact-checking organisation to investigate cases on its behalf and report the findings to the VEC. The VEC could then consider that information in making a determination. This may reduce some of the VEC’s concerns around its lack of expertise and the potential impact on its workload.

The Committee does not have a strong view on whether the VEC or a different body should be responsible for managing complaints about inaccurate information in electoral advertising. If the VEC is given the responsibility, it is important that it be adequately resourced and that consideration be given to the South Australian Electoral Commissioner’s suggestion that the commissioner be able to delegate the power to make determinations about inaccurate information in electoral advertising.

As noted by the VEC,<sup>106</sup> the ability to implement this sort of legislation requires the cooperation of the social media platforms. The Committee notes elsewhere the

<sup>99</sup> Mick Sherry, Electoral Commissioner, Electoral Commission SA, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, pp. 3–6.

<sup>100</sup> Mick Sherry, Electoral Commissioner, Electoral Commission SA, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, pp. 2–3.

<sup>101</sup> Luke Beck, Associate Professor of Constitutional Law, Monash University, *Submission 1*, p. 2.

<sup>102</sup> The Australia Institute, *Submission 122*, p. 2.

<sup>103</sup> The Australian Greens, *Submission 112*, submission to the Parliament of Australia, Joint Standing Committee on Electoral Matters, Inquiry into and report on all aspects of the conduct of the 2019 federal election and matters related thereto, 2020, p. 7.

<sup>104</sup> Advertising Standards Authority, *Updated ASA guide on election and referenda advertising*, version 2, Wellington, 2020, pp. 2, 5; see also Alan Renwick and Michela Palese, *Doing democracy better: how can information and discourse in election and referendum campaigns in the UK be improved?*, The Constitution Unit, University College London, 2019, pp. 30–33.

<sup>105</sup> AAP FactCheck, *Submission 84*, p. 5.

<sup>106</sup> Victorian Electoral Commission, *Submission 77*, pp. 15–16.

importance of building and maintaining good relationships with the companies running these platforms to facilitate cooperation in dealing with illegal content (see Section 9.2).

As a back-up process, it has been suggested that the body making determinations about inaccurate information should be able to publish a statement indicating what inaccurate information was published and noting that it was inaccurate.<sup>107</sup> This would help to spread the correction. It would allow action where the person or group publishing inaccurate information refuses to do so in a timely manner or where the person cannot be contacted. It would also avoid a problem where the person who initially published the advertisement is prevented from publishing a retraction due to blackout laws.

**FINDING 33:** Inaccurate information on social media about candidates and electoral issues can make it difficult for voters to make properly informed choices. However, the Committee is cautious about legislation which limits what people can say, given the importance of free political communication in a democracy. Legislation prohibiting inaccurate or misleading information in South Australia is limited to only statements purporting to be facts in electoral advertising. This approach offers a way to reduce the impact of inaccurate information without unduly restricting freedom of political communication.

**FINDING 34:** To facilitate the enforcement of legislation prohibiting inaccurate information in electoral advertising, legislation should explicitly prohibit publishers (including social media platforms) from continuing to publish an electoral advertisement once a relevant authority has determined that the advertisement breaches Victorian electoral legislation.

**RECOMMENDATION 11:** That the Government introduce legislation making it illegal to publish statements in electoral advertising which purport to be facts but which are inaccurate. In drafting the legislation, the Government should:

- consider the South Australian legislation (or the alternative wording proposed during this Inquiry) as a model
- set penalties sufficient to act as a disincentive, even for well funded parties, candidates or groups
- include provisions making it illegal for a publisher (including a social media platform) to continue publishing an electoral advertisement once it has been determined by the relevant authority to contain inaccurate statements
- allow the organisation designated to determine whether or not an electoral advertisement contains inaccurate information to publish its finding, so that information about inaccurate statements can be put in the public domain even if the original advertisers or social media companies refuse to take action or are slow to take action.

<sup>107</sup> Electoral Commission SA, *Election report: state election 2014*, Adelaide, n.d., pp. 56–57; The Australia Institute, *Submission 122*, p. 10; Lisa Hill, Ravi Baltutis and Max Douglass, *Towards a workable legal regime for truth in political advertising*, video, 18 March 2021, <<https://www.adelaide.edu.au/stretton/news/list/2021/03/18/truth-in-political-advertising>>.

### 6.3.4 Prohibiting content falsely purporting to be from an electoral commission, party or candidate

Publishing material falsely claiming to be from the VEC, a party or a candidate is another sort of deliberate deception that can be a risk to democratic processes. Content claiming to be from the VEC which provides inaccurate information could prevent people from accessing voting options or could provide inaccurate advice which results in people voting informally. Content falsely purporting to be from a candidate or party could mislead voters and affect who they vote for.

Current legislation prohibits publishing and distributing material that is likely to mislead voters about obtaining, marking and depositing ballot papers and it is an offence to impersonate VEC staff members.<sup>108</sup> However, there remains scope for material to be produced which falsely purports to be from the VEC or which claims to be from another candidate or party.<sup>109</sup>

Canada has recently introduced legislation more broadly prohibiting, during an election period:

material, regardless of its form, that [falsely] purports to be made, distributed, transmitted or published by or under the authority of the Chief Electoral Officer, or a returning officer, political party, candidate or prospective candidate ...<sup>110</sup>

It is only an offence if the person intends to mislead the public about who the material was from and an exemption exists for parody or satire.<sup>111</sup> The legislation includes details of things to be considered in determining whether or not a person has breached the law:

- (a) a name, logo, social media account identifier, username or domain name that is distinctive and commonly associated with the Chief Electoral Officer, a returning officer, or the political party, candidate or prospective candidate, as the case may be; or
- (b) the name, voice, image or signature of the Chief Electoral Officer, a returning officer, or the candidate or prospective candidate or of a public figure who is associated with the political party.<sup>112</sup>

The Committee considers that it would be beneficial for Victoria to similarly have legislation that specifically makes it illegal to produce content falsely purporting to be from the VEC or a VEC staff member. The Committee suggests following the model of Canadian legislation, with the list of criteria that can be used in determining whether

<sup>108</sup> *Electoral Act 2002* (Vic) ss 84, 160.

<sup>109</sup> These actions are currently against the rules of both Facebook (Facebook, *Community standards: 20. Inauthentic behaviour*, <[https://www.facebook.com/communitystandards/inauthentic\\_behavior](https://www.facebook.com/communitystandards/inauthentic_behavior)> accessed 2 June 2021) and Twitter (Twitter, *Submission 126*, p. 9). However, it remains at the platforms' discretion to change these rules and to decide whether (and how) to enforce these rules.

<sup>110</sup> *Canada Elections Act*, S.C. 2000 c 9 s 481.

<sup>111</sup> *Canada Elections Act*, S.C. 2000 c 9 ss 481(1)(b) and 481(3).

<sup>112</sup> *Canada Elections Act*, S.C. 2000 c 9 s 481(2).

or not the law was breached. This approach would prevent confusion about what is permitted and what is not. Depending on the criteria included, a list may assist with preventing or taking action in cases such as the signs put up in the Chisholm and Kooyong electorates during the 2019 Commonwealth election, which used similar design elements to the Australian Electoral Commission's signage.<sup>113</sup>

Similarly, legislating against the publication of material falsely purporting to be from other parties or candidates would reduce the risk of people deceiving voters about what candidates stand for. This is particularly a risk on social media, where it can be very easy to impersonate another person or party (see Section 5.3). Such legislation may also assist with preventing deep fakes, which several submitters identified as an area of future concern.

Including criteria as in the Canadian legislation would also make it easier for the VEC to get a social media platform to remove content breaching the law, as there would be less risk of disagreements between the commission and platforms about whether or not a post or advertisement was illegal.

**FINDING 35:** Content falsely claiming to be from the VEC, a party or a candidate may disrupt electoral processes or affect people's vote. This can be particularly easy to create on social media. Legislation prohibiting this may reduce the risk of it occurring and increase the likelihood of social media companies acting against accounts undertaking such actions.

**RECOMMENDATION 12:** That the Government introduce legislation prohibiting the publication of material falsely purporting to be from an electoral commission, a political party or an election candidate. The legislation should specify details of elements that may constitute a breach of the legislation (such as names, logos and images).

## 6.4 Promoting trustworthy sources of accurate information

**'It's like mudwrestling a pig. You'll both get dirty, but the pig will think it's quite nice. This plays into their hands, whereas for us getting dirty is just a pain. Instead, we have to try to stay clean and focus on the part of our society that has to work: democracy and freedom of expression, to make sure that giving the citizens correct information becomes our best form of resistance ...'**<sup>114</sup>

Access to reliable sources of information can be important in reducing the spread of inaccurate information. If people have ready access to trustworthy sources, they may be

<sup>113</sup> Liz Main, 'Frydenberg's adviser will not front High Court over election signs' *Financial Review*, 20 February 2020, <<https://www.afr.com/politics/federal/frydenberg-s-adviser-will-not-front-high-court-over-election-signs-20200219-p542ad>> accessed 9 July 2021.

<sup>114</sup> Mikael Tofvesson, Global Monitoring and Analysis Head, Swedish Civil Contingencies Agency, quoted in 'Sweden to create new authority tasked with countering disinformation', *The Local*, 15 January 2018, <<https://www.thelocal.se/20180115/sweden-to-create-new-authority-tasked-with-countering-disinformation>> accessed 18 June 2021.



less likely to use untrustworthy sources. Trustworthy sources can also provide a way for people to check whether or not something they read through social media is accurate.

Key sources which can play an important role as trustworthy sources of information include:

- the VEC and the Parliament
- fact-checking organisations
- traditional media, such as newspapers, radio and television.

The Committee considers that government support for these sources can be a valuable way to combat inaccurate information on social media.

In addition, there is currently no official single source for information about candidates at Victorian state elections. Creating a space where voters can easily see what candidates and parties stand for may be a valuable resource that people can consult instead of relying on less trustworthy sources.

Parties, candidates and interest groups can also play a role in stopping the spread of inaccurate information by responding with accurate information. While this is ultimately their responsibility, it is important for them to know what messages are being promoted and to whom, so that they can respond appropriately. To enable this, there needs to be more transparency around advertising and other political campaigns on social media. This is discussed further in Chapter 10.

### 6.4.1 The VEC and the Parliament

The VEC and the Parliament (that is, the corporate accounts run by parliamentary officers) both use social media to spread accurate information about elections. These accounts have an important role to play as reliable sources of information. This may be particularly important if anybody seeks to disrupt an election by spreading inaccurate information about election details. In that scenario, the VEC and Parliament may be well placed to provide correct information and counter the inaccurate information.

Section 3.6 of this report looks at the efforts by the VEC and Parliament to promote accurate election information. The VEC's account is currently used to provide details about topics such as how to enrol and vote, and to provide updates on vote counting. In addition, the VEC responds to a variety of queries from members of the public through its social media accounts and sometimes corrects inaccurate information. The account could also be used to build community trust by explaining the reasons for electoral rules and processes.<sup>115</sup> It may also be helpful for the VEC to expand its efforts to counter inaccurate information about electoral processes by directly responding to inaccurate posts.

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<sup>115</sup> Bruce Baer Arnold, Assistant Professor, University of Canberra, *Submission 110*, pp. 3, 10.

To effectively counter inaccurate information through social media, these bodies need to develop strong followings with a high degree of engagement.<sup>116</sup> The Committee recognises that the VEC and Parliament have put effort into growing their social media presence. The Committee encourages them to continue that work and has made suggestions to assist with this in Section 3.6.

**FINDING 36:** The Victorian Electoral Commission and the Parliament’s corporate social media accounts can play important roles as trustworthy sources of accurate information about elections. Their social media accounts can be used to build knowledge about the electoral system and respond to inaccurate information. To be most effective, the accounts need a strong following with high levels of user engagement.

## 6.4.2 Independent fact-checking organisations

**‘Fact-checking serves to hold public debate to a higher, more accurate standard, which is good for democracy and effective public discourse.’<sup>117</sup>**

**‘Who gets to be the judge of what’s fact or fiction??? Yet again this will promote propaganda ... People will work out what is true or false.’<sup>118</sup>**

There was disagreement in the Committee’s evidence about the value of fact checking for elections. Multiple submitters and witnesses to this Inquiry advocated fact-checking organisations as a way to partly reduce the impact of inaccurate information. These organisations were seen as trustworthy information sources that people can consult when considering political messages. However, a number of submitters expressed concern that fact-checking organisations may be biased. In response, some emphasised the importance of measures to ensure that fact checkers are independent. Others considered that fact checking was not valuable and that voters should be left to make their own assessments of political statements.

Some fact-checking organisations already operate in Australia, including RMIT ABC Fact Check and AAP FactCheck. The Local Government Association of Queensland funded a temporary independent fact-checking body in the months before the 2020 local council elections.<sup>119</sup> Fact-checking organisations also play a role in elections in other countries, such as Full Fact in the UK,<sup>120</sup> and PolitiFact<sup>121</sup> and FactCheck.org<sup>122</sup> in the USA.

Fact-checking organisations are also used by some social media platforms. The results can be used as the basis for actions which make it harder for users to see or share certain content (see Section 9.3.3).

<sup>116</sup> Victorian Electoral Commission, *Submission 77*, p. 28.

<sup>117</sup> Benjamin Cronshaw, *Submission 3*, p. 2.

<sup>118</sup> David Strunz, *Submission 28*, p. 1.

<sup>119</sup> Independent Council Election Observer, *Welcome to the Independent Council Election Observer*, <<https://www.iceo.net.au>> accessed 9 July 2021.

<sup>120</sup> Full Fact, *Full Fact fights bad information*, <<https://fullfact.org>> accessed 9 July 2021.

<sup>121</sup> PolitiFact, *Latest fact-checks*, <<https://www.politifact.com>> accessed 9 July 2021.

<sup>122</sup> FactCheck.org, *Home*, <<https://www.factcheck.org>> accessed 9 July 2021.

In support of fact-checking organisations, Mr Benjamin Cronshaw argued:

Fact-checking groups play a critical role in reviewing claims and arguments in the public sphere. It is important to hold all sides to account. The mere existence of fact-checking groups, moreover, can encourage politicians to avoid making untrue statements (which could be exposed as untrue). It is good to have vigorous and passionate debate, but we should also have a common appreciation for the truth. As the New York Senator Daniel Moynihan once said, ‘Everyone is entitled to his own opinion, but not his own facts.’<sup>123</sup>

It was also argued that independent fact-checking organisations can play an important role supporting journalists. This may be especially helpful given that budgets for journalism are being reduced in many news organisations.<sup>124</sup>

Multiple submitters expressed concern that fact-checking organisations might be biased, particularly if funded by the Government. They argued that a biased or selective fact-checking organisation could be used to manipulate voters. Some submitters argued that there was no need for fact-checking organisations, and that people can figure out what is true or false themselves.<sup>125</sup>

When questioned about avoiding bias by the Committee, Mr Peter Bodkin from AAP FactCheck explained:

we are very transparent in how we go about our fact checks. We show the sources for everything that we are including. So, for example, if we are quoting statistics, we will cite the report that they came from. If we are talking to an expert, then they are always named; we do not use unnamed sources. We do not use off-the-record comments. The entire structure of our fact checks is built around people essentially being able to repeat the same steps that we have taken and to essentially return the same verdict as we would find, ideally, unless we have misinterpreted something.

...

everything that we do goes through multiple hands. So as a minimum, generally our fact checks would be seen by at least three people—that is, the journalist and two editors—so there is no scope for something to slip through that is one person’s opinion or one person’s interpretation of something. All of that is interrogated by multiple people, so anything that could smack of someone’s personal prejudices on a topic we aim to make sure that we block out completely through that kind of process. Also ... we look for independent experts and sources, so we do not generally take comment or opinion from lobby or interest groups. We will look for academics who are outside of that process or reports that are from independent bodies, official sources like government agencies, and rely on that information as much as possible.<sup>126</sup>

<sup>123</sup> Benjamin Cronshaw, *Submission 3*, p. 2.

<sup>124</sup> Hamish Galbraith, Fleur Wackett, Sam Murdoch, and Oscar Kennedy, *Submission 107*, p. 5.

<sup>125</sup> David Strunz, *Submission 28*, p. 1; Peter Jenke, *Submission 47*, p. 1.

<sup>126</sup> Peter Bodkin, Editor, AAP FactCheck, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 16.

Ms Holly Nott from AAP FactCheck also noted that AAP FactCheck is part of the International Fact-Checking Network, which requires the organisation to meet certain standards in fact checking.<sup>127</sup>

The Committee recognises the work that goes into minimising bias in professional fact-checking organisations. However, the concern seen in a number of submissions to this Inquiry shows how important it is for details like these to be publicly known. It is also important for reliable fact-checking organisations to be easy for voters to recognise. In Canada, two fake fact-checking groups were identified in 2019 on Facebook. It seemed that these groups were trying to appear neutral but were actually pursuing a partisan strategy (in fact, one of the groups disclosed on its page that it was sponsored by the Conservative Party of Canada).<sup>128</sup>

The VEC argued that fact checking would have limited effectiveness and was ‘unlikely [to] lead to voters who are more informed overall’. In support of this view, the VEC noted the volume of inaccurate information and the fact that much information is invisible due to factors such as microtargeting.<sup>129</sup> AAP FactCheck acknowledged the challenge it faces from the volume of inaccurate information and the fact that this can cause delays. In response, the organisation triages issues so that it can respond quickly to the most important inaccurate information circulating.<sup>130</sup> RMIT ABC Fact Check has a similar triaging process.<sup>131</sup>

AAP FactCheck also acknowledged that fact-checking efforts do not always get the same level of engagement as the inaccurate information. Whereas people creating inaccurate information are able to create content designed to manipulate and trigger emotional responses, fact checkers are confined to using facts and it can be difficult to present their work in ways that get the same level of engagement.<sup>132</sup> As noted in Section 6.2.1, inaccurate information is more likely to be shared on social media than accurate information and can travel faster. The Poynter Institute has conducted a number of analyses of fact checks showing that the fact checks received significantly less engagement than the inaccurate content they are correcting.<sup>133</sup>

Fact checks may therefore only have a limited capacity to counter the damage of inaccurate information. However, fact-checking organisations argued that their work on elections has influenced public debate.

<sup>127</sup> Holly Nott, Managing Editor, AAP FactCheck, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 16.

<sup>128</sup> Laura Edelson, Divam Jain and Damon McCoy, ‘Facebook advertising during the Canadian federal election’ in Elizabeth Dubois and Taylor Owen (eds.), *Understanding the digital ecosystem: findings from the 2019 federal election*, Digital Ecosystem Research Challenge, n.d., p. 18.

<sup>129</sup> Victorian Electoral Commission, *Submission 77*, p. 15.

<sup>130</sup> Holly Nott, Managing Editor, and Peter Bodkin, Editor, AAP FactCheck, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 17.

<sup>131</sup> Josh Gordon, Economics and Finance Editor, RMIT ABC Fact Check, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 23.

<sup>132</sup> AAP FactCheck, *Submission 84*, p. 3; Holly Nott, Managing Editor, AAP FactCheck, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 18.

<sup>133</sup> Poynter Institute, *Fact vs. fake*, <<https://www.poynter.org/tag/fact-vs-fake>> accessed 6 May 2021.

Ms Holly Nott from AAP FactCheck explained that the organisation's fact checks had been regularly used by the media during the 2020 New Zealand election:

we were run in every major metropolitan news outlet in the country during that period. I am not saying it was every article every day, but we certainly did get attention from all of the major metropolitan news outlets, and we were regularly discussed on morning television and radio and in blogs and in newspapers. Newspapers would not only run the articles but would use portions of those articles in their own context and use them as a springboard for follow-up articles, for example. We were very much part of the conversation—part of the debate ...<sup>134</sup>

The Committee was also told that fact checks have influenced what politicians say. AAP FactCheck stated that the New Zealand election had seen 'a number of candidates whose statements were [fact checked] by AAP FactCheck as false admitting to their errors, apologising or clarifying their positions.'<sup>135</sup> Mr Josh Gordon from RMIT ABC Fact Check noted that their fact checks had been mentioned in the Commonwealth Parliament by both sides of politics.<sup>136</sup>

As with other interventions recommended by the Committee, fact checking is not a silver bullet that will end the spread of inaccurate information. However, it may play a valuable role as one part of a suite of measures. The Committee therefore considers that the Government should encourage and support fact checking as part of efforts to protect democracy and reduce the influence of inaccurate information.

Several people responding to the Committee's questionnaire were concerned that government funding could lead to government influence on fact-checking organisations. As a result, some argued that there need to be clear measures to ensure that organisations remain independent,<sup>137</sup> while others thought it would be better for this work to be done without government funding.<sup>138</sup> The Committee considers that government funding can be provided without limiting the independence of fact-checking organisations if appropriate protocols are put in place. However, the Committee also recognises that it is very important for the funding and the protocols to be transparent so that people can feel confident in the fact checks.<sup>139</sup>

There are a variety of models for government-funded fact-checking services that could be adopted. One option would be to support existing professional fact-checking services to expand their operations. Alternatively, an existing public sector body, such as the VEC, could be funded to take on the task. Another option would be to create a new body. This model was adopted in Queensland during the 2020 local council

<sup>134</sup> Holly Nott, Managing Editor, AAP FactCheck, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 19.

<sup>135</sup> AAP FactCheck, *Submission 84*, p. 5.

<sup>136</sup> Josh Gordon, Economics and Finance Editor, RMIT ABC Fact Check, public hearing, Melbourne, 15 February 2021, *Transcript of evidence*, p. 23.

<sup>137</sup> Sandie Downes, *Submission 17*, p. 1; Craig Rowley, *Submission 71*, pp. 1-2; Sarah Day, *Submission 113*, p. 2.

<sup>138</sup> Edward McConnell, *Submission 13*, p. 1; Andrew Warner, *Submission 30*, p. 1.

<sup>139</sup> MediaLaws, *Submission 99*, p. 7.

elections—a former judge was appointed to run the Independent Council Election Observer to fact check material posted by candidates on social media and elsewhere.<sup>140</sup>

It may be appropriate for the same body to undertake this work as to administer the legislation proposed in Section 6.3.3 prohibiting inaccurate statements in electoral advertising.

The Committee has not formed a view about who would be best placed to fact check Victorian election materials. However, the body selected must be rigorous, independent and trustworthy. Appropriate protocols must be in place to ensure that the organisation acts independently from the Government, including establishing processes for selecting the organisation and for determining future funding which do not provide an incentive to bias the fact-checking work.

In addition to direct financial support for fact-checking work, MediaLaws suggested that governments can also support fact-checking organisations by:

- developing new resources and tools that fact checkers can use
- raising public awareness of fact-checking services
- promoting collaboration between fact checkers, academics, media, policy makers and other stakeholders.<sup>141</sup>

The Committee agrees that these other avenues of support are also worth consideration. With respect to new resources, the Committee has recommended various measures to enhance transparency in Chapter 10 which may assist with fact-checking processes.

**FINDING 37:** Independent fact checking can reduce the impact of inaccurate information by helping voters to know what is accurate, by assisting journalists to interrogate claims and by putting pressure on candidates not to make inaccurate statements. For fact checking to play an effective role, it must be clear that the fact checking work is reliable, independent and unbiased.

**RECOMMENDATION 13:** That the Government provide funding to support an appropriate organisation to conduct fact checking during election periods. Protocols should be established to ensure that the body undertaking the work operates independently of the Government and cannot be influenced by the Government. Details of these protocols and the funding should be made public.

<sup>140</sup> Independent Council Election Observer, *About the ICEO*, <<https://www.iceo.net.au/about/home>> accessed 3 August 2021.

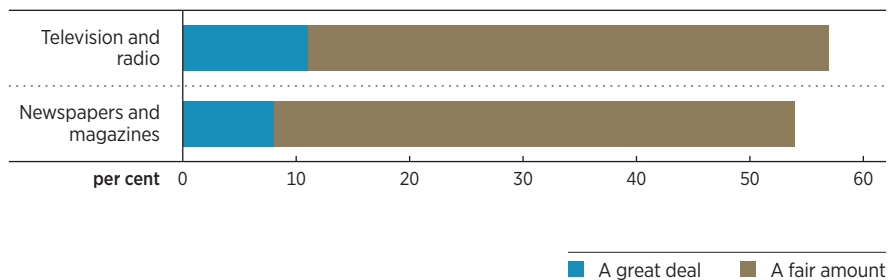
<sup>141</sup> MediaLaws, *Submission 99*, pp. 6–7.

### 6.4.3 Traditional media

**‘Consideration should be given to making literacy in digital media deceptions a compliance requirement for all mass media providers resident in the state. There is ample evidence across the media that many media personnel are not well equipped to deal with this problem and effectively exacerbating the problem by careless spreading of deceptive content.’<sup>142</sup>**

Traditional media (such as television, radio and newspapers) can also play an important role in reducing the impact of inaccurate information on social media. Although many people are distrustful of traditional media, there are many Australians who do consider newspapers, television and radio to be trustworthy (see Figure 6.5). Some news brands, particularly the ABC and SBS, have particularly high levels of trust.<sup>143</sup> Traditional media can therefore play an important role in reducing the spread of inaccurate information by exposing efforts to spread it and by taking care not to spread it themselves.

**Figure 6.5 Proportion of Australians trusting traditional media sources**



Source: Adapted from Ipsos, *Ipsos global advisor: trust in the media*, Ipsos, 2019, pp. 4–5.

The interconnections between traditional media and social media increase the importance of the traditional media’s role in the spread of inaccurate information.<sup>144</sup> Many traditional media organisations have active social media accounts with large followings. Posts from these accounts are frequently shared by people discussing politics, including candidates. Debate between voters can also take place in comments responding to posts made by traditional media.

However, traditional media have sometimes picked up inaccurate information from social media and further spread it.<sup>145</sup> This can be particularly damaging, given the level of trust that many people have in traditional media. There are multiple reasons why this might happen. It may be inadvertent due to a lack of effort to verify content, a lack of

<sup>142</sup> Carlo Kopp, Lecturer, Department of Data Sciences and AI, Monash University, *Submission 79*, p. 12.

<sup>143</sup> Sora Park et al., *Digital news report: Australia 2021*, News & Media Research Centre, University of Canberra, Canberra, 2021, p. 78; Terry Flew et al., *Trust and mistrust in Australian news media*, BEST Centre, Queensland University of Technology, Brisbane, 2020, p. 13; Roy Morgan, *ABC still most trusted | Facebook improves*, media release, 22 July 2019.

<sup>144</sup> Ben O’Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 7; Bruce Baer Arnold, Assistant Professor, University of Canberra, *Submission 110*, p. 7.

<sup>145</sup> Andrea Carson, Associate Professor, Department of Politics, Media and Philosophy, La Trobe University, public hearing, Melbourne, 15 June 2021, *Transcript of evidence*, pp. 2, 6; see also Scott Wright, Professor of Political Communication and Journalism, Monash University, public hearing, Melbourne, 5 July 2021, *Transcript of evidence*, p. 6.

understanding or a lack of resources to engage an expert. It may be deliberate in order to pursue a partisan agenda. Journalists may also repeat sensational claims from political parties or other groups in an effort to gain clicks.<sup>146</sup>

The reduction in revenue that many traditional media organisations have experienced in recent years may exacerbate some of these problems. Some submitters recommended increased funding to journalists to help them expose inaccurate information and provide more accurate information.<sup>147</sup> The Committee considers that the issues associated with funding traditional media are beyond the scope of this Inquiry. However, some of the recommendations made elsewhere in this report may assist journalists in identifying and not repeating inaccurate information. Media literacy and transparency initiatives (see Chapters 10 and 11) may help journalists to be more aware of what is occurring on social media and how to interpret it. Independent fact checking (see Section 6.4.2) can help journalists to assess information spreading on social media. They can then use this information to avoid spreading inaccurate information and to call out the people promoting it.

**FINDING 38:** Traditional media play an important role as trusted sources of information for many Australians. They can combat inaccurate information by identifying it and by taking care not to spread it. Assistance to journalists through media literacy, transparency initiatives and independent fact-checking organisations may support traditional media to combat inaccurate information.

#### 6.4.4 A reliable source for candidate information

**‘The ability to provide voters with an independent and impartial source of information about voting, candidates and policy options at election times would go some way to counter the bias voters perceive to be present in traditional and online news and information sources. This would, in turn, enhance trust in the electoral process.’<sup>148</sup>**

Another issue which contributes to the spread of inaccurate information is that it can be hard to identify what a candidate or party actually stands for. One suggested solution is to create an online space with impartial information about candidates for voters. This would also level the playing field for candidates in terms of finances, as all candidates could have access to the space for free.<sup>149</sup> This space would need to be hosted by a trustworthy organisation for voters to have confidence in it. The VEC has been proposed by some, though the VEC has argued that it is not the appropriate body to host such information.

<sup>146</sup> Ben O’Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 4; Carlo Kopp, Lecturer, Department of Data Sciences and AI, Monash University, *Submission 79*, pp. 6–7, 12. Yariv Tsfati et al., ‘Causes and consequences of mainstream media dissemination of fake news: literature review and synthesis’, *Annals of the International Communication Association*, vol. 44, no.2, 2020, p. 163, doi: 10.1080/23808985.2020.1759443.

<sup>147</sup> The Centre for Public Integrity, *Submission 74*, pp. 11–12; MediaLaws, *Submission 99*, pp. 7, 9–10.

<sup>148</sup> Victorian Electoral Commission, *Submission 77*, p. 22.

<sup>149</sup> Michael Fozard OAM, PHF, *Submission 55*, p. 2.



The VEC argued strongly in favour of an impartial, reliable source of information about all candidates:

the VEC has collected, through its research program, significant evidence that Victorian voters want one location at which they can find an impartial summary of candidates and parties standing for election.

In a recent report conducted by the Social Research Centre on behalf of the VEC, *Understanding Non-Voters of the 2018 Victorian State Election (August 2020)*, it was found that:

- asked about reasons for not voting, 21% of respondents said that they didn't know enough about the candidates
- asked about things that made it difficult to vote, 45% said that they were not familiar with their local candidates, and 31% that they were not familiar with State Government issues.

When asked what they would find helpful for voting in State elections:

- 61% of respondents supported a one-page comparison of candidates and parties, provided by an independent source
- 52% supported an app that would provide information about the election and candidates
- 39% supported more engagement by candidates through social media and local meetings.

When asked to provide their own suggestions about what would encourage voting, 13% suggested more or better information about candidates and policies.

Overall, the report found that a lack of knowledge about candidates, issues and election timing and difficulty in finding time to vote are the principal drivers of non-voting amongst those aged 18–44 years. Voters want digital access to information and assistance in the process of voting itself. Engaging this group of voters through online and digital platforms is an emerging priority in future electoral events.<sup>150</sup>

This is an issue that has also been raised previously with the VEC and the Committee, including in relation to assisting voters from culturally and linguistically diverse backgrounds.<sup>151</sup> The majority of people completing the Committee's questionnaire were also in favour of 'using independent organisations (e.g. the Victorian Electoral Commission) as a source of reliable information about electoral candidates.'

There are multiple ways that this sort of information could be delivered. Several different approaches have been used recently in Australia and New Zealand.

<sup>150</sup> Victorian Electoral Commission, *Submission 77*, pp. 21–22 (with source).

<sup>151</sup> Social Research Centre, *Understanding non-voters of Victorian state and council elections*, report for the Victorian Electoral Commission, Melbourne, 2018, p. 25; Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 52–53.

For local council elections, the VEC is required to publish information about candidates on its website. This includes a statement of up to 300 words written by the candidate, a photograph of the candidate and a response by the candidate to a questionnaire.<sup>152</sup> A similar service is provided by Elections ACT for territory elections.<sup>153</sup>

An alternative approach is a website which asks voters to give their opinions on a series of questions and then compares the results to the answers to the same questions given by candidates or parties. This approach provides more guidance for voters in identifying which candidates may best represent their interests. This approach has been adopted in Australia with smartvote Australia and in New Zealand with the website On the Fence.<sup>154</sup>

Another approach is for independent researchers to gather policy information published by parties and then group them together by topic, so that voters can easily compare what parties stand for. Links can be provided to parties' policy statements for users wanting further details or to verify the content. This approach has been offered to voters in Australia through the ABC's Vote Compass and in New Zealand through Policy (along with other information). Vote Compass also seeks input from parties and candidates to give them an opportunity to correct any errors made by the researchers.<sup>155</sup>

Various combinations of these approaches can also be adopted.

While the VEC supported the idea of an independent source of information about candidates, it did not consider itself best placed to host this sort of information.<sup>156</sup> People responding to the Committee's survey expressed a variety of opinions about whether the VEC should host such a service. Some saw the VEC as an appropriate and trusted source. Others were concerned about the VEC's capacity to undertake this work or were sceptical about how independent the VEC is.

The VEC recommended that a new, independent organisation be established to host this information. The VEC suggested that this organisation might also counter disinformation by monitoring what is said online and promoting reliable information countering inaccurate content. This may allow quick action to be taken to counter the effects of inaccurate information while waiting for information to be taken down from social media platforms.<sup>157</sup>

The Committee supports the idea of a website which brings together trustworthy information about candidates and parties. This would make it easier for people to verify information they see in social media and assist voters more generally to make more

<sup>152</sup> *Local Government (Electoral) Regulations 2020* (Vic) regs 37–45.

<sup>153</sup> *Electoral Act 1992* (ACT) s 110A.

<sup>154</sup> smartvote Australia, *Australian federal election 2019*, <<https://australia2019.smartvote.org/en/home>> accessed 11 May 2021; On the Fence, *About*, <<https://onthefence.co.nz/about>> accessed 11 May 2021.

<sup>155</sup> Vote Compass, *Vote Compass methodology*, <<https://voxpoplabs.com/votecompass/methodology.pdf>> accessed 11 May 2021, p. 1; Policy, *About Policy*, <<https://policy.nz/about>> accessed 11 May 2021.

<sup>156</sup> Victorian Electoral Commission, *Submission 77*, p. 22.

<sup>157</sup> Victorian Electoral Commission, *Submission 77*, pp. 22–23.

informed decisions. Information could also be provided in a variety of formats to make it more accessible to voters who have difficulties accessing other sources of information, such as people with intellectual disabilities<sup>158</sup> or people with limited English.

The Committee notes that there are a variety of models for presenting this sort of information and different bodies that can present it. Several organisations are already working in this space in Australia and New Zealand. The Committee has not had the opportunity as part of this Inquiry to examine the advantages and disadvantages of the various models. However, it considers that further work in this area would be beneficial and should be pursued.

**FINDING 39:** It can be difficult for voters to find accurate information about candidates and parties. The VEC and others have proposed creating a website which brings together accurate information about different candidates, parties and their policies in one place. This has the potential to assist voters by reducing their reliance on less trustworthy sources of information and providing a source which can be used to fact check information they see. This would help voters to make more informed decisions.

**RECOMMENDATION 14:** That the Government explore options for funding an independent organisation to develop online resources bringing together trustworthy information about candidates, parties and their policies in an accessible way.

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158 Inclusion Designlab, *Submission 103*, pp. 6–8.



# 7 Abuse, harassment and incivility

## 7.1 Introduction

Politicians and others have always faced abuse around elections, ranging from impolite comments to threats, intimidation, harassment and bullying.<sup>1</sup> Social media have provided a new way for people to do this and many people have suggested that social media are making things worse.

The United Kingdom's Committee on Standards in Public Life, in its 2017 report into intimidation in public life, outlined the nature of abuse through social media, how social media are driving abusive behaviour and the effects on candidates and members of Parliament:

There has been persistent, vile and shocking abuse, threatened violence including sexual violence, and damage to property. It is clear that much of this behaviour is targeted at certain groups. The widespread use of social media platforms is the most significant factor driving the behaviour we are seeing.

Intimidatory behaviour is already affecting the way in which MPs are relating to their constituents, has put off candidates who want to serve their communities from standing for public offices, and threatens to damage the vibrancy and diversity of our public life.<sup>2</sup>

The Committee's investigation reached similar conclusions for Victoria. Social media provide new avenues for abuse, at a new scale.

The Committee notes that most people who discuss politics and elections on social media do not abuse others. A social media research consultancy engaged by the Committee found a vibrant social media conversation at the time of the 2018 Victorian election, with mostly civil, policy-oriented discussion.<sup>3</sup> Further, a 2019 survey indicated that while 30% of Australians believe social media has led to decreased civility online, 19% think it has led to increased civility, and 51% believe it has had no impact.<sup>4</sup> These findings indicate that abuse is not ubiquitous on social media.

What this chapter shows is the abusive behaviour of a minority, and the negative effect that this behaviour can have on our democracy. The abuse occurring in Victoria, combined with unsatisfactory responses from social media platforms and regulators, results in a risk to our democratic environment and needs to be addressed.

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1 For ease of reading, the Committee uses the term 'abuse' to include abusive comments, threats, intimidation, harassment and bullying.

2 Committee on Standards in Public Life, *Intimidation in public life*, 2017, p. 7.

3 Research by Bakamo, commissioned by the Committee (see Section B.7 in Appendix B).

4 CIGI-Ipsos global survey, *Internet security and trust 2019 part 3: social media, fake news and algorithms*, 2019, p. 25.

There is no ‘easy fix’ for the problem of abuse through social media. However, the Committee believes that the problem can be reduced through the suite of recommendations set out in this report, especially in Chapters 9–11.

This chapter details the evidence of abuse through social media around Victorian elections (Section 7.3). This includes evidence that women and other groups are particular targets of abuse (Sections 7.3 and 7.4.1) and how threats made on social media relate to ‘real-world’ violence (Section 7.3.2).

Abuse through social media has obvious negative effects on its targets, and the Committee condemns the practice on that basis alone. What is troubling for Victorian democracy are the negative effects abuse can have on our electoral processes—particularly the inclusivity and competitiveness of elections. This chapter discusses those impacts, including:

- reduced electoral participation through: people abandoning their efforts to run for office; people choosing not to run; attempts to silence certain people and segments of society (particularly women and other targeted groups); and members of Parliament finding it harder to represent their constituents (Section 7.4.1)
- reduced competitiveness through: abuse targeted at women and other groups making it harder for them to compete as candidates (Section 7.4.1); a lowered tone of political debate, which makes holding substantive debate, consensus-building and compromise more difficult; and a reduced political discourse, making it harder for voters to become properly informed about their voting options (Sections 7.4.1 to 7.4.3).

Threats towards politicians on social media can and do have legal consequences. However, anonymity and the sheer scale of social media provide obstacles to satisfactory prosecution of these crimes. The Committee heard that responses from social media platforms and regulators, including police, to reports of abuse and threats can be lacking, which is discussed further in Section 7.5.

## 7.2 Politicians have always been abused, social media may be making things worse

**‘The rise of social media has been the most significant factor accelerating the prevalence of intimidatory behaviour in recent years. Although it can be a means by which to open up access to ideas, information, and debate, social media can also create an intensely hostile atmosphere online.’<sup>5</sup>**

All members of parliament will be familiar with the abusive letters, emails, phone calls and personal interactions that seem to form part of an elected representative’s lot. Research in New Zealand reports that politicians ‘are at greater risk of stalking,

<sup>5</sup> Committee on Standards in Public Life, *Intimidation in public life*, 2017, p. 26.

harassment and attack than the general population'.<sup>6</sup> The method of harassment varies, with the most common being inappropriate letters, faxes or emails, 'alarming' behaviour at electorate offices and inappropriate social media contact.<sup>7</sup>

The abuse of politicians is not a new phenomenon. A *Nhill Free Press* retrospective, discussing campaigning for the 1894 Victorian election, describes insults and violence towards a candidate at that time:

As the date of the election drew near the fight became more intense and more bitter, Max Hirsch (From Germany) 'bought into the fight on behalf of Free Trade', met with much hostility and was daily insulted; the opposition broke up his meeting one night in the old skating rink, notwithstanding the efforts of the policemen to quell the disturbance and he and the independent Chairman, Cr. Stephen Farmers, narrowly escaped being struck by a full bottle of beer or wine which was hurled at him by an opponent from the rear of the hall.<sup>8</sup>

Ms Joan Coxsedge, a member of the Legislative Council from 1979 to 1992, described the abuse she faced during election campaigns long before social media:

It was probably inevitable because of my political history but during that campaign I was subjected to an unprecedented level of smear and innuendo, much of which was sexist. I was constantly attacked in the local papers ...

I was called a prostitute because I support the decriminalisation of prostitution ...

A rumour was spread around the electorate that I had venereal disease ...<sup>9</sup>

While abuse has long been part of politics and elections, concerns have been raised that social media are making the situation worse.

The Labor Party's submission described how social media have contributed to the abusive language, intimidation and threats that politicians and other public figures receive:

It is not simply a product of human behaviour and the political environment, but is aided and facilitated by several factors: anonymity of users online; no consequences for threatening or abusive behaviour; and publishing platforms disinclined to moderate the behaviour of their users or the truth of their claims.<sup>10</sup>

In the United Kingdom, the Committee on Standards in Public Life's report on intimidation in public life also found that social media have made the situation worse:

6 Susanna Every-Palmer, Justin Barry-Walsh and Michele Pathé, 'Harassment, stalking, threats and attacks targeting New Zealand politicians: a mental health issue', *Australian & New Zealand Journal of Psychiatry*, vol. 49, no. 7, 2015, p. 634, doi: 10.1177/0004867415583700.

7 Susanna Every-Palmer, Justin Barry-Walsh and Michele Pathé, 'Harassment, stalking, threats and attacks targeting New Zealand politicians: a mental health issue', *Australian & New Zealand Journal of Psychiatry*, vol. 49, no. 7, 2015, p. 637, doi: 10.1177/0004867415583700.

8 'In retrospect — elections of long ago', *Nhill Free Press*, 7 October 2020, p. 10

9 'Sexist innuendo', *Sunshine-Western Suburbs Advocate*, 4 February 1981.

10 Australian Labor Party Victorian Branch, *Submission 88*, p. 1.

the evidence we have received has demonstrated that social media has sparked a step-change in the abuse and intimidation MPs, candidates, and others in public life receive. The instantaneous and direct nature of communication online has shaped a culture in which the intimidation of candidates and others in public life has become widespread, immediate, and toxic. This is exacerbated by the ability to hide behind the anonymity of social media profiles.<sup>11</sup>

The report noted several aspects of social media which contribute to the abuse, including:

- the scale of social media
- the accelerating pace of debate
- the volume of messages politicians receive
- the ease of communication online
- the brevity of communication online
- the impact of anonymity.<sup>12</sup>

Research into abuse directed at politicians in New Zealand noted that the politicians surveyed ‘felt they (and their families) had become more exposed as a result of the Internet’.<sup>13</sup> This survey was conducted in 2014. The Committee’s view is that the level of online abuse towards politicians has only grown since then.

This view is supported by the increased number of complaints received by the Local Government Inspectorate in relation to the 2020 local government elections. The Inspectorate partly attributed the increased complaints and ‘the deterioration of decent behaviour by candidates and their supporters’ to the increased use of social media:

2020 continued to see the rise in the dominance of social media. This was compounded by the collapse of local and regional newspapers during the year. Complaints about unfavourable interactions, false or misleading material or, at the extreme end, harassment and abuse on social media rose two and a half times (by 241 per cent) from 2016 figures. Social media is free and easy to use. Consequently, it is a very popular place to campaign – but regulation and limitations on content posting have been slow to occur.<sup>14</sup>

The Inspectorate also noted the role that anonymity may play: ‘We observed that social media has fuelled harassment and bullying as it allows the behaviour to be done anonymously or by people using fake accounts.’<sup>15</sup>

<sup>11</sup> Committee on Standards in Public Life, *Intimidation in public life*, 2017, p. 32.

<sup>12</sup> Committee on Standards in Public Life, *Intimidation in public life*, 2017, pp. 32–34.

<sup>13</sup> Susanna Every-Palmer, Justin Barry-Walsh and Michele Pathé, ‘Harassment, stalking, threats and attacks targeting New Zealand politicians: a mental health issue’, *Australian & New Zealand Journal of Psychiatry*, vol. 49, no. 7, 2015, p. 634, doi: 10.1177/0004867415583700.

<sup>14</sup> Local Government Inspectorate, *Social media fuels rise in complaints during 2020 council elections*, Melbourne, 2021, p. 4.

<sup>15</sup> Local Government Inspectorate, *Social media fuels rise in complaints during 2020 council elections*, Melbourne, 2021, p. 17.



**‘For purposes of democratic discourse, then, the pervasiveness of internet anonymity facilitates kinds of speech that are harmful to democracy, hinders audiences’ capacity to discount messages by the identity of the speaker, and presents challenges to speech regulators (from either platforms or governments) who seek to punish or deter anonymous speakers for their behaviour online.’<sup>16</sup>**

Ms Sonya Kilkenny MP, representing the Victorian Labor Women’s Caucus of the 59th Parliament, similarly suggested that anonymity was contributing to abuse:

We have experienced it. We have seen varying degrees of abuse from the gender stereotypes to threats of rape and death. We know that social media can be a hostile place for women in politics. And we know that anonymity and impunity make it difficult to police and prevent.<sup>17</sup>

Section 4.3.4 of this report examines the issue of anonymity in more detail. That section notes that research into the effects of anonymity on people’s behaviour has produced varying results. It also recognises that being able to post on social media without other users knowing who you are can be important for people who are at ‘real-world’ risk of abuse and persecution.

Ultimately, the Committee considers that it is important for regulators in Australia to be able to take action when a social media user breaks laws, including laws related to abuse. To make this possible, it may be necessary for social media companies to know who their users are (which can be achieved without preventing people from being anonymous to other users).

The Committee notes the Commonwealth Parliament passed the Online Safety Act in June 2021. The Act includes powers for the eSafety Commissioner to require an online service provider, such as a social media platform, to provide identity information or contact details about a user to the eSafety Commissioner in certain circumstances, including in relation to cyber-abuse.<sup>18</sup> The Act only requires this if the provider has the information. The Act does not require social media platforms to collect identity information or contact details from their users. However, collecting this information may be required through material to be developed as part of implementing the Act, such as industry codes (see Box 9.1 in Chapter 9 of this report).

The Committee will be interested to see what effects this legislation has, along with other work currently being undertaken at the Commonwealth level and in Queensland (see Section 4.3.4).

<sup>16</sup> Nathaniel Persily, *The internet’s challenge to democracy: framing the problem and assessing reforms*, Kofi Annan Commission on Elections and Democracy in the Digital Age, n.d. (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 1*), p. 13.

<sup>17</sup> Victorian Labor Women’s Caucus 59th Parliament, *Submission 91*, p. 2. See also Jessica Wheelock, Communications Director, Australian Greens Victoria, public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, p. 7.

<sup>18</sup> *Online Safety Act 2021* (Cth) ss 193–196.

## 7.3 Abuse through social media in Victoria

**‘One doesn’t have to look very long to find abusive language or aggressive behaviour in online political discussion. Politicians and political activists confront some of the worst excesses of abusive language, intimidation and even threats. It is an occupational hazard, and one suffered by journalists, public figures and sportspeople as well as anyone making comment online.’<sup>19</sup>**

Abuse on social media can take a variety of forms, including:

- abusive language
- harassing behaviour such as ‘persistent personal attacks aimed at ridiculing, insulting, damaging or humiliating a person’<sup>20</sup>
- threats of violence
- doxing—‘the intentional online exposure of an individual’s identity, private information or personal details without their consent.’<sup>21</sup>

Ms Sonya Kilkenny MP, representing the Victorian Labor Women’s Caucus of the 59th Parliament, told the Committee:

the extensive reach of social media, its relative anonymity and a general absence of control and regulation mean that its power to manipulate, to exploit, to misrepresent, to abuse, to vilify, to stalk, to intimidate, to harass, to defame and disparage and to incite with impunity is really almost limitless.<sup>22</sup>

The Committee heard that many Victorian politicians are abused through social media, and that women and minority groups in particular are targeted (see Section 7.3.1). Particularly concerning is the fact that some of this abuse contains threats of real-world violence (see Section 7.3.2).

While there are many causes of the abuse, the behaviour of some politicians has contributed to an environment in which abuse is normalised (see Section 7.3.3). The Committee considers that this is unhelpful and would like to see politicians leading by example in their online conduct.

### 7.3.1 The nature of abuse received by Victorian politicians

**‘What we don’t expect (or deserve) is to be personally attacked on social media, harassed with anonymous phone calls or emails and be outright slandered with vicious lies about our character spread around our communities.’<sup>23</sup>**

<sup>19</sup> Australian Labor Party Victorian Branch, *Submission 88*, p. 1.

<sup>20</sup> eSafety Commissioner, *Adult cyber abuse*, <<https://www.esafety.gov.au/key-issues/adult-cyber-abuse>> accessed 23 March 2021.

<sup>21</sup> eSafety Commissioner, *Doxing trends and challenges – position statement*, <<https://www.esafety.gov.au/about-us/tech-trends-and-challenges/doxing>> accessed 9 February 2021.

<sup>22</sup> Sonya Kilkenny MP, Victorian Labor Women’s Caucus 59th Parliament, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 15.

<sup>23</sup> More Women for Local Government Facebook Group, *Submission 116*, p. 2 (quote from a candidate at the 2020 Victorian local government elections).

Several politicians and parties told the Committee about abuse they had received or witnessed. Figure 7.1 provides one example of this abuse.

**Figure 7.1 Example of an abusive message supplied by Mr Andy Meddick MP**

Hi Andy  
 You c[redacted] sucking little dog. Hope you enjoy gagging Andrews c[redacted] you  
 treasonous traitor. You will not be forgiven, nor forgotten. Bills get passed  
 but also bills get paid, with interest.  
 Have fun commuting to and from Spring st.  
 Enjoy

Source: Message to Mr Andy Meddick MP via Facebook Messenger, 14 October 2020. Provided by Mr Meddick.

While horrific abuse through social media seems to be an ‘occupational hazard’ for all politicians, the Committee heard that women and minority groups can be particular targets, and that the abuse they receive is often gendered, sexual, racial or otherwise discriminatory. International organisations, academics and Victorian political groups alike told the Committee of the horrific abuse levelled at women in politics.<sup>24</sup>

Ms Sonya Kilkenny MP told the Committee:

we know that social media is used to try to denigrate, intimidate and attack us because we are women. We know this because we receive it ... a lot of it includes explicit sexual acts, threats of rape to ourselves, threats of rape to our children and other things. One I read said, ‘You should be thrown into a mobile rape dungeon’. I’ll fix you up and then get my mates to fix you up as well. You’ve only got to this position because of the men you’ve s----- off or the men you’ve slept with’.<sup>25</sup>

Similar experiences were reported by Victorian local government councillors in a 2020 survey:

Half the female councillors (49%, compared to 35% of men) reported receiving e-mails, text messages or social media posts with offensive content at least ‘a couple of times’ during their term. More than a third (38%, compared to 10% of men) reported someone making demeaning, rude or derogatory remarks about their gender during the election.<sup>26</sup>

<sup>24</sup> Kofi Annan Commission on Elections and Democracy in the Digital Age, *Protecting electoral integrity in the digital age*, Kofi Annan Foundation, 2020 (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 2*), p. 42; Australian Labor Party Victorian Branch, *Submission 88*, p. 2; Victorian Labor Women’s Caucus 59th Parliament, *Submission 91*; Queensland University of Technology Digital Media Research Centre, *Submission 105*, p. 4; Victorian Trades Hall Council, *Submission 108*, p. 2; More Women for Local Government Facebook Group, *Submission 116*, pp. 2–4; Gender Equity Victoria, *Submission 117*, pp. 1–2; Victorian Local Governance Association, *Submission 118*, pp. 5–6; EMILY’s List Australia, *Submission 119*, pp. 1–2.

<sup>25</sup> Sonya Kilkenny MP, Victorian Labor Women’s Caucus 59th Parliament, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, pp. 15–16.

<sup>26</sup> Gosia Mikolajczak, Andrea Carson and Leah Ruppanner, ‘Sexism, harassment, bullying: just like federal MPs, women standing for local government cop it all’, *The Conversation*, 19 March 2021, <<https://theconversation.com/sexism-harassment-bullying-just-like-federal-mps-women-standing-for-local-government-cop-it-all-157396>> accessed 30 March 2021; see also Victorian Local Governance Association, *Submission 118*, pp. 5–6.

Membership of minority groups can also bring on particular types of abuse. Figure 7.2 shows an example of a racialised abusive message received by a member of the Victorian Parliament through social media.

**Figure 7.2** Example of an abusive message to a member of the Victorian Parliament

Three strikes against this bloke.. 1- he's a Labor politician, therefore corrupt...  
2- He's a Turk, so democratic background is of suspect Nature..  
3- His surname is [REDACTED].. So very suspect In light of current Turkish history...!

Source: Reply to a member of the Victorian Parliament's Facebook post, 1 May 2020. Provided by the member.

All abuse is disgraceful, and the Committee condemns it. As discussed in Section 7.4, abuse can have negative impacts on elections. It can also have negative impacts on politicians and candidates as people.

### 7.3.2 Threats and the prospect of 'real-world' violence

**'Reason Party Leader Fiona Patten said she has been forced to increase security at work and home after receiving at least 50 threats deemed serious enough for parliament security and Victoria Police to be notified after public discussion kicked off about the state government's bill to extend Victoria's state of emergency.'**<sup>27</sup>

One aspect of abuse that particularly concerns the Committee is threats of violence made through social media. This is an area where, again, the Committee heard evidence that women and minority groups are particular targets.<sup>28</sup>

Mr Andy Meddick MP provided the Committee with an example of the threatening messages he has received through social media (see Figure 7.3).

**Figure 7.3** Example of a threatening message received by Mr Andy Meddick MP

you are a scumbag to, you have just brought your funeral forward many many years, sleep with 1 eye open because victorians are coming for you!

Source: Message to Mr Andy Meddick MP via Facebook Messenger, 2 September 2020. Provided by Mr Meddick.

Media reporting during 2020 indicated that Victorian members of parliament felt that online abuse and threats to their safety were rising:

<sup>27</sup> Alex White, 'Threats and online abuse against Victorian MP's baby and politicians' families prompt security upgrade', *Herald Sun*, 5 September 2020, <<https://www.heraldsun.com.au/news/threats-and-online-abuse-against-victorian-mps-baby-and-politicians-families-prompt-security-upgrade/news-story/bb5d1b0e71e38c340923776c0bc7fb6a>> accessed 9 February 2021.

<sup>28</sup> See Section 7.4.1 for more on abuse directed towards women and minority groups.

Threats made against a Victorian MP's newborn baby and politicians' families have prompted increased security as the state continues to grapple with lockdown.

Members from all sides of Victorian politics have reported a worrying rise in serious and 'credible' threats to their safety, as well as online abuse, in recent weeks, which has prompted Victoria Police to issue a warning that perpetrators could face up to three years in jail if caught.<sup>29</sup>

Evidence to the Committee from Mr Dinesh Mathew, a candidate at the 2018 election, demonstrates how social media and real-world behaviour can combine to negatively impact the way that a candidate campaigns at an election (see Box 7.1).

### **BOX 7.1: Online abuse impacting a Victorian election—case study regarding Mr Dinesh Mathew**

Mr Dinesh Mathew presented evidence regarding his experience of abusive and intimidatory behaviour at the 2018 Victorian election. He stated that he received both online abuse and in-person abuse at voting centres.<sup>30</sup>

Mr Mathew's submission describes people live streaming video of him and others at Caulfield voting centres online. He believes that this invited 'death threats and credible threats of violence' and it resulted in him having to curtail his campaigning at voting centres on election day:

What I experienced was hyper racism and death threats from the far right due to one far right candidate who live streamed nearly every day from the pre poll booth inviting hate towards me.

This live streaming also made countless voters uncomfortable as they tried to hide. Any voter who expressed concern was also bullied by large men who accompanied this far right candidate.

...

All of this [led] to death threats and created a highly charged atmosphere that led to me only being present for only a few minutes at each polling booth on election day. This kind of online streaming is detrimental to our democracy as it invited death threats and credible threats of violence.<sup>31</sup>

**(Continued)**

<sup>29</sup> Alex White, 'Threats and online abuse against Victorian MP's baby and politicians' families prompt security upgrade', *Herald Sun*, 5 September 2020, <<https://www.heraldsun.com.au/news/threats-and-online-abuse-against-victorian-mps-baby-and-politicians-families-prompt-security-upgrade/news-story/bb5d1b0e71e38c340923776c0bc7fb6a>> accessed 9 February 2021.

<sup>30</sup> Mr Mathew presented evidence to both the Committee's current Inquiry and its previous inquiry into the conduct of the 2018 Victorian state election. The events described by Mr Mathew were also addressed in other submissions to the inquiry into the conduct of the 2018 Victorian state election, see Australian Greens Victoria, *Submission 87*, submission to the Parliament of Victoria Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2020, pp. 7–9; Sue Pennicuik, *Submission 100*, submission to the Parliament of Victoria Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2020, p. 5.

<sup>31</sup> Dinesh Mathew, 2018 election candidate, Australian Greens Victoria, *Submission 111*, p. 1.

**BOX 7.1: Continued**

Mr Mathew told the Committee that the hatred and death threats on his Facebook page were so bad, and Facebook's responses to his complaints so lacking, that he and his campaign decided to close the page:

Unfortunately, most of it happened on Facebook, and Facebook, as you would probably be aware, is very, very bad at even recognising death threats. I reported them. We actually shut down our Facebook page about two weeks before the election because we sort of made the decision that it was not helpful to have a page that would sort of—I do not know if it was antagonising, but it just seemed to motivate people to hate more. It also meant that my photos were on there, even though I had been a candidate many times and my photos are everywhere. But it just became a point where people could target, so we closed it down. Twitter is fantastic at these sorts of things, so there were no attacks on Twitter, but on Facebook we had to shut it down. So with social media orgs, not all of them are very responsive.<sup>32</sup>

Mr Mathew noted that much of the abuse on Facebook was coming from overseas. However, even when he shut down overseas views of the page, the abuse continued, though at a reduced level.<sup>33</sup>

Based on Mr Mathew's account, this appears to be an example of abusive behaviour through a social media platform leading to a candidate removing themselves from that platform and thus facing a competitive disadvantage.

The Committee is aware that charges were made in relation to the behaviour that Mr Mathew describes, but later withdrawn.<sup>34</sup>

A particular practice that increases the risk of online abuse becoming real-world violence is 'doxing'—i.e. 'the intentional online exposure of an individual's identity, private information or personal details without their consent.'<sup>35</sup> Victorian members of parliament have been subjected to this behaviour, as described in media reporting:

*The New Daily* has seen an Excel spreadsheet list of crossbench MPs, with their personal phone numbers and email addresses, plastered in many Facebook groups for anti-vaxxers, critics of 5G technology and Australian followers of the QAnon conspiracy theory.

The messages appear to be spreading in a decentralised way, posted by numerous individuals rather than a single person.<sup>36</sup>

<sup>32</sup> Dinesh Mathew, 2018 election candidate, Australian Greens Victoria, public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, pp. 8–9.

<sup>33</sup> Dinesh Mathew, 2018 election candidate, Australian Greens Victoria, public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, hearing, p. 9.

<sup>34</sup> Avi Yemini, *I am officially a FREE MAN after Police forced to withdraw ALL charges!*, video, 24 January 2020, <<https://www.youtube.com/watch?v=Nmn2dRoeFOo>> accessed 25 February 2020; Avi Yemini, 'Avi Yemini is a free man after police forced to withdraw', *TR.news*, 24 January 2020, <<https://www.tr.news/avi-yemini-freed/>> accessed 25 February 2020.

<sup>35</sup> eSafety Commissioner, *Doxing trends and challenges — position statement*, <<https://www.esafety.gov.au/about-us/tech-trends-and-challenges/doxing>> accessed 9 February 2020.

<sup>36</sup> Josh Butler, 'Victorian MPs hit with tsunami of vile anti-lockdown abuse from conspiracy theorists', *The New Daily*, 1 September 2020, <<https://thenewdaily.com.au/news/2020/09/01/victorian-mps-vile-abuse>> accessed 9 February 2021.

Abuse and threats through social media are a concern both for the health of our elections, and the continued safety of those entering political life in Victoria. The ability of social media content to fuel ‘real-world’ violence overseas shows that the risk of social media threats translating to violence is real.<sup>37</sup>

**FINDING 40:** Although politicians have always been subjected to abuse, social media provide new avenues for people to abuse politicians and may be making things worse. The Committee has seen evidence of Victorian politicians being abused through social media, including threats of ‘real-world’ violence. While all politicians receive abuse, women and minority groups appear to be particularly targeted.

### 7.3.3 Politicians contributing to inappropriate behaviour on social media

**‘We are disappointed by the lack of progress by the political parties in ensuring that intimidatory behaviour does not become prevalent within their parties, and eradicating it where it does occur. Parties should use the influence they hold over their members to stamp out any abusive and derogatory behaviour. Party leadership should act immediately to condemn such behaviour as soon as it occurs.’<sup>38</sup>**

While this chapter focusses on abuse directed towards politicians, it is important to note that politicians themselves play an important role in setting the standards of behaviour in political discourse on social media. Candidates or elected representatives using abusive or otherwise inappropriate language on social media contribute to the negative aspects of social media and can encourage others to do the same.

The United Kingdom’s Committee on Standards in Public Life noted that some people engaging in abusive behaviour around the 2017 United Kingdom election were political party members.<sup>39</sup> The same report references a survey of politicians in which candidates note that parties themselves contribute to an abusive environment through aggressive campaign rhetoric.<sup>40</sup>

Victoria has seen its own instances of inappropriate language and behaviour on social media from its elected representatives. Media reporting shows that Victorian politicians across the political spectrum sometimes make comments on social media that do not meet the standards required of them in parliamentary debate.<sup>41</sup> This can include name-calling, such as the example in Figure 7.4.

<sup>37</sup> Kofi Annan Commission on Elections and Democracy in the Digital Age, *Protecting electoral integrity in the digital age*, Kofi Annan Foundation, 2020 (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 2*), p. 41.

<sup>38</sup> Committee on Standards in Public Life, *Intimidation in public life*, 2017, p. 48.

<sup>39</sup> Committee on Standards in Public Life, *Intimidation in public life*, 2017, p. 46.

<sup>40</sup> Committee on Standards in Public Life, *Intimidation in public life*, 2017, p. 47.

<sup>41</sup> Alex White and Kieran Rooney, ‘Victorian MP Bernie Finn slammed for Facebook jab against Premier Daniel Andrews’, *Herald Sun*, 5 August 2020, <<https://www.heraldsun.com.au/news/victorian-mp-bernie-finn-slammed-for-facebook-jab-against-premier-daniel-andrews/news-story/d1a40e5cbb3b726f815757bd4852730e>> accessed 22 March 2021; Tom Minear, ‘Labor minister Philip Dalidakis cops fire over “wanker” tweet’, *Herald Sun*, 15 November 2016, <<https://www.heraldsun.com.au/news/labor-minister-philip-dalidakis-cops-fire-over-wanker-tweet/news-story/695c3ea7a74526155575d9cd45c6733a>> accessed 22 March 2021.

Figure 7.4 Tweet by Mr Tim Smith MP

**Tim Smith MP** @TimSmithMP

In Victoria with control freak wowers like Dictator Dan running the show, you can't even sit down for a coffee, let alone a beer. Our Premier is such a friendless loser, of course Victoria has no plans to reopen licensed venues, who would invite Lurch for a drink? #danhasnomates

**Bar's open ... but there's a limit to the fun**

**YOUR SHOUT: NEW RULES FOR HAVING A DRINK**

<b>NSW</b> From Friday, pubs and clubs can serve drinks with meals for up to 10 people.	<b>WA</b> From next Monday, pubs, clubs, and Perth's casino can serve drinks with meals for up to 20 people.	<b>Queensland</b> From Friday, pubs, clubs and RSLs can serve drinks with meals for up to 10 people in	<b>Brisbane and up to 20 people in regions</b>	<b>ACT</b> From Friday, pubs, clubs, bars, restaurants and cafes can serve drinks with meals for up to 10 people.	<b>Tasmania</b> From next Monday, pubs and restaurants can serve drinks with meals for up to 10 people.	<b>Victoria</b> No date for pubs reopening.
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10:44 PM · May 13, 2020

616 3.2K Share this Tweet

Source: Tim Smith MP (@TimSmithMP), Tweet, 13 May 2020, <<https://twitter.com/TimSmithMP/status/126055138939193441>> accessed 22 March 2021.

The Committee notes that the Tweet shown in Figure 7.4 attracted a number of replies criticising its use of name-calling, indicating that there are voices on Twitter who are opposed to content such as this.



The Tweet also attracted media attention, exposing its contents to a wider audience.<sup>42</sup> Media and public interest in controversial and sensational political content is nothing new. However, this may contribute to inappropriate behaviour on social media by encouraging politicians to provide controversial content in the hope of gaining greater exposure.

The Committee also notes that, even when politicians do not instigate poor behaviour, responding in kind to poor behaviour does little to support higher standards of discourse (see, for example, Figure 7.5).

**Figure 7.5** Reply from Mr Tim Smith MP to an insulting Tweet



Source: Tweets, 18 June 2020, accessed 19 August 2021.

It has been argued that abusive behaviour from politicians can legitimate abusive discourse and encourage other social media users to behave inappropriately. Ms Fiona Patten MP has suggested that abusive comments she received have been encouraged by the kind of comments directed towards her by members of Parliament.<sup>43</sup> Research has also suggested that people are more likely to make aggressive comments online if other comments they see are aggressive.<sup>44</sup>

The Committee believes that politicians should hold themselves to a higher standard, considering their role in the community and the effect that their words and actions can have.

<sup>42</sup> Richard Willingham, 'Liberal MP Tim Smith stands by attacks on Daniel Andrews over Victoria's coronavirus restrictions', *ABC News*, 14 May 2020, <<https://www.abc.net.au/news/2020-05-14/tim-smith-defends-tweets-attacking-daniel-andrews-coronavirus/12248286>> accessed 22 March 2021.

<sup>43</sup> 3AW, 'Fiona Patten close to tears as she recounts "foul" tirade of abuse directed at her this week', 9 March 2021, <<https://www.3aw.com.au/tearful-fiona-patten-recounts-foul-tirade-of-abuse-directed-at-her-this-week>> accessed 7 April 2021.

<sup>44</sup> Leonie Rösner and Nicole C. Krämer, 'Verbal venting in the social web: effects of anonymity and group norms on aggressive language use in online comments', *Social Media + Society*, vol. 2, no. 3, 2016, p. 10, doi: 10.1177/2056305116664220.

The Committee does not expect all behaviour on social media, even by elected representatives, to meet the standards set for debate on the floor of the Parliament. However, members of parliament are expected to follow the Members of Parliament (Standards) Act, which includes a requirement that members are ‘fair, objective and courteous’ to members of the community and other members of parliament (see Section 11.3).

Additional and more specific standards may be helpful. This is discussed further in Section 11.3, where the Committee recommends that political parties establish a code of conduct that deals with inappropriate behaviour, including abuse, spreading inaccurate information and inappropriate political advertising.

**FINDING 41:** Victorian politicians sometimes contribute to abusive or inappropriate discourse on social media. This can be by using inappropriate language themselves or responding in kind to other social media users who use inappropriate language. This kind of behaviour from Victorian politicians contributes to the negative aspects of social media, both directly and through role modelling such behaviour.

## 7.4 How abuse impacts elections

**‘Intimidation is different from the legitimate persuasion or influence which takes place as part of the democratic process; intimidatory actions are not political pressure. Instead, they are intended and likely to cause an individual to withdraw from a public space, including social media, public events, or from public life altogether. This can have the effect of limiting freedom of expression by “shouting down” opponents.’<sup>45</sup>**

As set out in Section 2.3.2, the Committee considers three criteria particularly relevant for reviewing a Victorian election: inclusivity; trustworthiness and transparency; and competitiveness.<sup>46</sup> Both inclusivity and competitiveness can be harmed by abuse towards politicians on social media—and often the way that abuse impacts these two principles is intertwined.

Abuse impacts the inclusivity of our elections by discouraging participation in politics and political discourse—particularly among women and other targeted groups. This in turn damages election competitiveness. Candidates subjected to abuse are less able to effectively campaign and spread their messages. Voters are denied both a choice of candidates (when abuse discourages participation) and informed choice (when abuse damages constructive discourse).

Our elections can also be impacted by abuse directed towards journalists (see Section 7.4.3). Journalists that cover politics and elections play an important role in informing the electorate of party policies, politicians’ track records and the political issues of the day. These journalists face abuse that can have a negative effect on their

<sup>45</sup> Committee on Standards in Public Life, *Intimidation in public life*, 2017, p. 26.

<sup>46</sup> Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 2–3.

ability and desire to cover important political stories. Gendered and racial abuse may deter its targets from participating in journalism in a way that reduces diversity in our newsrooms.

### 7.4.1 Decreased electoral participation—particularly among women and other targeted groups

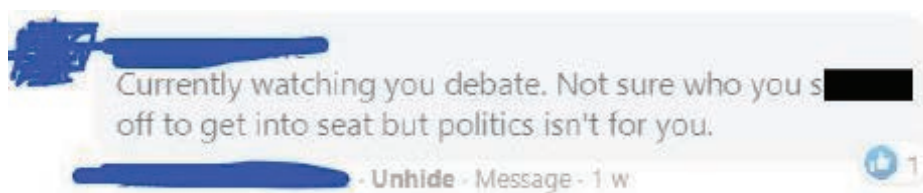
‘According to the UN Women Executive Director, Phumzile Mlambo-Ngcuka, “When women suffer this violence online, the aim is no different than offline – to control, assert power over, silence, and keep women out of the conversation or from participating and benefitting equally from that space.”

‘In this regard, we believe that gendered online abuse has the very real potential to dissuade and deter women from participating in the political process all together. And when women’s political participation is restricted, and when women are prevented from exercising their political rights, we have a denial of democracy.’<sup>47</sup>

Abuse as a ‘disincentive to participate’<sup>48</sup> in politics and elections was a common theme in the Committee’s evidence.<sup>49</sup> Canada’s electoral commissioner has explained how online abuse can both prevent people from running as candidates and drown out policy messages:

Harassment of political actors and voters on social media can also impact candidates’ and voters’ participation in the electoral process and voters’ ability to hear from a diversity of candidates. There are indicators of networked online harassment during the 2019 general election, which researchers say can prevent some politicians—disproportionately, women and people of colour—from experiencing an equitable opportunity to inform voters of their policy platforms, as their messages may be drowned out or they may be driven offline or out of a race as a result of threats to their safety.<sup>50</sup>

#### Figure 7.6 Abusive comment supplied by Labor Women’s Caucus



Source: Victorian Labor Women’s Caucus 59th Parliament, *Submission 91*, p. 3.

<sup>47</sup> Victorian Labor Women’s Caucus 59th Parliament, *Submission 91*, p. 1.

<sup>48</sup> Catherine Williams, Research and Policy Officer, The Centre for Public Integrity, public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, p. 19.

<sup>49</sup> Vian Bakir, Professor of Journalism & Political Communication, and Andrew McStay, Professor of Digital Life, Bangor University, *Submission 21*, p. 4; Carnegie UK Trust, *Submission 82*, p. 3; More Women for Local Government Facebook Group, *Submission 116*, p. 3.

<sup>50</sup> Elections Canada, *Political communications in the digital age discussion paper 2: the impact of social media platforms in elections*, Gatineau, 2020, p. 16 (with source).

In Victoria, the Labor Women's Caucus submission provided examples of gendered abusive messages its members had received (see, for example, Figure 7.6). The Committee also notes abuse received by Dr Samantha Ratnam MLC, with particularly gendered aspects:

Greens MP and new mum Samantha Ratnam has experienced the worst abuse in recent days after returning from maternity leave to vote on a controversial bill in the Victorian parliament.

A tsunami of online trolls have threatened her with rape, and violence against her child.

'The thousands of violent and abusive messages I've received over the past few days have been nothing short of horrific,' she said.

'No mother deserves messages telling her that her baby should never have been born, no woman deserves messages encouraging her to be sexually assaulted or raped, and no worker deserves messages wishing them death for trying to do their job.'<sup>51</sup>

Gender Equity Victoria and the Victorian Local Governance Association each submitted that gender-based abuse is depressing women's political participation in Victoria<sup>52</sup> and the Victorian Trades Hall Council's submission argues that this damages Victoria's ability to have a representative democracy:

Gender-based violence faced by candidates and elected politicians online is extremely harmful and an immense burden shouldered by women and gender diverse people. Ultimately, it deters them from participation in electoral activities, including running for office, which costs Victoria true representative democracy.<sup>53</sup>

Ms Sonya Kilkenny MP, representing the Victorian Labor Women's Caucus of the 59th Parliament, told the Committee that gendered attacks are intended to silence women and question their right to participate in politics.<sup>54</sup> Ms Kilkenny argued that a cultural view of women as inferior and unable to hold positions of power lies behind abuse based on gender, and in this way instances of online abuse towards women are attacks on democracy.<sup>55</sup> The Labor Party's submission also linked 'real world' attitudes toward women and other targeted groups with abuse on social media, including threats of physical harm, noting the way this can suppress the voices of targeted groups.<sup>56</sup>

51 Alex White, 'Threats and online abuse against Victorian MP's baby and politicians' families prompt security upgrade', *Herald Sun*, 5 September 2020, <<https://www.heraldsun.com.au/news/threats-and-online-abuse-against-victorian-mps-baby-and-politicians-families-prompt-security-upgrade/news-story/bb5d1b0e71e38c340923776c0bc7fb6a>> accessed 9 February 2021.

52 Victorian Local Governance Association, *Submission 118*, p. 5; Gender Equity Victoria, *Submission 117*, pp. 1-2. See also More Women for Local Government Facebook Group, *Submission 116*, p. 6.

53 Victorian Trades Hall Council, *Submission 108*, p. 2.

54 Sonya Kilkenny MP, Victorian Labor Women's Caucus 59th Parliament, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 16.

55 Sonya Kilkenny MP, Victorian Labor Women's Caucus 59th Parliament, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 17.

56 Australian Labor Party Victorian Branch, *Submission 88*, p. 2; see also Queensland University of Technology Digital Media Research Centre, *Submission 105*, p. 4.

The Committee also heard of abuse directed towards minority groups. The Victorian Pride Lobby's submission outlined concerns regarding hate speech towards LGBTIQ+ social media users:

Some have raised concerns that social media platforms' content moderation policies do not adequately protect LGBTIQ+ and other marginalised people from harassment and hate speech, and that LGBTIQ+ users can be subject to everything from prejudiced insults to death threats directed both at themselves and at family members.<sup>57</sup>

Mr Dinesh Mathew outlined racial abuse and death threats he experienced as a candidate at the 2018 Victorian election (see Box 7.1 in Section 7.3.2), which reduced his ability to campaign.

**'A number of councillors interviewed for this [Local Government Inspectorate] report raised concerns about social media and the way it easily enables bullying and harassment during the campaign period. They feared that the poor behaviour seen during the 2020 elections will deter quality candidates in the future.'**<sup>58</sup>

Evidence from both Victoria and overseas indicates that the level of abuse towards politicians 'is now so great it is undermining their engagement with constituents, how they express themselves on social media, and carry out their democratic duties.'<sup>59</sup>

The Committee is convinced by the evidence it has heard that abuse via social media can and does result in decreased electoral and political participation, particularly among women and other targeted groups.

**FINDING 42:** Abuse towards politicians can impact Victorian elections and democracy by discouraging political participation. This includes discouraging people from running for elected office, discouraging political conversation online and direct efforts to silence people. Women and minority groups can be particular targets of abuse and silencing efforts.

## 7.4.2 Abuse damages political discourse

The Committee heard that abusive behaviour and uncivil debate on social media also impact our electoral processes by making respectful political discourse harder. The Labor Party argued that:

While individual users at the receiving end of an abusive comment will personally feel the effects of bad online behaviour and that their distress is lamentable, the greater impact is on our fundamental capacity as a society to engage in civil debate on critical issues. If we can't discuss and share in public debate without devolving into a purely

<sup>57</sup> Victorian Pride Lobby, *Submission 125*, p. 2 (with sources).

<sup>58</sup> Local Government Inspectorate, *Social media fuels rise in complaints during 2020 council elections*, Melbourne, 2021, p. 24.

<sup>59</sup> Parliament of the United Kingdom, Joint Committee on Human Rights, *Democracy, freedom of expression and freedom of association: threats to MPs*, October 2019, p. 3. See also Victorian Labor Women's Caucus 59th Parliament, *Submission 91*, p. 2.

binary, aggressive and demeaning exchange we lose the ability to compromise, and we divide our political audiences into supporters versus enemies.<sup>60</sup>

An independent candidate at the 2018 Victorian election told the Committee that social media have diminished debate and the lack of a right of reply leaves campaigns vulnerable to trolling:

It has diminished the element of constructive engagement, debate and consideration underpinning an electoral process[.]

Pre social media there was a frequent refrain of ‘agree to disagree’; that has been largely foregone, with the refrain now primarily right or wrong at the extremes; a social media campaign trolling a candidate is irrecoverable, in the absence of a right of reply or opportunity to instantly correct<sup>61</sup>

The Committee is concerned about the effect an abusive environment can have on constructive debate around our elections and notes the role candidates and political parties can play in this (see Section 7.3.3). As discussed in Chapter 3, one of the important benefits of social media is that they can be a place for accessible and constructive political debate. Abusive behaviour in discussions can threaten this if it shuts down debate or changes the tone to be more hyper-partisan and polarised.

**FINDING 43:** Abuse on social media can lower the tone of political discourse, making it more difficult for people to engage in constructive discussion and debate. It can also discourage people from entering into political conversation online.

### 7.4.3 Abuse towards journalists

Abuse towards journalists and the media can damage our democracy by negatively impacting on journalists’ ability and willingness to cover important political stories. It can also reduce media diversity by discouraging participation by those targeted for their gender, race or other attributes. This results in poorer outcomes for news audiences and a less-informed voting public.

Mr Michael Rowland (an ABC journalist) reported that a variety of political journalists were seeing increased levels of abuse towards them around the 2019 Commonwealth election.<sup>62</sup> He quoted the *Courier-Mail’s* national affairs editor, Mr Dennis Atkins, who described ‘amped up’ Twitter users:

‘They are shoutier, they are more tribal. They have never been great ones for considering other points of view, but now they have lost any inclination to do that,’ he said.

<sup>60</sup> Australian Labor Party Victorian Branch, *Submission 88*, pp. 1–2. See also United Kingdom Government, *Online harms white paper*, 2019, p. 5.

<sup>61</sup> Name withheld, *Submission 12*, p. 1.

<sup>62</sup> Michael Rowland, ‘Federal election sees voters turn on journalists as partisan fury ramps up’, *ABC News Breakfast*, 24 April 2019, <<https://www.abc.net.au/news/about/backstory/news-coverage/2019-04-24/federal-election-sees-voters-turn-on-journalists-on-twitter/10984688>> accessed 12 January 2021.

'They are quick to attack the person rather than engage in the merits of an argument.'<sup>63</sup>

ABC journalist Ms Leigh Sales has highlighted the sexualised abuse she receives through Twitter (see Figure 7.7).

Figure 7.7 Tweet by Ms Leigh Sales



Source: Leigh Sales (@leighsales), Tweet, 20 August 2021, <<https://twitter.com/leighsales/status/1286073302822182913>> accessed 23 March 2021.

63 Michael Rowland, 'Federal election sees voters turn on journalists as partisan fury ramps up', *ABC News Breakfast*, 24 April 2019, <<https://www.abc.net.au/news/about/backstory/news-coverage/2019-04-24/federal-election-sees-voters-turn-on-journalists-on-twitter/10984688>> accessed 12 January 2021.

The Australian Competition and Consumer Commission’s digital platforms inquiry noted the negative effect toxic debate can have both for news audiences and journalists:

It is likely that the toxicity of online discourse discourages large proportions of the news audience from benefiting from, and contributing to, useful active engagement with news content.

The level of vitriol and abuse present in online discourse also has a practical negative impact on journalism when directed at journalists themselves. In its worst instances, online abuse of journalists can include orchestrated harassment campaigns coordinated through digital platforms.<sup>64</sup>

The Australian Competition and Consumer Commission also highlighted the targeting of female journalists:

This behaviour often targets female journalists. In 2015, a study of 1000 women in Australian media found that ‘41 per cent of respondents [had] experienced harassment, bullying and trolling on social media, from mild instances to death threats and stalking’, and that 60 per cent of respondents believed such harassment was most likely to be directed at women. One in-house print journalist responding to the survey received ‘quite constant death and rape threats’. An editor who had worked in journalism for over a decade stated that due to online harassment, she was ‘less likely to state [her] opinion’.<sup>65</sup>

Abuse targeted at female journalists is a global phenomenon. In a 2020 survey of journalists in 125 countries, 73% of female journalists said they had experienced online violence. This included threats of physical and sexual violence, and violence against those close to them.<sup>66</sup> Survey respondents identified stories about politics and elections as the second most likely to trigger online abuse (44% of respondents) after stories about gender (47% of respondents).<sup>67</sup>

The Committee sees abuse towards journalists, particularly those reporting on politics and elections, as a threat to democracy and elections. Attempts to intimidate and silence journalists damage our democracy. Gendered abuse of journalists, much like that of politicians, seeks to silence female voices and can harm the representativeness of our political discourse.

**FINDING 44:** Abuse towards journalists represents a threat to democratic elections. The media play an important role in ensuring that voters have the information they need to make informed votes. Abuse towards journalists can discourage this important work, and gendered abuse can discourage women from participating in political journalism.

<sup>64</sup> Australian Competition and Consumer Commission, *Digital platforms inquiry: final report*, Canberra, 2019, p. 344 (with source).

<sup>65</sup> Australian Competition and Consumer Commission, *Digital platforms inquiry: final report*, Canberra, 2019, p. 344 (with source).

<sup>66</sup> United Nations Educational, Scientific and Cultural Organization, *Online violence against women journalists: a global snapshot of incidence and impacts*, report prepared by Julie Posetti et al., Paris, 2020, pp. 1-2.

<sup>67</sup> United Nations Educational, Scientific and Cultural Organization, *Online violence against women journalists: a global snapshot of incidence and impacts*, report prepared by, Julie Posetti et al., Paris, 2020, p. 8.



## 7.5 Platforms' and authorities' responses to complaints about abuse

**'The VEC and the Victorian Government must develop a process with social media platforms so that when candidates report such abuse to the VEC, they are able to assist with ensuring the platforms act in a timely manner. Our experience shows that social media platforms cannot be relied upon to act quickly during an election campaign in response to complaints by individual candidates. Immediate and direct action should occur for especially overt abuse, threats and harassment.'**<sup>68</sup>

Targets of abuse told the Committee that improvements are needed for complaints processes—both for social media platforms and government authorities. The Committee agrees that there is scope for improvement in the way that individual complaints are managed.

There are also a variety of responses that could help to tackle abuse on a more systemic level, which are discussed in later chapters. One approach is working with platforms to improve their policies and responsiveness (see Chapter 9). Another is increasing the transparency of social media activity, which will help to hold people accountable for their behaviour (see Chapter 10). Social media literacy programs may also help, as may commitments from parties and others to avoid negative behaviours (see Chapter 11).

### 7.5.1 Platforms' responses

The Committee heard that social media platforms' complaint processes can be slow and difficult to navigate, resulting in users simply deleting abusive content, rather than alerting platforms to its presence.<sup>69</sup> The Labor Party's submission argued that social media platforms are 'disinclined to moderate the behaviour of their users or the truth of their claims.'<sup>70</sup>

Ms Sonya Kilkenny MP, representing the Victorian Labor Women's Caucus of the 59th Parliament, told the Committee:

I think that there should be a greater responsibility placed on Facebook ... they derive an enormous income. It is not good enough for people who are concerned with material and content onsite for them to be faced with—I mean, I have done it when I have gone to report; you are given a drop-down menu and you have got to try to fit within the box, and then if you do not, there is nowhere to go. If you do, you still do not know what time frame you are going to even be contacted in, let alone whether any action is going to be taken. So I think it is the most cursory of responses that they have put in place.<sup>71</sup>

<sup>68</sup> EMILY's List Australia, *Submission 119*, p. 2.

<sup>69</sup> Sonya Kilkenny MP, Victorian Labor Women's Caucus 59th Parliament, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, pp. 16–17.

<sup>70</sup> Australian Labor Party Victorian Branch, *Submission 88*, p. 1.

<sup>71</sup> Sonya Kilkenny MP, Victorian Labor Women's Caucus 59th Parliament, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 18.

Dr Anne Webster MP from the Commonwealth Parliament has noted her experience with Facebook, which was slow to take action on defamatory comments made about herself and others:

We made a report in March. It took until August until anything was done—after several court hearings and Facebook being reminded that they were part of the contempt of court if they continued to post it.<sup>72</sup>

Twitter’s submission to the Committee said that the company is working to improve its responses to threats and abuse and make it easier for people to share specifics when reporting content:

Some of the changes and updates we’re actively working on toward that goal include further improving our technology to help us review content that breaks Twitter’s Rules faster and before it’s reported, specifically Tweets with private information, threats, and other types of abuse. We are also making it easier for people who use Twitter to share more specifics when reporting so we can take action faster, especially when it comes to protecting people’s physical safety. We are also adding more notices to people who use our service, to provide deeper context for our enforcement decisions (e.g. if a Tweet breaks our rules but remains on the service because the content is in the public interest).<sup>73</sup>

The Committee notes that social media platforms have also made various other changes aimed at improving users’ experience recently (see Section 9.3). It remains to be seen how effective these measures will be at reducing abuse.

## 7.5.2 Authorities’ responses

The Commonwealth Criminal Code includes offences regarding threatening to kill, threatening to cause serious harm, being menacing, being harassing or being offensive. Maximum sentences range from three years imprisonment for being menacing, harassing or offensive, through to 10 years imprisonment for death threats.<sup>74</sup>

Abusive material on social media can fall under the Code and thus be subject to prosecution and significant penalty. Media reporting in early 2021 detailed court proceedings against people in New South Wales and Queensland for threatening

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72 Anne Webster MP, Committee member, Standing Committee on Social Policy and Legal Affairs, public hearing, Canberra, 17 November 2020, *Transcript of evidence*, p. 21. Ms Mia Garlick from Facebook acknowledged that this case took longer to resolve than it should have, though she noted that some of the delay was due to the complaint relating to defamation, which Facebook seeks legal advice on—Mia Garlick, Director of Policy, Australia and New Zealand, Facebook, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 12.

73 Twitter, *Submission 126*, p. 8.

74 *Criminal Code Act 1995* (Cth) sch ss 474.15 and 474.17. The Office of the Commonwealth Director of Public Prosecutions prosecutes crimes against section 474.17, see Office of the Commonwealth Director of Public Prosecutions, *Cybercrime*, <<https://www.cdpp.gov.au/crimes-we-prosecute/cybercrime>> accessed 23 March 2021.

Victorian politicians.<sup>75</sup> The Committee considers this appropriate. Those who threaten violence should face legal consequences.

However, the Committee heard that authorities are not always responsive when complaints are made.<sup>76</sup> Mr Dinesh Mathew (see Box 7.1 in Section 7.3.2 above) has noted his dissatisfaction with both the Victorian Electoral Commission's and Victoria Police's responses to allegations of abusive social media behaviour around the 2018 Victorian election.<sup>77</sup>

A Commonwealth Parliamentary Committee inquiry into cyberbullying heard that police may lack knowledge and training around the law regarding such behaviour.<sup>78</sup> Professor Ben O'Loughlin and Dr Sofia Collignon noted moves in the United Kingdom to better train police in investigating social media offences.<sup>79</sup> The More Women for Local Government Facebook Group recommended a publicity campaign to better inform people of the law regarding social media use.<sup>80</sup>

The Committee notes that the Commonwealth Parliament passed the Online Safety Act in June 2021. The Act includes:

- a new cyber abuse scheme for Australian adults, to facilitate the removal of serious online abuse and harassment
- ...
- consistent take-down requirements for image-based abuse, cyber abuse, cyberbullying and harmful online content, requiring online service providers to remove such material within 24 hours of receiving a notice from the eSafety Commissioner.<sup>81</sup>

The Act also includes shorter timelines for online service providers, such as social media platforms, to respond to a 'removal notice' from the eSafety Commissioner.<sup>82</sup>

<sup>75</sup> Simone Fox Koob, 'Queensland man charged over online harassment of Victorian MP Fiona Patten', *The Age*, 14 January 2021, <<https://www.theage.com.au/national/victoria/queensland-man-charged-over-online-harassment-of-victorian-mp-fiona-patten-20210114-p56u16.html>> accessed 23 February 2021; Jenny Noyes, Simone Fox Koob and Fergus Hunter, 'NSW man charged with emailing threat to kill Victorian Premier Daniel Andrews', *The Age*, 11 January 2021, <<https://www.theage.com.au/national/man-to-face-court-accused-of-kill-threat-to-victorian-premier-daniel-andrews-via-email-20210111-p56t7u.html>> accessed 23 February 2021. Note that the threats against Premier Daniel Andrews MP were made by email.

<sup>76</sup> Dilnaz Billimoria, *Submission 61*, pp. 1–2; More Women for Local Government Facebook Group, *Submission 116*, p. 5.

<sup>77</sup> Dinesh Mathew, 2018 election candidate, Australian Greens Victoria, *Submission 68*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2020, pp. 3–4.

<sup>78</sup> Parliament of Australia, Senate Legal and Constitutional Affairs References Committee, *Adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying*, March 2018, pp. 38–9; see also Ben O'Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 4.

<sup>79</sup> Ben O'Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 4.

<sup>80</sup> More Women for Local Government Facebook Group, *Submission 116*, p. 6.

<sup>81</sup> Australian Government Department of Infrastructure, Transport, Regional Development and Communication, *Consultation on a Bill for a new Online Safety Act*, <<https://www.communications.gov.au/have-your-say/consultation-bill-new-online-safety-act>> accessed 11 February 2021. The Act also includes 'unmasking' powers, which the Committee discusses in Section 7.2.

<sup>82</sup> *Online Safety Act 2021* (Cth) s 88. See also Explanatory Memorandum, Online Safety Bill 2021 (Cth), p. 1.

The inclusion of powers for the eSafety Commissioner and the consequences for abuse in the Act are positive steps that may help respond to, and hopefully reduce, the abuse levelled at politicians and journalists outlined in this chapter.

The Committee notes concerns around the enforceability of any Australian legislative measures on companies operating outside of Australia (see Section 4.4.3). According to *The Guardian*:

the commissioner will rely on existing cooperative relationships with service providers in the first instance. However, enforcement measures against companies overseas can be pursued by the commissioner, so long as the alleged victim is Australian, a spokesman from Fletcher’s office said.<sup>83</sup>

It is too early to tell whether or not the new legislation will be effective.

While noting this new legislation, the Committee sees room for improvement in the responses from both social media platforms and government bodies to specific instances of abuse on social media.

**FINDING 45:** Legislation exists prohibiting various forms of abuse on social media. However, platforms can be slow or ineffective in their responses to particular instances of abuse on their services. Police may also lack knowledge and training to appropriately respond to social media abuse.

**FINDING 46:** The Commonwealth Parliament passed legislation in June 2021, the *Online Safety Act 2021*, which aims to address abuse towards adults, including politicians, on social media. It is too early to assess the effectiveness of this legislation.

**RECOMMENDATION 15:** That Victoria Police ensure officers are adequately trained in the law regarding abuse and threats through social media, including the legal avenues available to respond to such issues and changes to the law brought about by the Commonwealth *Online Safety Act 2021*.

**RECOMMENDATION 16:** That the Victorian Electoral Commission work with the eSafety Commissioner to establish protocols to assist candidates experiencing abuse online, so that complaints can be addressed by social media platforms and police (where appropriate) quickly and effectively. Details should be published on the VEC’s website and distributed by the VEC to all candidates.

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<sup>83</sup> Melissa Davey, ‘Trolls and social media platforms face huge fines in Australia for failing to remove abuse material’, *The Guardian*, 23 December 2020, <<https://www.theguardian.com/society/2020/dec/23/coalition-bill-would-block-online-platforms-still-hosting-harmful-content-24-hours-after-takedown-notices>> accessed 20 August 2021.

**RECOMMENDATION 17:** That the Government encourage social media platforms to improve their processes in relation to managing abusive content directed at election candidates, in line with the *Online Safety Act 2021* (Cth). This should include a streamlined process for candidates to lodge complaints with social media platforms through a dedicated hotline and mechanisms to respond to complaints in a timely and transparent manner.



# 8 Microtargeting

## 8.1 Introduction

Microtargeting is a form of advertising which directs specific messages to particular groups or individuals. Social media make it possible to target people on a wide variety of characteristics, ranging from their location to their digital history. This is part of the business models of some social media platforms—by collecting large quantities of data about users, platforms are able to offer microtargeting services which help advertisers to get the best value from their spend. This can give social media platforms a competitive advantage compared to traditional media when competing for advertisers' business.

Microtargeting can assist candidates, parties and other groups to reach particular voters at a reasonable cost. However, it can also impact elections negatively by reducing the transparency of statements made by candidates, parties and other campaigners. Microtargeted advertising may only be visible to the people targeted. This can make it hard for opponents to respond to microtargeted advertising. It also means that different voters may be exposed to different messages.

The reduced transparency associated with microtargeting can lead to poor campaign behaviour, challenges for regulators such as the Victorian Electoral Commission (VEC) and inadequately informed voters (Section 8.3.1). Microtargeting also limits valuable public deliberation and debate when campaign messages are only visible to some segments of the Victorian community (Section 8.3.2). People with opposing views may not be aware of the messages being targeted to certain groups and therefore may not challenge those messages. This can contribute to echo chamber and filter bubble effects (see Section 4.3.1) and has the potential to lead to increased polarisation and inflamed tensions between different parts of the community.

Together, this all contributes to the additional effect of the public losing trust in our democratic systems (Section 8.3.3).

To reduce the negative impact of microtargeting, it is necessary to make what is happening more transparent. A key component of this is a public archive of social media advertisements. This needs to make all of the advertisements from key political groups visible, so that other groups and individuals can see what is being said and respond accordingly. It should also include contextual data, such as how the advertising was targeted, so that the strategies used by campaigns are visible and can be responded to. Social media companies can also increase transparency by providing information about how microtargeting is taking place on their platforms. These responses are discussed in Section 8.4.

Victorian elections benefit from the public airing and debate of opposing ideas and policies throughout a campaign. Making microtargeting more transparent will help this to happen.

## 8.2 Political microtargeting

The United Kingdom's Electoral Commission describes how microtargeting can be used in election campaigning:

Campaigners can use digital and social media tools to direct their messages to the people they most want to reach.

Campaigners use the personal data they and social media platforms have to target voters. They target voters based on demographic factors like age and gender, on their interests and on their physical location. This is often called 'micro-targeting' because campaigners are able to send messages tailored to specific groups of voters based on this information.

They can also adjust the messages they send very rapidly, to take account of what seems to work best with particular groups or individuals. Only the voter, the campaigner and the platform know who has been targeted with which messages.

Only the company and campaigner know why a voter was targeted and how much was spent on a particular campaign. This is why the term 'dark ads' has been used to describe micro-targeting, although it is perfectly legal.<sup>1</sup>

Targeting depends on collecting various data about targeted people and groups:

At the heart of digital advertising is data: platforms may hold tens of thousands of attributes on a single user. This includes data that users provide directly, inferred data and behavioural data. It can also include psychographic data and highly detailed personal information purchased from data brokers.

Platforms use these rich data to group users into segments for ad buyers—one reportedly offers 29,000 segments based on characteristics that include ethnic affinity, income, support for breastfeeding and smart device usage. Some platforms allow advertisers to upload email addresses, phone numbers or postal codes to target known individuals. Some also permit advertisers to target users who resemble a known audience, based on characteristics that the platform 'thinks' are salient, but that are not made explicit to the advertiser or ad targets.<sup>2</sup>

1 United Kingdom Electoral Commission, *Report: digital campaigning—increasing transparency for voters*, <<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/changing-electoral-law/transparent-digital-campaigning/report-digital-campaigning-increasing-transparency-voters>> accessed 25 January 2021.

2 Elections Canada, *Political communications in the digital age discussion paper 2: the impact of social media platforms in elections*, Gatineau, 2020, pp. 8–9 (with sources).



Media reporting around the 2018 Victorian election stated that parties and campaigns in Victoria are using various software packages to build voter profiles, allowing them to target constituents with advertising.<sup>3</sup>

The extent and efficacy of microtargeting in political advertising is unclear. While it has been called an ‘indispensable tool’ for campaigns by some,<sup>4</sup> others note limited evidence of highly segmented microtargeting being used and debate around its effects.<sup>5</sup>

While not the focus of this Inquiry, the Committee notes that digital advertising, including microtargeting, has diverted advertising money away from traditional media and towards social media platforms. The Committee notes that other bodies, including the Australian Competition and Consumer Commission, have investigated this issue and its impact on public interest journalism.<sup>6</sup> Commonwealth legislation passed in 2021 aims to address this issue through a News Media and Digital Platforms Mandatory Bargaining Code.<sup>7</sup>

### 8.2.1 Data privacy concerns

Some people have raised privacy concerns around the data collection and storage that allows microtargeting to occur. The UK Information Commissioner has noted the ‘risk of developing a system of voter surveillance by default’ if appropriate transparency is not applied.<sup>8</sup>

The Commonwealth Privacy Act places certain responsibilities on organisations handling personal information.<sup>9</sup> Victoria’s Information Commissioner, Mr Sven Bluemmel, told the Committee that political parties are exempt from the requirements of the Act, an exemption which he argues is unnecessary and should be removed. He told the Committee that this would provide more transparency without preventing parties from campaigning through voter targeting:

quite a few commentators have said that there is not a strong basis for [the exemption for political parties in the Commonwealth Privacy Act] and that it should be done away with. I would agree with that, but the way I would balance that with freedom

3 Benjamin Preiss, ‘Big data: political groups aim to win by homing in on small details’, *The Age*, 16 September 2018, <<https://www.theage.com.au/politics/victoria/big-data-political-groups-aim-to-win-by-homing-in-on-small-details-20180914-p503w7.html>> accessed 3 February 2021.

4 Lisa-Maria Neudert and Philip N. Howard, *Ready to vote: elections, technology and political campaigning in the United Kingdom*, report for Oxford Technology & Elections Commission, Oxford, 2019, p. 4.

5 Katharine Dommett, Senior Lecturer in the Public Understanding of Politics, University of Sheffield, *Submission 11*, p. 1; Lisa-Maria Neudert and Nahema Marchal, *Polarisation and the use of technology in political campaigns and communication*, report for the Scientific Foresight Unit, European Parliamentary Research Service, Brussels, 2019 p. 24.

6 Australian Competition and Consumer Commission, *Digital platforms inquiry: final report*, Canberra, 2019; Parliament of Australia, Senate Select Committee on the Future of Public Interest Journalism, *Report*, February 2018.

7 Australian Communications and Media Authority, *News media bargaining code*, <<https://www.acma.gov.au/news-media-bargaining-code>> accessed 5 June 2021.

8 Information Commissioner’s Office, *Democracy disrupted?: personal information and political influence*, 2018, pp. 8–9.

9 Office of the Australian Information Commissioner, *The Privacy Act*, <<https://www.oaic.gov.au/privacy/the-privacy-act>> accessed 1 March 2021.

of expression is that if political parties were subject to privacy legislation such as the commonwealth Privacy Act, that would not stop them from expressing themselves. It would not even stop them from targeting particular voters. What it would do is it would put certain obligations on them in terms of keeping information like that secure and secure from misuse. It would also put a lot more onus on them that when the information is collected, used and disclosed there has to be transparency about it. So when you are collecting information through a survey—those sorts of things—you are being told as a voter or as a citizen: who is collecting this; for what purpose are they collecting it; how is it going to be used and disclosed? If your purpose for collection is to build profiles of voters and potential voters to build a strategy for targeting them, I would not expect that bringing political parties into the Privacy Act would stop you from doing that. What it would do is it would require you to be transparent about what you are doing, how you are doing it and why you are doing it, and in my view none of that would actually limit the freedom of expression.<sup>10</sup>

Mr Bluemmel also noted that social media have increased the amount of publicly available information about Victorians, and that the Victorian Privacy and Data Protection Act exempts publicly available information from privacy or information security regulation.<sup>11</sup> He argued that while this information is not confidential, confidentiality is not the only aspect of privacy and information security:

The argument ‘Look, it’s out there, it’s public and therefore it’s fair game’, I do not agree with that, and in any event even where an agency holds something that is public—say a published report or a survey or something like that—while it might not be confidential, privacy and information security are about more than confidentiality. They are also about being transparent about what you do and why, and they are also, in information security, about the integrity of the information to stop it from being manipulated by bad actors and so on.<sup>12</sup>

Mr Bluemmel argued that ‘personal information of Victorians collected from public social media accounts should be subject to the privacy and information security protections under the PDP [Privacy and Data Protection] Act.’<sup>13</sup>

While data privacy issues are not the focus of this Inquiry, the Committee notes the points raised by the Information Commissioner and sees value in a closer examination.

<sup>10</sup> Sven Bluemmel, Information Commissioner, Office of the Victorian Information Commissioner, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 3. For further discussion on privacy law and political speech in Australia and elsewhere, see Normann Witzleb and Moira Paterson, ‘Micro-targeting in political campaigns: political promise and democratic risk’, in Uta Kohl and Jacob Eisler (eds), *Data-driven personalisation in markets, politics and law*, Cambridge University Press, 2021.

<sup>11</sup> Office of the Victorian Information Commissioner, *Submission 89*, p. 5; Sven Bluemmel, Information Commissioner, Office of the Victorian Information Commissioner, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 3. See also *Privacy and Data Protection Act 2014* (Vic) s 12.

<sup>12</sup> Sven Bluemmel, Information Commissioner, Office of the Victorian Information Commissioner, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 3.

<sup>13</sup> Office of the Victorian Information Commissioner, *Submission 89*, p. 5. See also Sven Bluemmel, Information Commissioner, Office of the Victorian Information Commissioner, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 3.

**FINDING 47:** There are exemptions in the Commonwealth Privacy Act and the Victorian Privacy and Data Protection Act around data collection and use by political parties and around information from public social media accounts. These exemptions reduce transparency requirements, possibly putting voter data at risk of misuse.

**RECOMMENDATION 18:** That the Government consider the evidence presented by the Victorian Information Commissioner to the Committee regarding exemptions in Victorian and Commonwealth privacy legislation, and whether changes would better protect the data of Victorians.

## 8.3 Impact on elections

‘technology makes it easier for campaigns to develop and communicate targeted messages to different groups online. This means that not all citizens will receive the same message, and it is also often impossible to see what information other people are being targeted with. This possibility is problematic as it could lead to different groups being promised different and potentially contradictory things, but it could also mean that certain groups of voters are ignored, while others (often in marginal constituencies) are bombarded with information.’<sup>14</sup>

The Committee’s interest in political microtargeting focuses on the way it can impact on Victorian elections. Table 8.1 outlines the promises and threats microtargeted advertising may hold for citizens, political parties, and public opinion.

**Table 8.1** Promises and threats of microtargeting for citizens, political parties and public opinion

	Promises	Threats
For citizens	More relevant political advertising Reaching social groups that are difficult to contact	Invading privacy Manipulating voters Excluding voter groups
For political parties	Cheap (some types of microtargeting) Efficient Effective	Expensive (some types of microtargeting) More power for commercial intermediaries (such as pollsters, digital strategists, social media experts, and big data consultancies)
For public opinion	Campaign diversification More knowledge among voters about individually relevant issues	Lack of transparency regarding politicians’ priorities Fragmentation of the market place of ideas

Source: Adapted from Frederik J. Zuiderveen Borgesius et al., ‘Online political microtargeting: promises and threats for democracy’, *Utrecht Law Review*, vol. 4, no. 1, 2018, p. 92, doi: 10.18352/ulr.420. For more on microtargeting’s promises, see Kofi Annan Commission on Elections and Democracy in the Digital Age, *Protecting electoral integrity in the digital age*, Kofi Annan Foundation, 2020 (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 2*), p. 71; Vian Bakir, Professor of Journalism & Political Communication, and Andrew McStay, Professor of Digital Life, Bangor University, *Submission 27*, p. 2.

<sup>14</sup> Katharine Dommett and Sam Power, *Democracy in the dark: digital campaigning in the 2019 general election and beyond*, report for the Electoral Reform Society, London, 2020, p. 41.

Evidence received by the Committee noted a number of the issues outlined in Table 8.1, with the lack of transparency associated with microtargeting a major theme. The following sections discuss this and other impacts of political microtargeting on elections.

It is important to note that, as with many of the issues discussed in this report, social media are in many cases exacerbating existing aspects of electioneering (both positive and negative), rather than creating issues anew (see Section 2.3.3). Targeted advertising was an established feature of election campaigning before the advent of social media.<sup>15</sup> However, the digital age has changed the extent to which advertising can be targeted, as outlined in the Kofi Annan Commission's submission:

While targeted advertising is as old as advertising, microtargeting in the digital age represents an extreme difference in degree if not in kind. More to the point, the internet enables unprecedented gathering of information on individuals (including search histories, friendship networks, and buying habits) and therefore the crafting of messages designed to appeal to their particular preferences and prejudices.<sup>16</sup>

This section is focused on three key problems associated with microtargeting: the reduced transparency of election campaigns, the reduced capacity for public debate and the reduced trust in our democratic system.

### 8.3.1 Microtargeting reduces the transparency of election campaigns

The ability to microtarget political messages allows election campaigns to operate more opaquely than through mass media marketing.<sup>17</sup> The fact that a social media user only sees certain advertisements that have been targeted at them can facilitate poor campaign behaviour, such as inflaming societal tensions or providing contradictory messages to different groups. It can also make it harder for regulators to monitor advertising. Users may find it more difficult to appropriately interpret the messages they receive if they do not know which group a message is directed at.

<sup>15</sup> Queensland University of Technology Digital Media Research Centre, *Submission 105*, p. 4; International IDEA, *Digital microtargeting: political party innovation primer 1*, Stockholm, 2018, p. 21; Katharine Dommett and Sam Power, *Democracy in the dark: digital campaigning in the 2019 general election and beyond*, report for the Electoral Reform Society, London, 2020, pp. 42, 45; The London School of Economics and Political Science Commission on Truth Trust and Technology, *Tackling the information crisis: a policy framework for media system resilience*, London, n.d., p. 19.

<sup>16</sup> Nathaniel Persily, *The internet's challenge to democracy: framing the problem and assessing reforms*, Kofi Annan Commission on Elections and Democracy in the Digital Age, n.d. (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 1*), p. 18.

<sup>17</sup> Information Commissioner's Office, *Democracy disrupted? Personal information and political influence*, 2018, pp. 10–11; Alan Renwick and Michela Palese, *Doing democracy better: how can information and discourse in election and referendum campaigns in the UK be improved?*, The Constitution Unit, University College London, London, 2019, p. 232; Abby Wood, 'Facilitating accountability for online political advertisements', *The Ohio State Technology Law Journal*, vol. 16, no. 1, 2020, p. 521.

## Reduced transparency can facilitate poor campaign practices

**‘It does not require a large logical leap to conclude that ads in another low-accountability setting, that of narrowly-targeted online political communications, may also be more negative, compared to broadly-targeted ads. They also may be more extreme, for example, triggering fear or anger among the targeted voters, in an effort to mobilize them to vote.’<sup>18</sup>**

The reduced transparency provided by microtargeting makes it easier for campaigns to undertake more problematic practices. This is a global issue—a 2020 digital roundtable with participants from 24 countries noted the accountability gap created by opaque microtargeting practices.<sup>19</sup> The Kofi Annan Commission has stated:

The lack of regulation of online political advertising has opened up the door for non-transparent activity from domestic and foreign actors, alike, to push polarizing and misleading messages during an election campaign.<sup>20</sup>

Microtargeting can facilitate a number of different negative practices. Professor Axel Bruns, of the Queensland University of Technology, told the Committee that microtargeting can be used to inflame conflict through misinformation operations:

it then becomes possible to direct misinformation, or disinformation more likely, specifically at particular groups in order to inflame them against others or to even have content that targets both groups on both sides of the conflict and inflame the conflict between them for various political or other reasons. And of course that ultimately undermines the cohesion of society. It can generate some very significant both physical as well as emotional violence, and of course it can be used in many other ways also to misinform, to mislead and, yes, to inflame tensions in the community.<sup>21</sup>

Campaigns can also use targeted advertising to send different, and possibly contradictory, messages to different sets of voters.<sup>22</sup> In its submission, the Electoral Reform Society noted the effect this can have on candidate honesty and accountability:

‘Dark ads’ – adverts which are visible only to the creator and the individual or group being targeted – can be micro-targeted to individual voters who may not be aware of the fact they are being targeted, and why. The use of highly tailored adverts means that different voters can be targeted with conflicting information without the sender

18 Abby Wood, ‘Facilitating accountability for online political advertisements’, *The Ohio State Technology Law Journal*, vol. 16, no. 1, 2020, p. 526.

19 International IDEA, *Online political advertising and microtargeting: the latest legal, ethical, political and technological evolutions webinar series report, 15 and 18 June 2020*, Stockholm, 2020, p. 6.

20 Kofi Annan Commission on Elections and Democracy in the Digital Age, *Protecting electoral integrity in the digital age*, Kofi Annan Foundation, 2020 (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 2*), p. 72.

21 Axel Bruns, Professor, Queensland University of Technology Digital Media Research Centre, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 23.

22 Philippe Dubois, Thierry Giasson and Eric Montigny, Groupe de recherche en communication politique, Université Laval, *Submission 83*, p. 10; Damian Tambini et al., *Media policy brief 19: the new political campaigning*, London School of Economics and Political Science, London, 2017, p. 20; European Regulators Group for Audiovisual Media Services, *Submission 60*, p. 1.

facing any scrutiny, which has consequences for the accountability of our elected representatives.<sup>23</sup>

The Committee also heard that microtargeting can encourage campaigns to discount or ignore voters who may be considered less politically valuable, such as those in traditionally safe electorates.<sup>24</sup>

### Challenges for regulators in monitoring opaque advertising

**‘The vast amount of user data that is collected, shared and available to be purchased by advertisers from social media platforms means that microtargeting is particularly effective for advertisers seeking to influence communities on social media. Most importantly, given the hyper-targeted nature of the advertising, the messaging is unlikely to be detected by regulators or fact-checkers, or by users who are likely to report the content.’<sup>25</sup>**

The Committee heard that microtargeting’s lack of transparency makes it difficult for electoral regulators to perform their roles. The VEC is charged with enforcing the use of authorisation statements on electoral advertisements, but faces limitations in doing this online:

The Act requires all electoral advertisements, pamphlets and notices to include the name and address of the person who authorised it ... Under the Act, ‘publish’ includes publication on the internet, but there are practical limits to the VEC’s ability to enforce this provision in an online environment.<sup>26</sup>

VEC representatives outlined the challenge posed when content it is charged with regulating is invisible to it:

much advertising would fly under the radar in any case due to the fact that it is micro-targeted to specific demographics. So it would almost certainly not be able to be picked up by us or any other regulator due to its micro-targeted nature ... Because a regulator is not likely to see that advertising due to the fact it is not targeted at us, it means it would fly under the radar in any case. So no matter how many resources you threw it, it would not be able to be picked up unless it was reported to us by a complainant.<sup>27</sup>

As a result, the VEC relies on a complaints-based procedure, whereby it does not actively monitor compliance, instead relying on complaints or reports from members of the public.<sup>28</sup> In an environment where the VEC cannot see content that falls under

<sup>23</sup> Electoral Reform Society, *Submission 96*, p. 3.

<sup>24</sup> Philippe Dubois, Thierry Giasson and Eric Montigny, Groupe de recherche en communication politique, Université Laval, *Submission 83*, p. 10; Damian Tambini et al., *Media policy brief 19: the new political campaigning*, London School of Economics and Political Science, London, 2017, p. 19.

<sup>25</sup> Victorian Electoral Commission, *Submission 77*, pp. 14–15.

<sup>26</sup> Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian state election*, Melbourne, 2019, p. 80.

<sup>27</sup> Marie Guerin, Manager, Communication, Victorian Electoral Commission, public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, p. 29.

<sup>28</sup> Victorian Electoral Commission, *Submission 77*, p. 9.

its jurisdiction, compliance with various electoral laws becomes less likely. Greater transparency is required for the VEC to fulfil its role.

### Reduced transparency leads to inadequately informed voters

**‘Contemporary forms of political micro-targeting on social media platforms have the potential to adversely impact informed voter choice and public deliberation. When an individual receives a targeted political message on Facebook, they are provided with very little information about the grounds upon which they have been targeted. This lack of transparency arguably deprives voters of information which is pertinent to their assessment of political messages.’<sup>29</sup>**

The Committee heard that people targeted by political advertisements often do not know why they in particular are being targeted.<sup>30</sup> As a result, they may not have the contextual information needed to properly assess those messages.

The voter cannot know if they are being targeted based on where they live, their online activity or any of many other possible criteria. It is much easier to discern target audiences of traditional media advertisements—for example, advertisements placed in a motoring magazine are likely targeted at car enthusiasts. Professor Abby Wood noted that in traditional media the target audience is more obvious than online:

The lack of transparency for online ad buys is notable, especially when compared to ad buys for television and radio, which are disclosed publicly and make the target audience obvious.<sup>31</sup>

The Committee believes this lack of contextual information leaves voters at a disadvantage when assessing and weighing information they receive through social media. Knowing the basis on which you have been targeted by certain advertising is beneficial to making informed political decisions.

**FINDING 48:** The opaque nature of political microtargeting can lead to poor campaign behaviour such as spreading inaccurate information, inflaming existing societal tensions for political gain and sending contradictory messages to different sets of voters. It also makes it more difficult for the VEC to perform its regulatory work regarding authorisation statements. In addition, it can be hard for voters to properly interpret a message they see without understanding whom a message has been targeted at.

<sup>29</sup> Queensland University of Technology Digital Media Research Centre, *Submission 105*, pp. 4–5 (with source).

<sup>30</sup> Sven Bluemmel, Information Commissioner, Office of the Victorian Information Commissioner, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 2; Philip Seargeant, Senior Lecturer in Applied Linguistics, The Open University, *Submission 14*, p. 2.

<sup>31</sup> Abby Wood, ‘Facilitating accountability for online political advertisements’, *The Ohio State Technology Law Journal*, vol. 16, no. 1, 2020, p. 521.

### 8.3.2 Microtargeting limits public deliberation

**‘Whereas political ads disseminated via mass media are able to be evaluated, critiqued, and rebutted through public discussion, targeted political advertising on social media largely deprives recipients of the benefit of diverse viewpoints and collective scrutiny. Tools such as the Facebook Ad Library, touted as providing greater transparency about how political actors use micro-targeting, still fail to offer comprehensive information about how and by whom specific groups of voters are targeted.’<sup>32</sup>**

To make an informed choice, voters need access to all relevant information during an election campaign. A key feature of microtargeted advertising is that it is visible only to those whom the advertiser wants to see it, meaning people are limited in what information they can see from various candidates and campaigns.

In an election campaign, this results in the inability for the populace as a whole, or political opponents, to engage with the content of microtargeted advertising, as described in Carnegie UK Trust’s submission:

Microtargeting – because it means that users do not see the same information and do not know that others are seeing different adverts ... may interfere with public debate around topics of importance.<sup>33</sup>

This can harm our electoral system by allowing inaccurate information to spread without credible information to counter it (see Chapter 6) and by making it harder for voters to become properly informed by reducing the ‘public sphere’ for discussion and debate of election issues.<sup>34</sup> Professor Lorna Woods of Essex University told the Committee:

In my view targeted advertising undercuts the possibility of the marketplace of ideas. If you are segmenting a population, it is much, much harder to engage in debate between different groups and to therefore find the truth through discussion.<sup>35</sup>

This segmentation of messages may exacerbate echo chamber effects (see Section 4.3.1) by making it easier for viewpoints and inaccurate information to circulate within certain communities without being challenged. It has the potential to lead to polarisation and social tensions, as well as inaccurately informed voters.

In his submission, technology journalist Mr Chris Zappone described the problem as ‘an inherent contradiction between the need for consensus in democracy, and the ability to personalise experience and information online.’<sup>36</sup>

<sup>32</sup> Queensland University of Technology Digital Media Research Centre, *Submission 105*, p. 5.

<sup>33</sup> Carnegie UK Trust, *Submission 82*, p. 4.

<sup>34</sup> European Regulators Group for Audiovisual Media Services (ERGA), *Submission 60*, p. 1; Philippe Dubois, Thierry Giasson and Eric Montigny, Groupe de recherche en communication politique, Université Laval, *Submission 83*, p. 10; Vian Bakir, Professor of Journalism & Political Communication, and Andrew McStay, Professor of Digital Life, Bangor University, *Submission 21*, p. 2.

<sup>35</sup> Lorna Woods, Professor of Internet Law, Essex University, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 48.

<sup>36</sup> Chris Zappone, *Submission 90*, p. 2.



The Committee is concerned that microtargeting limits our ability to discuss and debate ideas as a society. Parties and campaigns will naturally present their own platforms in a way that best convinces the people who see the message to vote for their candidates. In a system with less accountability through public deliberation, the public misses out on the value of improved understanding brought about by open debate.

**FINDING 49:** Microtargeting segments the population by delivering information to specific audiences only. This removes the value gained through the public and political opponents offering rebuttals and differing viewpoints on electoral issues.

### 8.3.3 Microtargeting can undermine trust in our democratic systems

**‘Digital campaign tools can make it easier and cheaper for legitimate campaigners to communicate with voters. It is a sign of a healthy democracy when campaigners tell voters about their policies and political views.**

**‘However, we recognise that new techniques for reaching voters could reduce confidence in the integrity of elections and referendums.’<sup>37</sup>**

The issues discussed in Sections 8.3.1 and 8.3.2 above can lead to a secondary effect on trust in our democratic institutions. These technologies are new and opaque, a combination that can cause voters to question whether the electoral system remains fair.

The United Kingdom’s House of Lords Select Committee on Democracy and Digital Technologies described the way that microtargeting’s existence can undermine trust in democracy, whether or not particular microtargeting campaigns are effective:

Whistle-blowers and independent journalists have highlighted the unethical nature of this activity. The work of Cambridge Analytica and others has increased the perception of technology as a tool to subvert democracy. In this way micro-targeted advertising has undermined trust in our democratic system.<sup>38</sup>

A 2020 paper in the *Public Law Review* highlighted the need for regulation to respond to both concerns that microtargeting enables voter manipulation, and the appearance of voter manipulation:

There is a growing perception that digital campaigning, particularly disinformation and micro-targeting, is manipulating voters. Election law has sought to avoid the perception of corruption as well as actual corruption ... a regulatory regime should seek to address the appearance of manipulated voter behaviour as much as it should actual manipulation of voters.<sup>39</sup>

<sup>37</sup> United Kingdom Electoral Commission, *Report: digital campaigning—increasing transparency for voters*, <<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/changing-electoral-law/transparent-digital-campaigning/report-digital-campaigning-increasing-transparency-voters>> accessed 25 January 2021.

<sup>38</sup> Parliament of the United Kingdom, House of Lords Select Committee on Democracy and Digital Technologies, *Digital technology and the resurrection of trust*, June 2020, p. 56.

<sup>39</sup> Amy Chinnappa, ‘Examining digital campaigning through the normative framework underpinning election law – the rationale and challenges of regulation’, *Public Law Review*, vol. 31, no. 3, 2020, p. 300 (with sources).

The Committee agrees that microtargeting has the potential to undermine confidence in our electoral systems, whether through actual negative outcomes or the perception of them.

**FINDING 50:** Political microtargeting without appropriate transparency or educative responses can lead to reduced trust in our democratic systems.

## 8.4 Managing the impact of political microtargeting

**‘At the moment it is far too mysterious as to how these tools are being used ... of the various suggestions that have been put about regulation, I think the ones that are much more likely to succeed are the ones that allow that transparency and are technical solutions rather than human intervention ...’<sup>40</sup>**

The Committee has identified a range of electoral harms that may be brought about through political microtargeting:

- poor campaign behaviour
- difficulty for regulators in identifying illegal activity
- inadequately informed voters
- limits to public deliberation
- reduced trust in our electoral system.

The characteristic of political microtargeting that can lead to these harms is its opacity. The Committee’s Inquiry process has made it abundantly clear that increased transparency is the first and most important step to take in response to address these issues. The Committee recommends making political microtargeting more transparent by introducing an advertisement archive in Section 10.3.

Social media platforms can also play a role in increasing the transparency of microtargeted advertising. Publishing data about how advertisements have been microtargeted will enable researchers, governments and candidates to understand the strategies that are being used and to assess the risk that these strategies present to the electoral environment. The relevant data should be included in advertising libraries run by social media platforms, as recommended in Section 9.3.1.

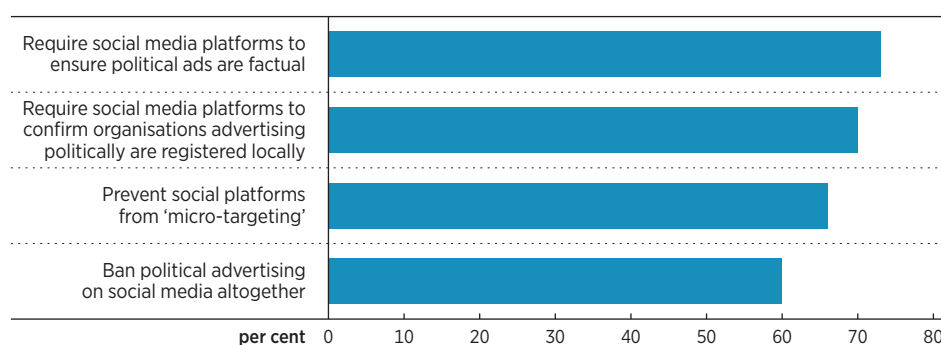
**FINDING 51:** The harms that political microtargeting brings to elections are based on its opacity. The appropriate response is to increase the transparency of such political advertising.

<sup>40</sup> Nicola Castleman, Assistant State Secretary, Australian Labor Party, Victorian Branch, public hearing, Melbourne, 1 March 2021, *Transcript of evidence*, p. 4.

In addition to transparency responses, parties and campaigns can contribute to a better information ecosystem around elections through regulating their own behaviour. This is discussed further in Section 11.3.

The Committee notes that there was support from some Inquiry contributors for greater intervention, such as restricting political microtargeting in various ways.<sup>41</sup> Research by The Australia Institute also found significant levels of support for restricting microtargeting among the Australian public (see Figure 8.1).

**Figure 8.1** Survey results regarding support for restricting political microtargeting



Source: Adapted from Jordan Guiao, *Distorting the public square: political campaigning on social media requires greater regulation*, report for The Australia Institute and the Centre for Responsible Technology, Canberra, 2019, p. 14.

The Committee believes that it is important to consider the benefits that microtargeting brings to Victorian democracy. In addition to the ability to reach specific audiences, microtargeting allows advertising costs to remain low.<sup>42</sup> The lower cost of advertising enables more players to enter the political field, broadening the range of messages and policies available for voters to engage with. Traditional media advertising is simply out of the reach of many small campaigns. As noted by the Kofi Annan Commission:

Online political advertising, like the Internet and digital communication technologies in general, has significant benefits for democracy. Digital ads are often significantly less expensive than television or radio ads, allowing poorly financed candidates to get their message out, especially at the local level.<sup>43</sup>

<sup>41</sup> Vian Bakir, Professor of Journalism & Political Communication, and Andrew McStay, Professor of Digital Life, Bangor University, *Submission 21*, p. 16; Kofi Annan Commission on Elections and Democracy in the Digital Age, *Protecting electoral integrity in the digital age*, Kofi Annan Foundation, 2020 (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 2*), p. 79; International IDEA, *Submission 94*, p. 5; Queensland University of Technology Digital Media Research Centre, *Submission 105*, p. 9; Scott Wright, Professor of Political Communication and Journalism, Monash University, public hearing, Melbourne, 5 July 2021, *Transcript of evidence*, p. 4. See also Frederik J. Zuiderveen Borgesius et al., 'Online political microtargeting: promises and threats for democracy', *Utrecht Law Review*, vol. 4, no. 1, 2018, p. 95, doi: 10.18352/ulr.420; Alex Stamos et al., 'Combatting state-sponsored disinformation campaigns from state-aligned actors', in Michael McFaul (ed.), *Securing American elections: prescriptions for enhancing the integrity and independence of the 2020 U.S. Presidential election and beyond*, Cyber Policy Centre, Freeman Spogli Institute, Stanford University, Stanford, 2019, p. 46.

<sup>42</sup> Damian Tambini et al., *Media policy brief 19: the new political campaigning*, London School of Economics and Political Science, London, 2017, p. 11.

<sup>43</sup> Kofi Annan Commission on Elections and Democracy in the Digital Age, *Protecting electoral integrity in the digital age*, Kofi Annan Foundation, 2020 (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 2*), p. 71 (with source).

The Committee is reluctant to recommend measures which restrict political speech in Victoria (see Section 2.3.4), and notes that any moves to restrict microtargeting would also restrict the benefits it brings. The Committee is also aware of concerns regarding the constitutional limitations on restrictions on political advertising.<sup>44</sup>

Some people have suggested limits or greater transparency for political advertising spending on social media.<sup>45</sup> A number of submitters called for caps on electoral advertising expenditure in general, combined with public funding to be provided to parties and candidates for online advertising.<sup>46</sup> The Centre for Public Integrity argued that this ‘would render the political advertising landscape more equitable.’<sup>47</sup>

The VEC considered that Victoria’s caps on political donations are sufficient to level the playing field in advertising.<sup>48</sup> However, the donation caps do not restrict the amount of money that candidates can contribute to their own campaigns.<sup>49</sup> As a result, there is potential for wealthier candidates to gain an advantage in online messaging. This advantage could be considerable, given the relatively small cost of social media advertising (see Section 4.3.3 for examples of Facebook advertising expenditure at recent state elections).

The Committee notes that Victoria’s political donations legislation will be reviewed by an independent expert panel after the 2022 election, and that this review will include considering a cap on political expenditure.<sup>50</sup> The Committee would like to see that review consider social media advertising and the potential for wealthier individuals to have a significant advantage.

**FINDING 52:** Several submitters to this Inquiry called for expenditure caps to limit the amount of money that candidates can spend on electoral advertising. This could reduce the negative impacts of microtargeting and provide a more level playing field for candidates. Expenditure caps will be considered as part of an independent review of parts of the Electoral Act that will take place after the 2022 election.

44 The Centre for Public Integrity, *Submission 74*, p. 9; Parliament of Australia, Department of Parliamentary Services, Parliamentary Library, *Political advertising in Australia*, report prepared by Sarah Miskin and Richard Grant, Canberra, 2004, pp. 10, 15–16.

45 Stephan Lewandowsky, Chair in Cognitive Psychology, School of Psychological Science, University of Bristol, and Professor, School of Psychological Science, University of Western Australia, and Ullrich Ecker, Professor, School of Psychological Science, University of Western Australia, *Submission 54*, p. 4. See also Frederik J. Zuiderveen Borgesius et al., ‘Online political microtargeting: promises and ythreats for democracy’, *Utrecht Law Review*, vol. 4, no. 1, 2018, p. 94, doi:10.18352/ulr.420; Damian Tambini et al., *Media policy brief 19: the new political campaigning*, London School of Economics and Political Science, London, 2017, p. 21; Lisa-Maria Neudert and Philip N. Howard, *Ready to vote: elections, technology & political campaigning in the United Kingdom*, report for Oxford Technology and Elections Commission, Oxford, 2019, pp. 5–6.

46 The Centre for Public Integrity, *Submission 74*, pp. 6–7; Bruce Baer Arnold, Assistant Professor, University of Canberra, *Submission 110*, p. 12.

47 The Centre for Public Integrity, *Submission 74*, p. 7.

48 Victorian Electoral Commission, *Submission 77*, p. 17.

49 *Electoral Act 2002* (Vic) s 217D(5).

50 *Electoral Act 2002* (Vic) s 222DB.

# 9 Improving social media platforms

## 9.1 Introduction

The recommendations in the preceding chapters of this report are generally intended to address one specific problem each. Submitters and witnesses also suggested a number of broader actions that can address multiple problems. These are discussed in this chapter and the next two chapters.

This chapter considers how the design and operation of social media platforms could change. Chapter 10 looks at ways to increase the transparency of what happens on social media. Chapter 11 explores options for improving users' understanding of social media and reducing negative behaviours.

A very important area where the Committee would like to see platforms change is improving their cooperation with authorities regarding illegal content. When illegal content has been posted, authorities can often resolve matters by contacting the content creators directly. However, when this fails, authorities rely on social media platforms to take action. As outlined in Section 9.2, electoral authorities have encountered problems getting cooperation at times and this should be addressed as a priority.

More generally, the Committee recognises that a number of platforms, including Facebook and Twitter, have made changes recently to address various issues. These efforts are discussed in Section 9.3. On the whole, the Committee welcomes this work, but considers that there is a need for further efforts in some areas. There is also a need for caution about these measures—actions by social media platforms that restrict what people can say or do have the potential to influence election outcomes. It is therefore necessary for the Government to ensure that measures are appropriate and that they are applied fairly.

Some submitters also called for more fundamental changes to ensure that platforms are designed to ensure user safety. This concept is considered in Section 9.4.

The Committee believes that governments can play a useful role guiding social media platforms towards appropriate policies. Section 9.5 considers how this can best be done. Several projects are currently underway to work with platforms to bring about voluntary change, and the Committee encourages further work through these and similar channels. If platforms are unwilling to cooperate with governments voluntarily, legislation introducing enforceable standards should be considered.

## 9.2 Responding to illegal content

**‘it should be up to government and parliament, not tech companies, to regulate online political campaigning and set out the principles by which we want our elections to be governed.’<sup>1</sup>**

One area where social media platforms must do better is in responding to illegal content. The Committee heard from several sources that platforms have not always responded adequately to requests from the Victorian Electoral Commission (VEC) or other stakeholders to remove illegal content. Improving this situation is vital to support the integrity of elections.

There are several types of illegal content related to elections that appear on social media. Electoral matter can appear without the required authorisation (see Section 10.2). Material may be misleading within the definition applied to the Electoral Act (see Section 6.3.1). Material may also be abusive or harassing (see Section 7.5.2).

When electoral law is breached, the VEC first attempts to contact the person posting the content and asks them to address the problem. The VEC has indicated that this is generally effective. However, when this approach is not successful, the VEC escalates the problem to the social media companies, asking them to remove the content.<sup>2</sup> Social media companies should therefore have appropriate processes in place to manage these requests. As time can be critical in elections, these processes need to be rapid.

Both Facebook and Twitter have developed various rules in relation to electoral content<sup>3</sup> and have policies against bullying and harassment.<sup>4</sup> In addition, Mr Josh Machin from Facebook told the Committee:

as a general principle of course we observe the laws of the jurisdiction in which we are operating. So when someone sends us a referral about a particular ad that they are concerned about we firstly review it against our own ads policies and our community standards and then if it does not violate those, then we review it in the context of local law. A requirement of our ads policies is that the ads are lawful in the jurisdiction where they are run, and so if an ad would violate a law like truth in political advertising, then we would remove it.<sup>5</sup>

Twitter similarly stated that:

As a global company, Twitter exercises due diligence to respect local laws in jurisdictions around the world, and duly reviews all legal processes. There is a transparent process for any government, law enforcement agency, or authorised legal entity to submit

<sup>1</sup> Electoral Reform Society, *Submission 96*, p. 5.

<sup>2</sup> Victorian Electoral Commission, *Submission 77*, p. 10.

<sup>3</sup> Facebook, *Submission 123*, p. 16; Twitter, *Submission 126*, pp. 8–10.

<sup>4</sup> Facebook, *Community standards: 9. Bullying and harassment*, <<https://www.facebook.com/communitystandards/bullying>> accessed 10 August 2021; Twitter, *Help center: abusive behaviour*, <<https://help.twitter.com/en/rules-and-policies/abusive-behavior>> accessed 10 August 2021.

<sup>5</sup> Josh Machin, Head of Policy, Australia and New Zealand, Facebook, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 9.

requests to Twitter via secure means. With regards to elections, Twitter has in place our Civic Integrity Policy and we instituted a global prohibition on the promotion of political content in 2019.

In addition to these policies, we believe it is important to us to have constructive and collaborative partnerships with legal authorities, and we conduct specialised training sessions and outreach for law enforcement and government agencies, including in the state of Victoria.<sup>6</sup>

However, the Committee heard evidence that social media platforms have not always been cooperative with authorities seeking to enforce electoral laws. As an example, the VEC noted one instance of an elector from New South Wales based in China, who posted unauthorised electoral matter on Facebook and Twitter in the lead-up to the 2018 Victorian election. The VEC contacted the individual, but he refused to authorise the material.

The VEC contacted Facebook, which took only limited action:

Facebook agreed to enforce a geographic restriction, restricting access to the page to those located outside Australia, meaning that people viewing the page from within Australia would not be able to see its content. However, it did mean that anyone outside Australia could still view it – and given that Victorian electors reside around the globe, this arguably was not an adequate or comprehensive response.<sup>7</sup>

Facebook responded within one business day. The VEC noted this was ‘relatively receptive’ but could be viewed as a long time for material to be circulating online. The page owner eventually added the authorisation, and Facebook lifted the geoblock.<sup>8</sup>

The same individual ran a similar Twitter page as well and the VEC requested that Twitter remove or restrict unauthorised material from this account. Twitter informed the Committee that it ‘contacted the user per its standard process and with prior notification of VEC. The account was found to not be in violation of the Twitter Rules and Twitter Terms of Service, and the user made edits to the bio of the reported account.’<sup>9</sup> While acknowledging Twitter’s cooperation, the VEC told the Committee that it ‘has no record of receiving notification from Twitter that it was taking this action, nor any follow-up correspondence confirming that the user had added the required authorisation’.<sup>10</sup> The Committee would like to see improved communication in relation to such matters in the future and notes that the VEC has stated its intention to work towards this.<sup>11</sup>

<sup>6</sup> Kara Hinesley, Director of Public Policy, Australia and New Zealand, and Kathleen Reen, Senior Director of Public Policy, Asia Pacific, Twitter, correspondence, 30 July 2021, p. 9 (with sources).

<sup>7</sup> Victorian Electoral Commission, *Submission 77*, p. 10.

<sup>8</sup> Victorian Electoral Commission, *Submission 77*, pp. 10–11.

<sup>9</sup> Kara Hinesley, Director of Public Policy, Australia and New Zealand, Twitter, correspondence, 18 August 2021.

<sup>10</sup> Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, correspondence, 23 August 2021.

<sup>11</sup> Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, correspondence, 23 August 2021.

The VEC also noted difficulties which the Australian Electoral Commission experienced with Facebook. This similarly involved an account advertising without authorisation. In this case, Facebook disagreed with the Australian Electoral Commission and it took more than one month of email exchanges before Facebook conceded that the commission was correct.<sup>12</sup>

In relation to abusive material, the Committee also heard that platforms can be slow to respond to complaints and do not always take action (see Section 7.5.1). However, the Committee notes the recent passing of legislation by the Commonwealth Parliament intended to improve platforms' response to abuse (see Section 9.4).

The Committee considers that social media platforms need to improve their responsiveness, especially in relation to relatively straightforward cases like unauthorised electoral content. The Committee calls on social media platforms to establish effective and rapid processes to take down illegal electoral content when requested by the VEC or other authorities.

To facilitate cooperation in these situations, the VEC has endeavoured to build strong relationships with social media platforms. The VEC built direct relationships with several platforms before the 2018 election and is working with other electoral commissions (through the Electoral Council of Australia and New Zealand) to further develop relationships and establish a set of protocols for responding to requests to remove illegal content (see further discussion in Section 9.5.1). The Committee considers that the VEC should continue with this approach.

The Committee believes that it may also be helpful to clearly state in legislation that social media platforms should remove illegal electoral advertising hosted on their platforms once it has been identified by a relevant authority. The Committee has recommended that this be specified in legislation in relation to authorisation statements (see Section 10.2.1) and the proposed new legislation about inaccurate information in advertising (see Section 6.3.3). The Committee has also recommended that platforms' liability for electoral advertising be considered as part of a general review of the Electoral Act (see Section 4.6.1).

As part of future election reporting, the Committee encourages the VEC to note any problems it encounters in getting cooperation from platforms to deal with illegal content. If social media platforms continue to be unresponsive to take-down requests from the VEC or other authorities, the Government should consider further legislation to compel social media platforms to act in such circumstances.

<sup>12</sup> Victorian Electoral Commission, *Submission 77*, p. 16; Pat McGrath, 'Facebook probed by Australian Electoral Commission over mysterious political ads', *ABC News*, 26 February 2019, <<https://www.abc.net.au/news/2019-02-26/facebook-electoral-commission-emails-reveal-political-ad-concern/10834736>> accessed 6 April 2021.



**FINDING 53:** Social media platforms do not always respond appropriately when alerted to content on their platforms that contravenes Victorian or Australian law. The VEC’s approach has been to build relationships with social media platforms to improve their responsiveness in such situations and it is continuing to do this. The Committee has also recommended some changes to legislation to specify platforms’ responsibility to remove illegal content once they have been alerted to it, which may assist. The Government should seek further legislative solutions if these measures do not satisfactorily resolve matters.

**RECOMMENDATION 19:** That the Victorian Electoral Commission continue building relationships with social media platforms (and working with other commissions to build relationships) to facilitate platforms responding appropriately and quickly when asked to remove content that contravenes electoral law in Victoria. The VEC should report on any problems it encounters in getting cooperation from platforms in dealing with illegal content as part of its regular reporting mechanisms, with the aim of encouraging better cooperation and so that the Government can take further legislative action to compel platforms to cooperate if necessary.

### 9.3 Recent efforts by social media platforms to reduce harms

**‘The approach that Facebook brings to protecting election integrity is always improving. We are learning from each election that we help support around the world.’<sup>13</sup>**

Much of this report focusses on the social media environment during the 2018 Victorian election. Since then, some social media platforms have made a number of changes intended to address various negative aspects of social media, especially the spread of inaccurate information.

Several social media platforms noted their recent efforts in submissions to this Inquiry:

- Facebook stated that it had taken a variety of actions ‘to protect the integrity of political debate on our platform (including around elections)’.<sup>14</sup>
- Twitter indicated that: ‘With focus on protecting and supporting the conversation during the course of elections, we have undertaken intensive efforts to identify and combat any attempt to undermine or abuse our service ...’.<sup>15</sup>

<sup>13</sup> Josh Machin, Head of Policy, Australia and New Zealand, Facebook, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 7.

<sup>14</sup> Facebook, *Submission 123*, p. 3.

<sup>15</sup> Twitter, *Submission 126*, p. 3.

- TikTok explained that it has taken measures to prevent inauthentic behaviour and ‘to combat misinformation, disinformation and other content that may be designed to disrupt civic processes’.<sup>16</sup>
- LinkedIn stated that it has ‘implemented multiple programmes to create and highlight reliable content’.<sup>17</sup>

The platforms’ submissions provide more details about these efforts. Most of these measures relate to labelling inaccurate information, promoting accurate information, taking action on inauthentic behaviour (such as fake accounts), strengthening the rules for how users should behave and increasing transparency.

Various concerns about these and related initiatives were also expressed during this Inquiry, as set out below.

### 9.3.1 Advertisement libraries

Both Facebook and Google have introduced libraries of the political advertisements which are run on their platforms (with YouTube included in Google’s library).<sup>18</sup> Mr Josh Machin from Facebook explained to the Committee:

On political advertising, Facebook has invested in an industry-leading effort called our ad library, which is publicly available and accessible. It is at [facebook.com/ads/library](https://www.facebook.com/ads/library), and we have made it a requirement that anyone who wants to run a political ad on our services in Australia needs to have prior authorisation, has got to run the ad with a disclaimer indicating who has paid for it and has to agree that the ad will be available in Facebook’s ad library for seven years after it finishes running. We have also recently launched new functionality that allows people to compare expenditure on political ads between different advertisers. That is available at [facebook.com/ads/library/report](https://www.facebook.com/ads/library/report). We saw this used extensively by commentators, researchers and journalists during the recent Queensland state election, which was the first election in Australia since we made the functionality available.<sup>19</sup>

Mr Machin noted that these requirements apply to any individual or organisation that runs a political advertisement (such as lobby organisations, unions and companies), not just political parties and candidates.<sup>20</sup>

The Committee strongly supports Facebook’s and Google’s advertisement libraries as a way of increasing transparency. However, a number of limitations to these libraries have

<sup>16</sup> TikTok Australia, *Submission 109*, p. 1.

<sup>17</sup> LinkedIn, *Submission 93*, p. 2.

<sup>18</sup> Facebook, *Ad Library*, <[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=AU](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU)> accessed 8 February 2021; Google, *Transparency report: political advertising in Australia*, <<https://transparencyreport.google.com/political-ads/region/AU>> accessed 8 February 2021.

<sup>19</sup> Josh Machin, Head of Policy, Australia and New Zealand, Facebook, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 8.

<sup>20</sup> Josh Machin, Head of Policy, Australia and New Zealand, Facebook, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 11.

been noted. They have been criticised for their lack of access for researchers,<sup>21</sup> missing some advertisements,<sup>22</sup> not operating in real-time, not providing detailed engagement information,<sup>23</sup> a lack of transparency around what advertisements are included,<sup>24</sup> having less information on targeting than is available to advertisers<sup>25</sup> and generally not providing ‘great insight and transparency into advertising practices.’<sup>26</sup> Researchers at New York University noted that Facebook’s library was incomplete in a number of ways:

Facebook’s ad platforms appear to have security vulnerabilities at several points. Many advertisers have been able to run ads that meet the criteria for inclusion in Ad Library without disclosing who paid for the ads. This appears to be an ongoing problem that has not substantially improved over the life of the Ad Library. We also find that many advertisers were able to repeatably run undisclosed ads that were later included by Facebook in the Ad Library.<sup>27</sup>

As discussed in Section 8.4, it is also important for advertising libraries to publish detailed information about how each advertisement was targeted. Understanding what groups are being targeted by particular advertisements is important for responding to potential risks from microtargeting (see Section 8.3).

The Committee would like to see the Government work with Facebook and Google to encourage improvements in their advertisement libraries. The Electoral Transparency Working Group (recommended in Section 10.5.3) may be helpful in establishing standards for advertisement libraries. The Government should also work with other platforms that allow electoral advertising to encourage them to establish their own libraries.

At the same time, the Committee considers that it would be appropriate for the Government to establish its own political advertisement library (see Section 10.3).

The intention of establishing a government-run library is not to replace the libraries of Facebook, Google or other platforms, but to complement them. Platforms’ libraries include content from some users that would not be covered by the Committee’s recommendation (such as community groups or industry bodies). Platforms’ libraries could also be used to check that candidates, parties and others are complying with the requirements for the government-run library.

21 Ben O’Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 5.

22 Daniel Angus, Associate Professor, Queensland University of Technology Digital Media Research Centre, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 22.

23 Alex Stamos et al., ‘Combatting state-sponsored disinformation campaigns from state-aligned actors’, in Michael McFaul (ed.), *Securing American elections: prescriptions for enhancing the integrity and independence of the 2020 U.S. Presidential election and beyond*, Cyber Policy Centre, Freeman Spogli Institute, Stanford University, Stanford, 2019, pp. 46–47.

24 Luboš Kukliš, Board Member, European Regulators Group for Audiovisual Media Services, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 33.

25 Katharine Dommett and Sam Power, *Democracy in the dark: digital campaigning in the 2019 general election and beyond*, report for the Electoral Reform Society, London, 2020, p. 43.

26 AAP FactCheck, *Submission 84*, p. 2.

27 Laura Edelson, Tobias Lauinger and Damon McCoy, ‘A Security Analysis of the Facebook Ad Library’, paper presented at 2020 IEEE Symposium on Security and Privacy, San Francisco, 18–20 May 2020, p. 12.

**FINDING 54:** Facebook and Google have established publicly accessible online libraries for political advertisements which are run on their platforms. These provide important improvements in transparency. However, a number of limitations to these libraries have been noted. In addition, not all social media platforms that allow political advertising have established libraries.

**RECOMMENDATION 20:** That the Government encourage Facebook and Google to improve their political advertisement libraries to be comprehensive, to include detailed information about how each advertisement was targeted and to be designed in a way that meets the needs of political analysts, researchers and relevant government bodies. The Government should also encourage other social media platforms to establish publicly accessible political advertisement libraries that meet appropriate standards.

### 9.3.2 Industry code of practice on disinformation and misinformation

The Digital Industry Group Inc. (DIGI) launched a code of practice on disinformation and misinformation in 2021.<sup>28</sup> DIGI's membership includes Google, Facebook and Twitter, among others.<sup>29</sup> The code was developed in response to reports by the Australian Competition and Consumer Commission (ACCC) and the Australian Communications and Media Authority (ACMA).<sup>30</sup>

Signatories<sup>31</sup> to the code make various commitments, including 'the core objective of providing appropriate safeguards against Harms that may be caused by Disinformation and Misinformation.' Signatories are also required to publish information about their progress in implementing their commitments.<sup>32</sup>

ACMA Chair Nerida O'Loughlin has welcomed the code and encouraged platforms to 'sign up to the full suite of objectives.'<sup>33</sup> ACMA has also provided advice to the Commonwealth Government about the code, the adequacy of platforms' measures and the broader impacts of misinformation in Australia.<sup>34</sup>

<sup>28</sup> Digital Industry Group Inc., *Australian code of practice on disinformation and misinformation: an industry code of practice developed by the Digital Industry Group Inc. (DIGI)*, 2021.

<sup>29</sup> Other members are Verizon Media, eBay, Redbubble, GoFundMe and change.org—DIGI, *About DIGI*, <<https://digi.org.au/about>> accessed 21 June 2021.

<sup>30</sup> Digital Industry Group Inc., *Australian code of practice on disinformation and misinformation: an industry code of practice developed by the Digital Industry Group Inc. (DIGI)*, 2021, p. 2, which refers to the ACCC's *Digital platforms inquiry* and the ACMA's *Misinformation and news quality on digital platforms in Australia: a position paper to guide code development*.

<sup>31</sup> Twitter, Google, Facebook, Microsoft, Redbubble, TikTok, Adobe and Apple are signatories to the Code: DIGI, *Disinformation code*, <<https://digi.org.au/disinformation-code>> accessed 18 August 2021.

<sup>32</sup> Digital Industry Group Inc., *Australian code of practice on disinformation and misinformation: an industry code of practice developed by the Digital Industry Group Inc. (DIGI)*, 2021, pp. 2, 15–16.

<sup>33</sup> Australian Communications and Media Authority, *Digital Platforms commit to action on disinformation*, media release, 22 February 2021, <<https://www.acma.gov.au/articles/2021-02/digital-platforms-commit-action-disinformation>> accessed 19 May 2021.

<sup>34</sup> Australian Communications and Media Authority, *Online misinformation*, <<https://www.acma.gov.au/online-misinformation>> accessed 22 July 2021.

When asked if there was a need for greater government involvement in this area, Associate Professor Andrea Carson noted that the code was new and suggested:

it is worth giving the voluntary regulation a chance, keeping in mind that the ACMA have a watching brief, that if they are not satisfied that the platforms are acting in good faith and dealing with mis and disinformation, they can make a recommendation to the government to go for mandatory regulation, which is something that the EU is considering.<sup>35</sup>

However, she noted that one problem with the code's voluntary nature is that it creates different expectations for platforms depending on whether or not they are signatories. Furthermore, she suggested, 'Those [platforms] that are not signatories are probably where mis and disinformation are most likely to go unchecked.'<sup>36</sup>

The Committee supports this code in principle, though it is too early to assess its impact on the electoral environment. The Committee considers that it will be important to watch the way this code develops to identify whether further interventions are necessary in the future.

### 9.3.3 Adding 'friction' to make it harder to share certain content

Several of the measures recently introduced by platforms involved adding 'friction' to make it harder for users to see or spread particular posts. For example, some platforms added warning messages to potentially inaccurate or otherwise inappropriate content (see Figure 9.1). In some cases, users had to click on the warning message before they could access the content. Other recent examples of 'friction' include prompting people to open articles before sharing them, directing users to authoritative websites when they look for particular information or removing groups that spread misinformation from recommendations or predictions when using the search function.

Facebook stated that, when labels about misinformation are added, people do not view the original content 95% of the time.<sup>37</sup> Twitter indicated that there was a 29% decrease in the rate of 'quote Tweeting' for Tweets which were labelled as disputed and potentially misleading.<sup>38</sup>

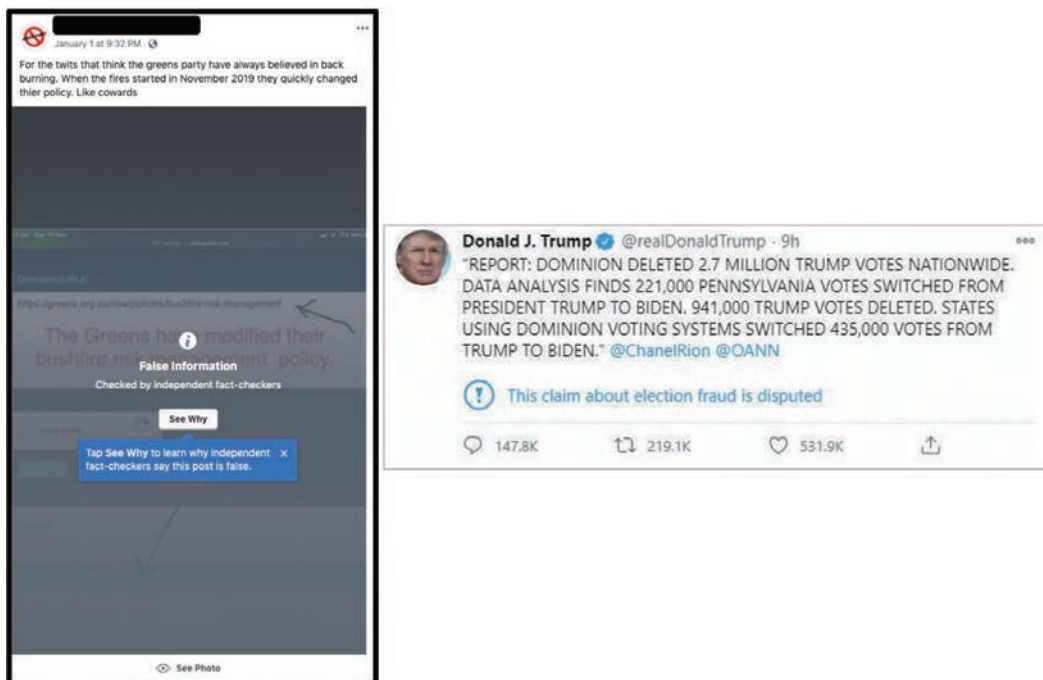
<sup>35</sup> Andrea Carson, Associate Professor, Department of Politics, Media and Philosophy, La Trobe University, public hearing, Melbourne, 15 June 2021, *Transcript of evidence*, p. 9; see also Scott Wright, Professor of Political Communication and Journalism, Monash University, public hearing, Melbourne, 5 July 2021, *Transcript of evidence*, p. 7.

<sup>36</sup> Andrea Carson, Associate Professor, Department of Politics, Media and Philosophy, La Trobe University, public hearing, Melbourne, 15 June 2021, *Transcript of evidence*, p. 9.

<sup>37</sup> Facebook, *Submission 123*, p. 3.

<sup>38</sup> Vijaya Gadde and Kayvon Beykpour, *An update on our work around the 2020 US Elections*, 12 November 2020 <[https://blog.twitter.com/en\\_us/topics/company/2020/2020-election-update.html](https://blog.twitter.com/en_us/topics/company/2020/2020-election-update.html)> accessed 18 June 2021.

**Figure 9.1** Warning labels added to a Facebook post (left) and Tweet (right) with inaccurate information



Sources: Facebook, *Submission 123*, p. 8; Andrea Carson and Liam Fallon, *Fighting fake news: a study of online misinformation regulation in the Asia Pacific*, report for Facebook, La Trobe University, Bundoora, 2021, p. 52.

The use of friction was supported by several submitters and witnesses to this Inquiry.<sup>39</sup> It was seen as a way to reduce the spread of harmful content without excessively limiting free speech, as users were not prevented from seeing the content if they chose to.

However, even though friction does not prevent people from saying or sharing things, the way that it is applied can shape or distort public debate. The decisions about which content to add friction or labels to still brings about the same concerns as other sorts of interventions. If platforms add friction to election-related content, it is therefore important that they are transparent about what is being done, who is targeted and why, to demonstrate that these measures are applied fairly (see Section 10.5). The Committee would also like to see platforms work with governments in developing their policies (see Section 9.5.1) to ensure that they are appropriate.

The Committee considers that friction can be a useful tool when applied appropriately, especially where it is used to mitigate the negative impact of design features (such as

<sup>39</sup> Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, public hearing, Melbourne, 12 March 2021, *Transcript of evidence*, p. 14; Stephan Lewandowsky, Chair in Cognitive Psychology, School of Psychological Science, University of Bristol, and Professor, School of Psychological Science, University of Western Australia, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, pp. 28–29, 30; Ullrich Ecker, Professor, School of Psychological Science, University of Western Australia, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, pp. 30–31; Nathaniel Persily, *The internet's challenge to democracy: framing the problem and assessing reforms*, Kofi Annan Commission on Elections and Democracy in the Digital Age, n.d. (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 1*), pp. 38–39; Stephan Lewandowsky, Chair in Cognitive Psychology, School of Psychological Science, University of Bristol, and Professor, School of Psychological Science, University of Western Australia, and Ullrich Ecker, Professor, School of Psychological Science, University of Western Australia, *Submission 54*, p. 4; Carnegie UK Trust, *Submission 82*, p. 2.

amplifying inaccurate, sensationalist content). Both Facebook and Twitter introduced additional friction measures during the 2020 US presidential election. Both platforms added labels to potentially misleading posts and Twitter introduced several measures designed to add friction to the sharing of content, in the hope of making people more thoughtful about whether or not they spread content.<sup>40</sup> The Committee considers that it may be helpful to trial similar measures and other friction-based measures at the 2022 Victorian election. Any such trial should be accompanied by transparency about what is being done, including providing access to data so that the impact of the measures can be evaluated.

**FINDING 55:** Some platforms have introduced measures which add ‘friction’ to viewing or sharing content (such as warning labels for potentially misleading content or adding extra steps to sharing content). Friction has the potential to reduce some of the harms of social media (such as amplifying inaccurate, sensationalist content), without excessively limiting people’s freedom of political communication. However, it is important for platforms to be transparent about their policies and decisions to demonstrate that these measures are appropriate and are applied fairly.

**RECOMMENDATION 21:** That the Government encourage social media platforms to continue exploring options for adding friction to the viewing and sharing of electoral content as a way of reducing the negative impacts of social media on the electoral environment. The Government should also work with platforms to ensure that they are transparent about what measures are introduced, how they are applied and why these particular measures have been introduced.

**RECOMMENDATION 22:** That the Government encourage social media platforms to conduct a trial of measures adding friction to the viewing and sharing of electoral content during the 2022 Victorian election. Platforms should be transparent about these measures and should provide data access to researchers to enable them to evaluate the impacts of these measures.

### 9.3.4 Banning elected members

One of the more controversial measures taken by social media platforms in 2021 has been the banning of elected politicians. The suspension of US President Donald Trump in 2021 for posts allegedly supporting violence was particularly contentious. Other politicians have also been banned, including Mr Craig Kelly MP from the Commonwealth Parliament for allegedly promoting misinformation about COVID-19.<sup>41</sup>

<sup>40</sup> Facebook, *New steps to protect the US elections*, 3 September 2020, <<https://about.fb.com/news/2020/09/additional-steps-to-protect-the-us-elections>> accessed 3 August 2021; Twitter, *Additional steps we’re taking ahead of the 2020 US Election*, 9 October 2020, <[https://blog.twitter.com/en\\_us/topics/company/2020/2020-election-changes](https://blog.twitter.com/en_us/topics/company/2020/2020-election-changes)> accessed 3 August 2021.

<sup>41</sup> Lisa Visentin, ‘Craig Kelly permanently booted from Facebook for COVID-19 misinformation’, *The Sydney Morning Herald*, 26 April 2021, <<https://www.smh.com.au/politics/federal/craig-kelly-permanently-booted-from-facebook-for-covid-19-misinformation-20210426-p57mg6.html>> accessed 21 June 2021.

The Committee recognises the right of social media platforms to enforce their terms of service. However, the Committee also notes the importance of social media as a way for politicians to communicate with voters. Banning or suspending particular politicians, especially at election time, has the potential to affect election outcomes. This places significant power in the hands of social media companies.

As with initiatives to add ‘friction’ to certain posts (see above), the Committee considers it important that these sorts of decisions and the policies underlying them are transparent (see Section 10.5). The Committee would also like to see the Government have input into these policies to ensure that they are compatible with democratic values.

### 9.3.5 The need to monitor platforms’ efforts

In general, the Committee supports platforms’ efforts to improve the social media environment. However, the ability to intervene in what people see and who can post on social media gives social media companies significant power to influence election outcomes.

Several submitters were concerned that social media platforms might be biased in their decisions. Some worried that they might deliberately make decisions to benefit particular candidates, parties or policies. It is also possible that inconsistent decisions or inappropriate policies might inadvertently advantage particular candidates, parties or policies.

In addition, one of the important benefits of social media platforms is that they provide a space for voices and perspectives to be expressed which may not be heard elsewhere (see Sections 3.4–3.5). Efforts by social media platforms to take action against inappropriate content need to be mindful of not also stifling legitimate speech.

Given these risks, it is important for governments to watch what platforms are doing and to respond if they are having a negative impact on the electoral environment. An important first step for this is for platforms to be transparent about what they are doing. This includes transparency to the public and access to data for analysts to examine the impact of platforms’ decisions. To assist with this, the Committee recommends establishing an Electoral Transparency Working Group, including representatives from governments and social media platforms (see Section 10.5). The additional information resulting from this and other recommendations in Chapter 10 will assist governments with monitoring the way that social media platforms are influencing political debate.

The Committee has recommended that the Parliament and the Electoral Matters Committee regularly reconsider the issues explored in this Inquiry (see Section 2.4). In addition, it will be important for the Government to monitor social media companies’ policies and other interventions affecting the content on their platforms. If platforms’ policies or the way they are implemented are having negative impacts on the electoral environment, the Government needs to take appropriate action in response.



**FINDING 56:** Several social media platforms, including Facebook and Twitter, have introduced new measures in recent years to address problems such as inaccurate information, inauthentic behaviour and abuse. While these changes are generally positive, the ability to intervene in what people see on social media and who can post gives social media platforms the power to influence election outcomes. It is therefore important to ensure that this power is used appropriately and transparently.

**RECOMMENDATION 23:** That the Government monitor social media platforms' policies and actions in relation to electoral content to identify whether Government action is needed to protect Victoria's electoral environment. This monitoring should include the contents of platforms' policies, the fairness of their decisions in implementing the policies and the impact of their policies and decisions on the electoral environment.

## 9.4 Embedding safety into platform design

**'companies must be more responsible with how their algorithms promote content. Whilst we must be mindful of freedom of speech, that does not equate to freedom of reach, and companies must design algorithms more responsibly and focus on labelling or correcting the record in instances of viral misleading content.'**<sup>42</sup>

Some submitters called for a more fundamental change to social media platforms than the measures set out in Section 9.3. They suggested that user safety should be specifically built into the design of the platforms. This approach is being considered in the UK and has been incorporated into some Australian policy at the Commonwealth level.

In the UK, Carnegie UK Trust proposed:

a shift from the regulation of specific items of content to a focus on the design [of] platforms (including business models and resourcing of complaints systems). This is based on the assumption that design choices can have an impact on the content posted and the way information flows across communications platforms – including but not limited to recommender algorithms. Rather than specify individual rules, which might quickly become outdated both as regards to technologies and services available and the problems faced, we proposed an overarching duty on operators to ensure, so far as possible, that their services were 'safe by design'.<sup>43</sup>

Carnegie UK Trust called for a 'duty of care' to be established in legislation, which would include a 'general obligation to take *reasonable* steps to address *foreseeable* harm.'<sup>44</sup> The organisation argued that some specific obligations could be set by the Government,

<sup>42</sup> Julian Knight MP, Chair, House of Commons Digital, Culture, Media and Sport Committee, Parliament of the United Kingdom, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 41.

<sup>43</sup> Carnegie UK Trust, *Submission 82*, p. 2.

<sup>44</sup> Carnegie UK Trust, *Submission 82*, p. 2.

but that a general duty of care was important to allow for future changes and to enable individual platforms to implement appropriately customised interventions.<sup>45</sup>

The UK Government is currently working towards introducing a legislated duty of care approach,<sup>46</sup> with draft legislation released in May 2021.<sup>47</sup>

In Australia, the eSafety Commissioner's 'Safety by design' initiative also includes an emphasis on considering online harms during the design phase of online services and products:

Safety by Design emphasises the need to address online harms, alongside user safety and rights, in the product development lifecycle so that safety is systematically embedded into the culture and operations of organisations.<sup>48</sup>

Unlike the UK proposal, this is not a legislative requirement, but rather 'a learning resource that helps companies continually improve online safety.'<sup>49</sup>

The Commonwealth Online Safety Act, which was passed in June 2021, allows the Commonwealth Government to establish 'basic online safety expectations' for social media platforms that would influence how they operate in managing abuse and other matters. Although these expectations in themselves are not enforceable, industry codes and standards will be (see Box 9.1).

It is not clear to what extent these expectations will be focused on the design of platforms to prevent abuse, as opposed to how instances of abuse are managed. However, the Commonwealth Government has previously issued an Online Safety Charter, which sets out the Commonwealth Government's expectations for companies including social media platforms. The charter states that:

The burden of safety should never fall solely upon the end user. Service providers can take preventative steps to ensure that their service is less likely to facilitate, inflame or encourage illegal and inappropriate behaviours.<sup>50</sup>

The Committee supports the idea that social media platforms should be designed with a duty of care in mind and that companies should take responsibility to reduce harms caused by the way their platforms are designed. The Committee will be particularly interested to watch developments in the UK.

<sup>45</sup> Carnegie UK Trust, *Submission 82*, p. 3.

<sup>46</sup> United Kingdom Government, *Online harms white paper: full government response to the consultation*, <<https://www.gov.uk/government/consultations/online-harms-white-paper/outcome/online-harms-white-paper-full-government-response>> accessed 9 April 2021.

<sup>47</sup> United Kingdom Government, *Draft Online Safety Bill*, <<https://www.gov.uk/government/publications/draft-online-safety-bill>> accessed 23 June 2021.

<sup>48</sup> eSafety Commissioner, *Safety by design*, <<https://www.esafety.gov.au/about-us/safety-by-design>> accessed 31 March 2021.

<sup>49</sup> eSafety Commissioner, *FAQ*, <<https://www.esafety.gov.au/about-us/safety-by-design/faq>> accessed 19 July 2021.

<sup>50</sup> Australian Government, *Online safety charter: a statement of the Australian Government's expectations of online service providers*, 2019, p. 2.

**FINDING 57:** Some stakeholders have called for social media platforms to be designed with user safety in mind. The UK is currently considering a legislated ‘duty of care’ for platforms. The Commonwealth Government in Australia has also called for platforms to consider user safety as part of their design.

### **BOX 9.1: Online Safety Act—‘basic online safety expectations’ for social media platforms**

The Commonwealth *Online Safety Act 2021* (Cth) includes provisions setting out various expectations about how social media platforms deal with abuse (among other things). These include transparency measures. The Act (ss 45–46) allows the Commonwealth Government to:

- set ‘basic online safety expectations’ for social media platforms, which can include that social media platforms:
  - will take reasonable steps to ensure that users are able to use their service in a safe manner
  - will take reasonable steps to minimise the extent to which abuse targeted at an Australian adult is provided on their service
  - will ensure that they have clear and readily identifiable mechanisms that enable users to report and make complaints about abuse targeted at an Australian adult provided on their service and about breaches of the platform’s terms of use
  - will provide information to the eSafety Commissioner about complaints of breaches of the service’s terms of use, how long it took the provider to comply with removal notices, and measures taken to ensure that users are able to use the service in a safe manner.

The Committee notes such expectations would not impose a legally enforceable duty (s 45). However, the Act does empower the eSafety Commissioner to require social media platforms to report on their compliance with basic online safety expectations, with enforcement measures including fines, enforceable undertakings and injunctions (ss 49–63 and Part 10).

**(Continued)**

**BOX 9.1: Continued**

It is also intended in the Act (ss 137–138) that industry bodies or associations develop industry codes to cover issues such as:

- procedures for social media platforms to inform producers of online content about their legal responsibilities in relation to that content
- promoting awareness of the safety issues associated with social media
- procedures for dealing with safety issues associated with social media
- telling people about their rights to make complaints
- referring complaints to the eSafety Commissioner when the complainant is dissatisfied with how the complaint was dealt with under the code or standard
- ensuring users are provided with information and support services relating to online safety for Australians.

The Act empowers the eSafety Commissioner to put in place industry standards covering these and other matters if industry bodies or associations do not develop appropriate codes themselves (s 145).

Under the Act, non-compliance with an industry code or standard could be dealt with via fines, enforceable undertakings and injunctions (ss 143, 146 and Part 10).

**9.5 The need for government input**

The Committee recognises the recent efforts by social media platforms. However, there are several areas where further improvements to social media platforms' design and processes would be appropriate, as has been noted throughout this report (summarised in Section 2.2.6). The Committee considers that governments should play a role influencing platforms to make these changes and more generally encouraging platforms to develop appropriate policies and processes.

The Committee considers that governments should also have an ongoing role in monitoring platforms and their impact on democracy. Social media companies have significant power to influence voters through the interventions set out in Section 9.3. It is important to ensure that this power is used fairly, consistently and transparently. It is also important to ensure that interventions by social media platforms do not have unintended negative consequences, such as stifling legitimate political discussion.

The key question for the Committee is how governments can best undertake these roles. Some submitters and witnesses advocated for additional legislation to force platforms to change. Other submitters and witnesses preferred encouraging platforms to voluntarily make changes. This section explores both options. As set out in Section 4.5, the Committee's preferred approach is to work with platforms to achieve voluntary changes in the first instance. The option to compel platforms to change through legislation should be pursued where cooperation cannot be achieved.

## 9.5.1 Working with social media platforms

**‘To complement a regulatory response, it is vital that governments and electoral management bodies continue to build strong relationships with online platforms, both to give effect to the enforcement of social media regulation, and also to generate goodwill and a propensity to support non-regulatory responses, such as voluntary moves by online platforms to crack down on inappropriate online activities.’<sup>51</sup>**

There are a number of non-legislative ways that governments can work with social media platforms to bring about changes and to encourage platforms to develop appropriate policies. These include building ongoing relationships between platforms and government bodies, working with platforms to develop voluntary codes and working with other nations to establish common expectations. The Committee considers that all of these approaches should be pursued as part of a multi-faceted approach to reducing the negative impacts of social media.

Ongoing relationships between platforms and government bodies can be helpful for advocating for change and for developing effective processes. The Committee notes the efforts by the VEC to establish relationships with key social media platforms before the 2018 election.<sup>52</sup> The VEC is also working with other electoral commissions through the Electoral Council of Australia and New Zealand to establish ‘[a] protocol of working with the platforms and the ability to influence their commercial operations and the decisions that they make’.<sup>53</sup> Among other things, this is expected to assist with take-down requests for illegal content (see Section 9.2). The Electoral Commissioner explained:

They will know who we are, they will know what we are about, they will know what state and/or national law requires of them and we will have better access to them as the platform so that they can respond to those take-down requests.<sup>54</sup>

Commonwealth Government bodies are also working with social media platforms to develop codes of practice. The Australian Competition and Consumer Commission and the Australian Communications and Media Authority have influenced the Digital Industry Group Inc.’s code of practice on disinformation and misinformation (see Section 9.3.2). In relation to abuse, the Online Safety Act (see Box 9.1) will require various online industries to develop codes in consultation with the eSafety Commissioner. The eSafety Commissioner must be consulted about the development of each code and must be satisfied that the process was appropriate and that the code is appropriate.<sup>55</sup>

<sup>51</sup> Victorian Electoral Commission, *Submission 77*, p. 24.

<sup>52</sup> Victorian Electoral Commission, *Submission 77*, p. 9.

<sup>53</sup> Keegan Bartlett, Director, Electoral Integrity and Regulation, Victorian Electoral Commission, public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, p. 30.

<sup>54</sup> Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, p. 31.

<sup>55</sup> *Online Safety Act 2021* (Cth) s 140.

The Committee supports these efforts and recommends further collaboration between governments and social media platforms, such as an Electoral Transparency Working Group (see Section 10.5).

In addition, the Committee notes the importance of working with other countries to establish common expectations for social media platforms. Common standards across nations will make it easier for platforms to implement the standards. Multiple governments putting pressure on platforms to make the same changes is also more likely to influence platforms than single governments acting alone. As Mr Julian Knight MP, from the UK Parliament, explained to the Committee:

The truth of the matter is that they are all businesses and they need to be able to operate in all markets, because someone else will do so if they do not operate in those markets. They also need to have public goodwill. They need to have goodwill for their advertisers and also their shareholders. As you will be aware, Facebook shareholdings dropped quite considerably at the height of our own inquiry into disinformation and Cambridge Analytica and its relationship with data, with many people feeling that their data was not respected and that it was being packaged up and sold and that they did not like this. This became very much a focus for the public. So there are lots of pressures that can come to bear on social media companies other than just US regulation, and they do not live in isolation. They will have to, in my view, go to the highest bar of regulation rather than the lowest bar of regulation.<sup>56</sup>

There have been a number of international initiatives in recent years related to social media and elections.<sup>57</sup> This includes the International Grand Committee on Disinformation and ‘Fake News’, which Australian members of parliament have participated in.<sup>58</sup> The Committee encourages Australian governments to be involved in further collaborations with other countries where possible.

The Committee notes the goodwill expressed by multiple platforms and the efforts that some platforms have made recently to respond to harms. The Committee considers that working with platforms to encourage further efforts and to provide input into platforms’ efforts may achieve some positive results, especially when combined with other measures, as set out in this report. However, the Committee recognises that there may be limitations to what can be achieved through this approach. Where the Government is unable to achieve voluntary cooperation, it may be necessary to introduce legislation.

<sup>56</sup> Julian Knight MP, Chair, House of Commons Digital, Culture, Media and Sport Committee, Parliament of the United Kingdom, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 45.

<sup>57</sup> Government of Canada, *Submission 112*, p. 3.

<sup>58</sup> Parliament of Australia, Joint Standing Committee on Electoral Matters, *Interim report on all aspects of the conduct of the 2019 federal election and matters related thereto: delegation to the International Grand Committee, Dublin, Ireland, February 2020*.

## 9.5.2 Legislation

**‘in the same way that Victoria cannot expect business to self-regulate health and safety standards, we cannot rely on big tech companies to self-regulate political misinformation on their platforms. It is simply not in their interest to create barriers to engagement and interaction for platform “users”’.<sup>59</sup>**

The use of legislation and a regulator to force social media platforms to become more responsible was advocated by a number of submitters and witnesses. Some argued that this was necessary because platforms would be unlikely to take more responsibility voluntarily, as it did not match their business interests. As discussed in Section 9.5.1, the Committee believes that it may be possible to bring about change without legislation. However, legislation should remain an option if necessary.

Efforts to compel platforms to change through legislation have already been pursued in some other jurisdictions. The Commonwealth Parliament’s Online Safety Act (see Box 9.1) establishes a legal system to regulate online safety. It includes provisions for industry codes or standards to be created, which will be monitored by the eSafety Commissioner and can be enforced. The UK is also considering legislation to introduce a ‘duty of care’, as discussed in Section 9.4.

Responsible Technology Australia similarly called for the creation of an independent regulator which can enforce standards on social media platforms:

To be effective, a regulator must be able to enforce regulation and go beyond setting transparency reporting expectations or relying on voluntary industry compliance. We believe that in order for Australian democracy to be safeguarded, agreed upon standards must become the normative ‘condition of entry’ to digital platforms operating within Australia. As such there must be a commitment to display leadership and enforce these expectations.

Enforcement should incentivise companies to comply whilst providing clear guidelines on how sanctions for non-compliance would be proportionate based on the size of the entity, scale and impact of their potential non-compliance and damage to society.<sup>60</sup>

On the other hand, the Committee notes that there are multiple challenges associated with trying to compel social media platforms to change through legislation. These include a number of practical difficulties, as set out in Section 4.4. There are also possibly negative side-effects that come from intervening in this space. As discussed in Section 2.3.4, the Committee is cautious about legislating in this area, given the importance of protecting freedom of expression.

MediaLaws particularly noted some concerns in this area:

Encouraging social media to take more actions against inappropriate activities could be a potential path to remedy the spread of false content online ... At the same time,

<sup>59</sup> Victorian Trades Hall Council, *Submission 108*, p. 4.

<sup>60</sup> Responsible Technology Australia, *Submission 85*, p. 5.

introducing new obligations on social media could lead to negative effects on users' fundamental rights and freedoms. Social media make decisions on the removal and blocking of content according to standards based on the business interest to avoid any monetary penalty or reputational damage. Therefore, any attempt to make online platforms liable for failure to comply with obligations like removal could encourage platforms to delete content to escape from liability ... Moreover, requiring an extensive activity of content moderation to detect illicit content can also affect the right to privacy and data protection. Indeed, users could fear to be subject under a regime of private surveillance. This situation could also affect freedom of expression since users could refrain to share their opinion and ideas online due to broad surveillance activities. Despite these challenges, it is worth stressing that leaving content moderation without any safeguard could undermine democratic value.<sup>61</sup>

The VEC also noted that additional regulation may lead to platforms deciding that Australia is over-regulated and withdrawing from the region.<sup>62</sup> Given the value of social media in the electoral environment (see Chapter 3), this would be an unfortunate outcome for Victorian elections.

These sorts of concerns underpin the Committee's preference for working with social media platforms in the first instance. However, introducing enforceable standards through legislation should remain an option if necessary. It is too soon to understand how effective the Online Safety Act or the proposed UK legislation will be. However, these efforts may be used to inform Victorian legislation going forward.

**FINDING 58:** Various efforts are currently being made by governments to work together with social media platforms to encourage improvements. Although there are limitations to what can be achieved in this way, this may be a helpful approach in combination with other measures. The Committee considers that this should be the Government's first approach to reducing the harm caused by social media platforms. Legislation to establish enforceable standards may be considered if platforms are unwilling to cooperate.

**RECOMMENDATION 24:** That the Government seek opportunities to provide input into platforms' policies by building ongoing relationships between government bodies and platforms, encouraging and influencing industry codes and working together with other jurisdictions to establish common expectations for platforms where appropriate.

<sup>61</sup> MediaLaws, *Submission 99*, pp. 1–2; see also Attorneys-General, *Discussion paper: review of model defamation provisions – stage 2*, NSW Government, [2021], p. 28.

<sup>62</sup> Victorian Electoral Commission, *Submission 77*, p. 29.



# 10 Making social media more transparent

## 10.1 Introduction

A repeated theme throughout the Committee’s evidence is the need for greater transparency around electoral content and activity on social media. This applies both to what is said on social media and to the decisions and algorithms of the social media platforms. This chapter discusses where transparency could be improved and makes recommendations aimed at reducing the negative impacts of social media through greater transparency.

Improved transparency measures could mitigate a variety of problems identified in this report, including:

- difficulties assessing electoral content or advertising due to the lack of a clear source or other contextual information such as the funding source and targeting information (Chapters 4 and 8)
- the use of bots, fake accounts and other techniques to manipulate what people see by amplifying or marginalising certain messages (Chapter 5)
- the spread of inaccurate information (Section 6.2)
- microtargeted advertising, which is inherently opaque and can lead to misinformed voters, poor campaign practices (such as pushing polarising, misleading or contradictory messages or using advertising to inflame existing conflict), challenges for regulators to perform their work and limitations on public deliberation around elections (Section 8.3)
- abusive behaviour, which can lead to decreased electoral participation (Section 7.4.1) and a lowered tone of political discourse (Section 7.4.2)
- a lack of understanding of exactly what is happening on social media and how it impacts on elections (Sections 4.4.1 and 5.2).

These harms can also have the secondary effect of undermining trust in our electoral system.

Transparency has the potential to reduce these harms by increasing accountability for actions on social media. Parties and candidates behaving in ways that are not acceptable to the electorate may be held to account at the ballot box. This may also act as a disincentive which prevents inappropriate behaviours in the first place. In addition, transparency will make voters more aware of how what they see on social media is shaped by users and the platforms, helping them to interpret what they see.

The Committee recommends a range of transparency responses. While no single measure is a panacea to the harms that social media can bring to elections, combined they will contribute to a better information environment for Victorian voters.<sup>1</sup> These responses include:

- improving the authorisation requirements for electoral material so that they are better suited to social media, more clearly state what needs to be authorised and require content producers to provide more contextual information (see Section 10.2)
- requiring authorisation statements to be more closely linked to electoral material through the use of digital imprints where appropriate (see Section 10.2.2)
- establishing an advertising archive administered by the Victorian Electoral Commission (VEC) to record political advertisements run through social media (see Section 10.3)
- providing Victorian voters with more real-time information about what forces are impacting social media during election campaigns (Section 10.4)
- greater transparency about platforms' algorithms and content decisions, particularly through greater data access for researchers (Section 10.5).

## 10.2 Authorising electoral content on social media

**'Social media political messaging can be overt, covert, paid for, free, mass delivered or micro-targeted, coordinated or ad hoc. The electorate does not necessarily know which category of messaging they are receiving, nor who is responsible for it. This environment makes it difficult to identify and limit misinformation and disinformation, or apply consequences to those responsible.'**<sup>2</sup>

An important part of transparency is the contextual information necessary for the public to properly interpret electoral messages. This can include who authorised the content, who created it, who paid for it and how it has been targeted. Knowing the source of material can also help electoral authorities to enforce electoral laws.

Dr Katharine Dommett and Dr Sam Power, in a report for the Electoral Reform Society, noted how a lack of transparency can affect voters' ability to make informed decisions:

Openness and transparency are the key foundations of any democracy. But today we find too much of our politics is shrouded in secrecy. Too often voters remain unsure about who is behind the messages they read, who is behind the information that shapes their political views, and ultimately their votes. In no area is this truer than online campaigning.<sup>3</sup>

<sup>1</sup> For more on this multi-faceted approach see Chapter 2.

<sup>2</sup> AAP FactCheck, *Submission 84*, pp. 1–2.

<sup>3</sup> Jess Blair in Katharine Dommett and Sam Power, *Democracy in the dark: digital campaigning in the 2019 general election and beyond*, report for the Electoral Reform Society, London, 2020, p. 5.

The Committee heard that people targeted by political advertisements often do not know who is sending them messages or why they are being targeted.<sup>4</sup> The Committee believes that this lack of contextual information leaves voters at a disadvantage when assessing and weighing information they receive through social media. Knowing who is speaking to you, and why, is essential to making informed political decisions.

This section looks at Victoria's current legislation regarding 'authorisation statements' which are required on electoral matter in some circumstances. Victoria's law has multiple shortcomings, including its lack of specificity about what content it applies to, its lack of clarity about who is ultimately responsible for content on social media and its inappropriateness for dealing with the shareability of electoral content on social media. The Committee also discusses the challenges that these issues raise for the VEC as a regulator.

Victoria's electoral legislation was generally written before social media became a common place for candidates and parties to advertise and spread their messages and for ordinary Victorians to state their political views. As such the authorisation requirements of the law are simply not fit for purpose. The Committee considers that it is time for the provisions to be updated. The Committee is recommending a general review of Victoria's electoral law to examine whether all provisions that relate to social media are appropriate in Section 4.6. In this section, the Committee sets out specific changes that should be considered in relation to authorisation statements.

The Committee notes that electoral material can range from sponsored social media advertising to unsponsored professional campaign content and personal political comment. While this section applies to all such content, sponsored electoral content is also addressed in Section 10.3.

## 10.2.1 Making the legislation clearer

The Electoral Act currently states:

- (1) A person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, an electoral advertisement, handbill, pamphlet or notice unless—
  - (a) the name and address of the person who authorised the electoral advertisement, handbill, pamphlet or notice appears; and
  - (b) in the case of an electoral advertisement, handbill, pamphlet or notice that is printed or published otherwise than in a newspaper, the name and place of business of the printer or publisher appears.

...

<sup>4</sup> Sven Bluemmel, Information Commissioner, Office of the Victorian Information Commissioner, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 2; Philip Seargeant, *Submission 14*, p. 2.

- (2) For the purposes of subsection (1)(b), a person who makes copies for distribution of an electoral advertisement, handbill, pamphlet or notice that is published on the Internet is deemed to be the printer of those copies.<sup>5</sup>

The VEC noted two key problems with this legislation:

- it does not differentiate between personal political opinion and formal campaign comment or advertising
- it is not clear who is liable if something is published on social media which does not comply with the authorisation rules.

Regarding the first problem, the VEC's approach to implementing the legislation has been to require authorisation only for material 'considered to be advertising' and 'pages/accounts dedicated to a political issue.'<sup>6</sup> The VEC has not required 'individual comments or shares of electoral matter' to be authorised.<sup>7</sup> The Committee agrees with this approach, as personal political comment from ordinary members of the public should not be subject to authorisation requirements. However, the boundary between what needs to be authorised and what does not is not clearly stated in the Electoral Act. This can potentially cause confusion and disagreements about what needs to be authorised.

In contrast, the electoral act in the Australian Capital Territory explicitly states that electoral matter does not need to be authorised if:

- (a) the electoral matter—
  - (i) is disseminated on or through social media; and
  - (ii) forms part of the expression of the individual's personal political views; and
- (b) the individual is not paid to express those views.<sup>8</sup>

The Committee considers this to be clearer and more appropriate.

The second problem that the VEC identified is the lack of clarity about who is ultimately liable for unauthorised electoral matter published on social media. The VEC explained:

While the Act takes a deliberate approach to political advertising in mainstream media, the liability for non-compliance in political advertising on social media is much less clear. The distinct lack of a regular application for 'publisher' in the Act when it comes to electoral material posted to social media risks compromising enforcement and prosecution efforts for offences against the Act.<sup>9</sup>

Where the VEC has decided that content which has been published without authorisation should be authorised, its approach has been to contact the individuals

<sup>5</sup> *Electoral Act 2002 (Vic)* s 83(1)–(2).

<sup>6</sup> Victorian Electoral Commission, *Submission 77*, p. 9.

<sup>7</sup> Victorian Electoral Commission, *Submission 77*, p. 9.

<sup>8</sup> *Electoral Act 1992 (ACT)* s 293A(1).

<sup>9</sup> Victorian Electoral Commission, *Submission 77*, p. 7 (with source).

posting the content in the first instance and ask them to remove the content or add an authorisation statement. If that is unsuccessful, the VEC asks the social media platform to remove the content.

However, this approach has not always been successful. The Committee was told of incidents in which social media platforms had either refused to assist or had taken a long time to act on illegal content (see Section 9.2). The lack of clarity about legal responsibility in the legislation may be a contributing factor.<sup>10</sup>

**FINDING 59:** Victorian legislation requires electoral advertisements, handbills, pamphlets and notices to contain information about who has authorised them. However, the legislation does not explicitly discuss social media and does not clearly differentiate between personal political opinion and campaign comment or advertising. It also lacks clarity about who is ultimately responsible for material on social media. As a result, it is not clear exactly what needs to be authorised and who must take action when unauthorised content on social media should be authorised.

**RECOMMENDATION 25:** That the Government amend the Electoral Act to specify that:

- the provisions about authorisation statements apply to social media (not just the internet in general)
- authorisation statements are required for paid content and candidate, party and campaign content on social media, but not personal political comments
- social media platforms have a legal liability to remove electoral content that does not fully comply with authorisation requirements on notification from a relevant authority.

## 10.2.2 Digital imprints

Another challenge for the legislation is how authorisation statements should be displayed on social media. The Electoral Act does not provide any guidance. The VEC's approach is to consider content as complying with the legislation if it contains either an authorisation statement or a link to an authorisation statement.<sup>11</sup> However, this means that content can easily become decoupled from its authorisation statement and original author.

In practice, the VEC's approach means that an authorisation statement might appear in the 'about' section of a Facebook page or on a separate website linked from the 'bio' of a Twitter account.<sup>12</sup> A major limitation of this is that messages on social media

<sup>10</sup> For discussion of some of the other factors that may make social media platforms reluctant to cooperate with authorities in taking down unauthorised content, see Section 4.4.

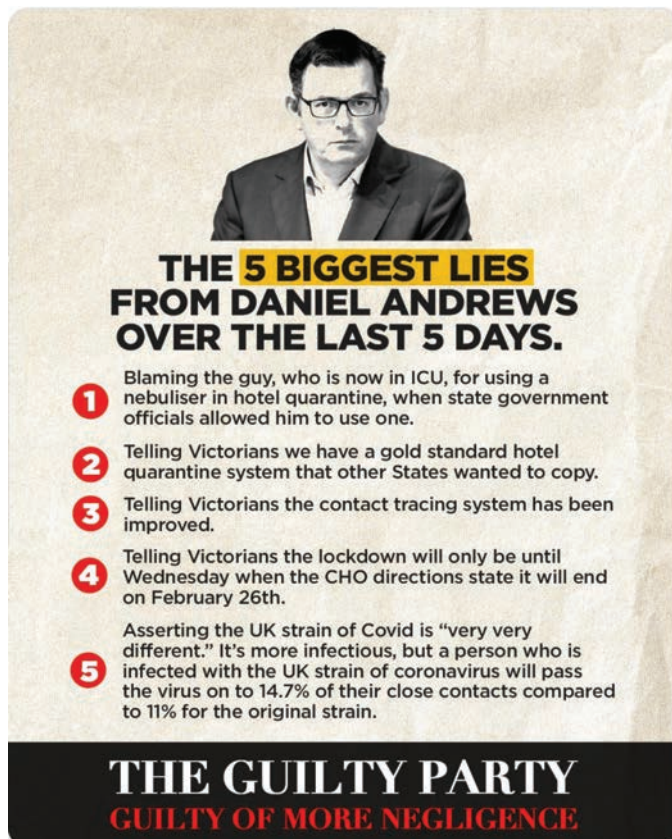
<sup>11</sup> Victorian Electoral Commission, *2018 state election candidate handbook: district*, Melbourne, 2018, p. 17.

<sup>12</sup> See for example Hon Daniel Andrews MP and Hon Michael O'Brien MP's Twitter 'bios', each of which links back to their respective websites, which include an authorisation in their footer: Hon Daniel Andrews MP (@DanAndrewsMP), 2021, <<https://twitter.com/DanielAndrewsMP>> accessed 12 May 2021; Hon Michael O'Brien MP (@michaelobrienmp), 2021, <<https://twitter.com/michaelobrienmp>> accessed 12 May 2021.

can be spread through ‘shareables’ such as image files, memes or screenshots. Once a shareable has been posted by one user, it can be copied and reposted by other users and any connection to the person who authorised the content and the authorisation statement can be lost. As a result, users do not have contextual information such as who created the content.

An example of a shareable can be seen in Figure 10.1. This image was posted to the Facebook and Twitter pages of multiple members of parliament in February 2021.<sup>13</sup> After that, the image (and modified versions of it) was posted by several other accounts. The accounts of the members of parliament who posted the image met the authorisation requirements. However, some of the pages which copied and shared the image did not. Those pages did not provide the full details of the user nor did they link to the original source of the content.

Figure 10.1 Example of a ‘shareable’ political image



Source: Tim Smith MP (@TimSmithMP), Tweet, 13 February 2021, <<https://twitter.com/TimSmithMP/status/1360431794475077637>> accessed 4 March 2021.

13 Tim Smith MP (@TimSmithMP), Tweet, 13 February 2021, <<https://twitter.com/TimSmithMP/status/1360431794475077637>> accessed 4 March 2021; Tim Smith MP (TimSmithKew), Facebook post, 13 February 2021, <<https://www.facebook.com/TimSmithKew/photos/2950536788513547>> accessed 17 August 2021; Hon David Hodgett MP (davidhodgettmp), Facebook post, 13 February 2021, <<https://www.facebook.com/davidhodgettmp/photos/1882725518550051>> accessed 17 August 2021; Hon David Davis MLC, (DavidDavisMLC), Facebook post, 15 February 2021, <<https://www.facebook.com/DavidDavisMLC/photos/a.1632227263657054/2880907995455635>> accessed 17 August 2021.

A solution to this problem is requiring electoral content to carry ‘digital imprints’ where practical. A digital imprint is an authorisation statement which is part of an image or video that is posted, rather than something posted alongside the image/video or accessed through a link.

Digital imprints were supported by several submitters to this Inquiry<sup>14</sup> and have recently been considered in the UK. The UK Government opened a consultation process in 2020 on digital imprints consisting of authorisation details which must be ‘part of the material where that is reasonably practicable’.<sup>15</sup> The proposal was that the imprints be:

- a permanent part of the election material, embedded and visible/audible (as appropriate) where reasonably practicable on all pieces of published material;
- clearly readable, legible or audible regardless of the platform (e.g. mobile or laptop) it is being accessed on; and
- replicable when reshared; it must not distort during the process of re-publishing or ‘sharing’.<sup>16</sup>

The UK Government has since released a response to the consultation process supporting this approach.<sup>17</sup>

After digital imprints were required during the 2014 Scottish Independence Referendum, the UK Electoral Commission recommended imprints continue to be used for future elections, with work to ensure imprint rules strike a balance between transparency and proportionate regulatory requirements.<sup>18</sup>

The Committee supports requiring authorisation statements in the form of digital imprints for Victoria.

**FINDING 60:** Victoria’s current system allows authorisation statements to be too distant from relevant content and become easily decoupled through the content sharing that is intrinsic to social media. Incorporating authorisation statements into media through ‘digital imprints’ which are a permanent part of the content will help users to see the origin of content even if it is copied and reposted by other users.

**RECOMMENDATION 26:** That the Government introduce legislation to require authorisation statements for relevant electoral matter in the form of digital imprints embedded into the media wherever possible.

<sup>14</sup> Katherine Dommett, Senior Lecturer in the Public Understanding of Politics, University of Sheffield, *Submission 11*, p. 3; Vian Bakir, Professor of Journalism & Political Communication, and Andrew McStay, Professor of Digital Life, Bangor University, *Submission 21*, p. 16; George Loukas, Professor of Cyber Security, University of Greenwich, *Submission 23*, p. 2; Leighton Andrews, Professor of Practice in Public Service Leadership and Innovation, *Submission 106*, p. 1; Hamish Galbraith, Fleur Wackett, Sam Murdoch and Oscar Kennedy, *Submission 107*, p. 7.

<sup>15</sup> Cabinet Office (UK), *Transparency in digital campaigning: technical consultation on digital imprints*, London, 2020, p. 21.

<sup>16</sup> Cabinet Office (UK), *Transparency in digital campaigning: technical consultation on digital imprints*, London, 2020, p. 22.

<sup>17</sup> Cabinet Office (UK), *Transparency in digital campaigning: government response*, London, 2021, pp. 28–32.

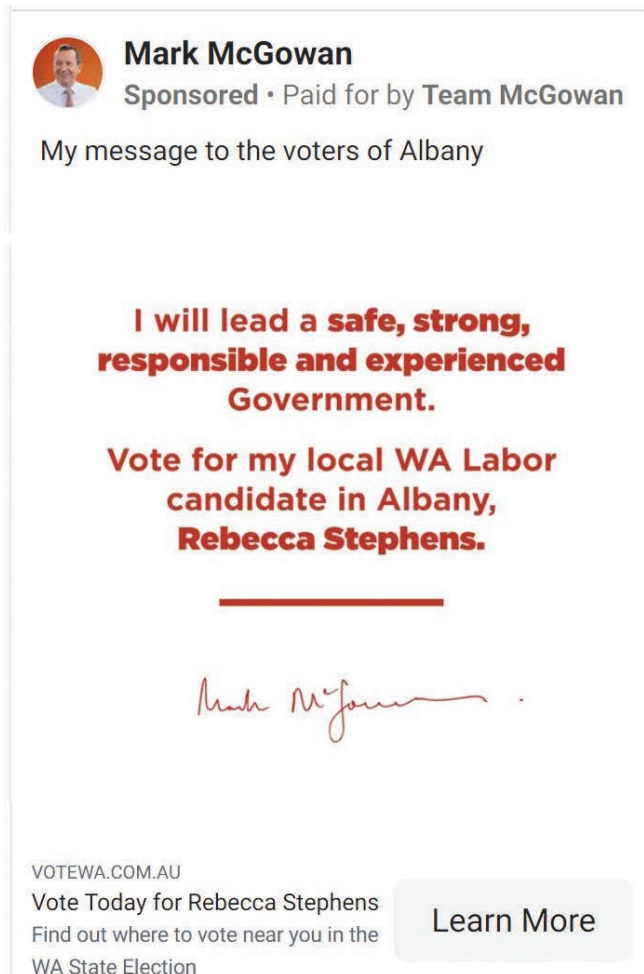
<sup>18</sup> United Kingdom Electoral Commission, *Scottish Independence Referendum: report on the referendum held on 18 September 2014*, 2014, p. 118.

### 10.2.3 Statements about funding and verifying advertiser identities

‘People need to know who is paying so they can discern the motives behind the content.’<sup>19</sup>

Multiple submitters to this Inquiry emphasised that it is important to identify both who an electoral advertisement is from and who financed it.<sup>20</sup> This approach has already been adopted by Facebook (see Figure 10.2).

Figure 10.2 Example of a Facebook advertisement with ‘paid for by’ statement



Source: Hon Mark McGowan MP (MarkMcGowanMP), Facebook post, 10–12 March 2021, <<https://www.facebook.com/ads/library/?id=443291296875478>> accessed 21 July 2021.

The VEC supported this approach:

The VEC considers this to be a simple and effective way of assisting voters to identify and understand advertising that is attempting to influence their vote. The VEC

<sup>19</sup> Leonie Grant, *Submission 34*, p. 1.

<sup>20</sup> Electoral Reform Society, *Submission 96*, p. 5; EMILY’s List Australia, *Submission 119*, p. 2; Ritesh Chugh, Senior Lecturer, CQUniversity Melbourne, *Submission 72*, p. 3; most responses to the Committee’s survey also supported advertisements being required to state who paid for them.



recommends making this a requirement for all online platforms. Rather than rely on audiences proactively clicking through to authorisation statements, an up-front “Paid for by...” statement appearing on the advertisements themselves would likely help to increase transparency and reduce the risks posed by anonymous advertisers. This could be further strengthened if the platforms are required to verify the identity of the advertiser (included in Facebook’s new authorisation process), in order to eliminate the possibility of nefarious actors fabricating identities to appear on the authorisation statement.<sup>21</sup>

A major challenge to this approach is that organisations wishing to advertise without disclosing who is paying for the advertisement can create shell corporations to hide that information. During the 2016 US election, for example, employees of the Russian Internet Research Agency impersonated US individuals and entities to purchase political advertisements on social media.<sup>22</sup> The UK House of Commons Digital, Culture, Media and Sport Committee recommended that technology companies ‘address the issue of shell corporations and other professional attempts to hide identity in advert purchasing, especially around election advertising.’<sup>23</sup>

Some countries have addressed this issue by restricting or regulating those who run advertisements. In Canada, third-party organisations must register with the Canadian electoral commission if they wish to run certain partisan advertising during an election period.<sup>24</sup> MediaLaws, in its submission, noted that Italian law only allows candidates or their nominated agents to purchase election advertising for some media.<sup>25</sup>

Some social media platforms have introduced measures to verify the identity of people purchasing political advertisements. Facebook requires those running advertisements about ‘social issues, elections or politics’ to have their identity verified using documents issued by the country they want to run advertisements in.<sup>26</sup>

The Committee’s view is that ‘paid for by’ statements are helpful for voters in assessing the source of electoral material on social media and should be required for all political advertising. This should ideally be accompanied by identity verification for the advertiser, to ensure that ‘paid for by’ statements are accurate and informative.

21 Victorian Electoral Commission, *Submission 77*, pp. 16–17.

22 Yasmin Dawood, ‘Protecting elections from disinformation: a multifaceted public-private approach to social media and democratic speech’, *Ohio State Technology Law Journal*, vol. 16, no. 2, 2020 (=Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, *Submission 7*), p. 648; Yasmin Dawood, ‘Combatting foreign election interference: Canada’s electoral ecosystem approach to disinformation and cyber threats’, *Election Law Journal*, vol. 20, no. 1, 2021, p. 20, doi: 10.1089/elj.2020.0652.

23 Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Disinformation and ‘fake news’: interim report*, July 2018, p. 38.

24 Elections Canada, *Questions and answers for third parties*, <<https://www.elections.ca/content.aspx?section=pol&dir=thi&document=backgrounder&lang=e>> accessed 17 August 2021.

25 MediaLaws, *Submission 99*, p. 4.

26 Facebook, *Become authorised to run ads about social issues, elections or politics*, <[https://www.facebook.com/business/help/208949576550051?id=288762101909005&recommended\\_by=2150157295276323](https://www.facebook.com/business/help/208949576550051?id=288762101909005&recommended_by=2150157295276323)> accessed 12 May 2021. See also Facebook, *Submission 123*, p. 14.

**FINDING 61:** Knowing who has paid for an electoral advertisement can help voters to interpret the message appropriately. Electoral advertisements are not currently required to state who paid for the advertisement.

**RECOMMENDATION 27:** That the Government introduce legislation to expand authorisation statements on electoral advertisements to include who paid for them (in addition to the currently required content). Platforms and publishers should be encouraged to set up systems to verify the identity of the people running political advertisements and to ensure that it matches the ‘paid for by’ statement on the advertisement.

### 10.2.4 Monitoring and responding to breaches of the legislation

A limitation to implementing the legislation about authorisation requirements is the VEC’s inability to monitor and respond to all breaches (on social media and elsewhere). This limitation exists even considering the VEC’s approach of only applying the relevant rules to paid advertising and accounts dedicated to political issues (and not personal political comment).<sup>27</sup>

The VEC currently administers the legislation through a complaints-based system, only acting when it receives a complaint alleging that someone has breached the legislation. The VEC explained:

The VEC does not actively monitor advertising compliance during election events, for two key reasons:

- the sheer volume of advertising circulating during elections makes it impossible for the VEC, at its current resourcing levels, to proactively identify content that could be in breach of electoral law
- much advertising would be invisible to the VEC regardless of how many resources were dedicated to proactive monitoring, due to the fact it is micro-targeted to specific demographics and the algorithms behind online platforms are unlikely to return those ads to an audience they are not targeted at ...<sup>28</sup>

While there is a large volume of electoral material on social media, the Committee notes that the VEC received fewer than 20 complaints ‘where the VEC was alerted to material on social media in breach of the Act’ around the 2018 state election.<sup>29</sup> This could indicate that the prevalence of content that is not properly authorised or otherwise breaches the Electoral Act is low, or that it is simply not being reported to the VEC.

<sup>27</sup> Victorian Electoral Commission, *Submission 77*, p. 9.

<sup>28</sup> Victorian Electoral Commission, *Submission 77*, p. 9.

<sup>29</sup> Victorian Electoral Commission, *Submission 77*, p. 10.

The recommendation in Section 10.3 regarding advertising archives will provide further information to assist the VEC with monitoring breaches of the Electoral Act. The transparency measures around authorisation statements and digital imprints recommended above will help the VEC to know who is responsible for electoral material and will assist the VEC to take action when needed.

**FINDING 62:** The current lack of transparency about electoral material on social media can make it difficult for the VEC to monitor and enforce electoral law. Increasing the transparency of electoral matter on social media and who is behind it will assist the VEC in these roles.

### 10.3 Making electoral advertising more transparent—an electoral advertising archive

**‘Online political advertising transparency is best thought of as a democratic guardrail and an aid to accountability rather than a silver bullet that will solve our problem with disinformation and foreign meddling.’<sup>30</sup>**

Democracy functions best when advertising practices by candidates, parties, campaigns and social media platforms themselves can be scrutinised by multiple audiences within society (such as political opponents, journalists and the general public). However, as discussed throughout this report, it can be difficult to see all the electoral advertising on social media, especially where microtargeting has been used (see Chapter 8). This can lead to a variety of negative impacts on elections, such as inaccurate or misleading content, a reduced public debate and difficulties enforcing legislation.

The Committee recommends establishing a publicly accessible electoral advertising archive, to be administered by the VEC, with obligations on relevant advertisers to provide copies of their advertisements across all social media and other online spaces. The advertisements should be accompanied by contextual information such as spending and targeting data.<sup>31</sup>

In addition to storing advertisements and information, the archive must be designed with appropriate functionality for various audiences to readily access and extract content. The archive should be publicly accessible and searchable, as well as machine-readable to enable analysis by researchers.<sup>32</sup> For more on access to social media data for researchers, see Section 10.5.2.

<sup>30</sup> Abby Wood, ‘Facilitating accountability for online political advertisements’, *The Ohio State Technology Law Journal*, vol. 16, no. 2, 2020, p. 522.

<sup>31</sup> The Committee discusses another transparency measure that impacts electoral advertising, authorisation statements, in Section 10.2.

<sup>32</sup> See recommendations from Lisa-Maria Neudert and Philip N. Howard, *Ready to vote: elections, technology & political campaigning in the United Kingdom*, report for Oxford Technology & Elections Commission, Oxford, 2019, p. 9. See also Queensland University of Technology Digital Media Research Centre, *Submission 105*, p. 8.

### 10.3.1 The benefits of an electoral advertising archive

A publicly accessible archive of online electoral advertising can be an effective way to increase transparency and therefore accountability around electoral advertising on social media. Knowing exactly who is advertising, what they are saying and who they are saying it to is important for both individual voters and wider public debate.

The very fact of making this information public will have a benefit by encouraging appropriate behaviour from advertisers through increased public scrutiny. It will also allow the identification of any specific problems which require further action—something that is not possible within the current opaque system. An archive would be a resource that could benefit journalists and researchers, as well as voters. It would also assist the VEC to manage complaints about content breaching legislation.<sup>33</sup>

As with other interventions in social media, concerns have been raised about advertising archives dampening free speech. The Committee has been attentive to this concern throughout its Inquiry and across all of its recommendations (see Section 2.3.4). The Committee's view is that requiring paid advertisements to be made available in an advertising archive will not have any detrimental effect on free speech in Victorian elections. The Committee considers that free speech concerns are sufficiently mitigated by only requiring paid advertising (and not personal comments) to be archived.<sup>34</sup>

### 10.3.2 Administering the archive

**'Greater visibility of the advertising activities in election campaigns would result in greater accountability and may discourage bad actors.'**<sup>35</sup>

Some social media platforms and online services already offer political advertising archives. However, as discussed in Section 9.3.1, a number of limitations have been noted about these archives. As the Australia Institute stated:

The development of Internet ad libraries (including the Facebook Ad Library, Twitter's Ad Transparency Centre and Google's Transparency Report) demonstrate that it is possible for political ads to be recorded in a publicly accessible database. These libraries have already led to important journalism on political ads.

In practice, each of these libraries is lacking – but their existence shows the principle is sound.<sup>36</sup>

<sup>33</sup> Warwick Gately AM, Electoral Commissioner, and Marie Guerin, Manager Communication, Victorian Electoral Commission, public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, p. 29; Victorian Electoral Commission, *Submission 77*, p. 18.

<sup>34</sup> Yasmin Dawood, 'Protecting elections from disinformation: A multifaceted public-private approach to social media and democratic speech', *Ohio State Technology Law Journal*, vol. 16, no. 2, 2020 (=Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, University of Toronto, *Submission 7*), pp. 648–649; Yasmin Dawood, 'Combatting foreign election interference: Canada's electoral ecosystem approach to disinformation and cyber threats', *Election Law Journal*, vol. 20, no. 1, 2021, p. 11, doi: 10.1089/elj.2020.0652.

<sup>35</sup> AAP FactCheck, *Submission 84*, p. 5.

<sup>36</sup> The Australia Institute, *Submission 122*, p. 4.

The Committee would like to see further work done by Facebook and other platforms to improve their advertising libraries. As recommended in Section 9.3.1, this is something which the Government should advocate for.

At the same time, the Committee believes that relying on social media platforms to create and maintain advertising archives is not enough. As private corporations, social media platforms' incentives do not align with those of Victoria's electoral system, and platforms cannot be relied on to provide archives that achieve the purposes that best serve Victorian democracy.<sup>37</sup>

The Committee is aware of independent organisations that have created advertisement archives. Some of these organisations use web browser plug-ins to crowd-source a database of online advertising around elections.<sup>38</sup> Others are analysing the content of political advertisements<sup>39</sup> and how much advertisers are spending.<sup>40</sup>

In the Australian context, *The Guardian* encouraged Tasmanians, South Australians and Victorians to submit Facebook advertisements to AdObserver.org during recent state elections.<sup>41</sup>

These are worthwhile initiatives, and the Committee welcomes the transparency that they can bring to elections. However, there are limitations to such services. Data gathering that relies on social media users sending advertisements in or downloading software is likely to be incomplete. Further, archives that are hosted by organisations such as foreign universities (AdObserver.org) or activist groups reliant on donations (Who Targets Me?) may be temporary and may not be impartial. They may also lack focus on Victorian electoral content.

A number of submitters and witnesses discussed the possibility of the Government establishing its own archive.<sup>42</sup> The Committee agrees that the most effective advertisement archive will be built by requiring relevant advertisers to supply their advertisements directly to a central government agency which can make them publicly

37 Paddy Leerssen et al., 'Platform ad archives: promises and pitfalls', *Internet Policy Review*, vol. 8, no. 4, 2019, p. 13, doi: 10.14763/2019.4.1421.

38 See for example Who Targets Me?, *What is Who Targets Me?*, <<https://whotargets.me/en/about-who-targets-me>> accessed 6 May 2021; Cybersecurity for Democracy at New York University's Tandon School of Engineering, *AdObserver*, <<https://adobserver.org>> accessed 6 May 2021.

39 Illuminating, *Illuminating: helping journalists cover social media in the Presidential campaign*, <<https://illuminating.ischool.syr.edu>> accessed 17 August 2021.

40 Social Media Lab, *Who is running Facebook political ads during the pandemic in Canada? [Update: July 2020]*, <<https://socialmedialab.ca/2020/08/17/who-is-running-facebook-political-ads-during-the-pandemic-in-canada-update-july-2020>> accessed 17 August 2021.

41 Nick Evershed, 'Help us monitor political advertising on Facebook in your state', *The Guardian*, 14 February 2018, <<https://www.theguardian.com/technology/2018/feb/14/help-us-monitor-political-advertising-on-facebook-in-your-state>> accessed 6 May 2021.

42 Victorian Trades Hall Council, *Submission 108*, p. 5; Parliament of the United Kingdom, House of Commons Digital Culture Media and Sport Committee, *Submission 95*, pp. 2-3; Thad Kousser, Professor of Political Science and Department of Political Science Chair, University of California San Diego, *Submission 102*, p. 7; Scott Wright, Professor of Political Communication and Journalism, Monash University, public hearing, Melbourne, 5 July 2021, *Transcript of evidence*, p. 4; see also Bill Browne, *We can handle the truth: opportunities for truth in political advertising*, The Australia Institute, Canberra, 2019 (=The Australia Institute, *Submission 122, Attachment 2*), pp. 34-35, 42.

available online. In addition to preventing the problems of relying on social media platforms, this will enable advertising from across all platforms to be stored in one place, which the Committee considers to be significantly more user-friendly than each platform having its own archive. To avoid any confusion about what counts as a social media platform, the Committee recommends that the archive cover all online advertising.

Some government-run advertising archives are in operation overseas. The New York City Campaign Finance Board maintains an archive of a wide variety of political advertisements, not just those on social media. This archive includes records of radio advertisements, leaflets, phone calls and mass mailouts.<sup>43</sup> The Los Angeles City Ethics Commission maintains a similar archive.<sup>44</sup> In each case data on campaign expenditure and donations are also available. In Argentina campaigns are required to submit all online advertising material to electoral authorities.<sup>45</sup> The UK Parliament's Digital, Culture, Media and Sport Committee has also suggested that the UK Government create its own searchable advertising archive to provide transparency and demonstrate best practice.<sup>46</sup>

The Committee's preferred approach is for the archive be administered by the VEC. As Victoria's independent election authority, the VEC is well placed to impartially administer the advertising archive. This VEC-administered archive should not prevent social media platforms from maintaining their own archives, and the Committee encourages them to continue doing so. As discussed in Section 9.3.1, the Committee considers that archives run by the VEC and social media platforms would complement each other.

The Committee notes the VEC currently administers Victoria's political donations scheme, which includes a public website listing donations, donors and recipients.<sup>47</sup> The VEC also receives and publishes annual returns from a variety of organisations involved in politics in Victoria, such as third-party campaigners, registered political parties and nominated entities.<sup>48</sup> Through these (and other) processes the VEC has established relationships with the administration of political parties and other groups active in Victorian elections. The Committee's view is that it is sensible to leverage these existing relationships in developing and administering an advertisement archive.

<sup>43</sup> New York City Campaign Finance Board, *Follow the money*, <<https://www.nycfcfb.info/follow-the-money/follow-the-money>> accessed 6 May 2021.

<sup>44</sup> Los Angeles City Ethics Commission, *Public data portal*, <<https://ethics.lacity.org/data/campaigns/communications>> accessed 12 May 2021.

<sup>45</sup> International IDEA, *Submission 94*, p. 3.

<sup>46</sup> Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Submission 95*, pp. 2–3; Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Misinformation in the COVID-19 infodemic*, July 2020, p. 33. See also Centre for Digital Rights, *Submission 98*, p. 6.

<sup>47</sup> Victorian Electoral Commission, *Donations*, <<https://disclosures.vec.vic.gov.au/donations-public>> accessed 5 May 2021.

<sup>48</sup> Victorian Electoral Commission, *Public annual returns*, <<https://disclosures.vec.vic.gov.au/public-annual-returns>> accessed 5 May 2021.

### 10.3.3 Advertisers that should be included in the archive

A key question is exactly which advertisers should be required to submit their online advertisements to the central archive. While political parties and candidates at Victorian elections are obvious inclusions, how far beyond those groups should regulation apply?

The concept of legislation applying to all individuals and groups that advertise in Victorian elections is appealing for creating a complete archive. However, challenges arise from this approach, including defining what content is considered an electoral advertisement and enforcing Victorian law for people and organisations that may be interstate or indeed in other countries. The Committee does not wish to recommend legislation that is unworkable.

To avoid these issues, and recognising that this is part of a suite of measures which each offer solutions in part to the problems around elections and social media,<sup>49</sup> the Committee's preferred option is that the advertising archive scheme apply to those who are closest to and most active in Victorian politics. Such organisations have already been defined in Victoria's political donation scheme. The Committee therefore recommends that the advertising archive should apply to all individuals and groups who can receive political donations under Victoria's political donation scheme, that is:

- a political party that is registered in Victoria
- a candidate at a Victorian State election
- a group of Legislative Council (Upper House) candidates at a Victorian State election
- an elected member of the Victorian State Parliament
- an associated entity operating in Victoria
- a nominated entity of a political party registered in Victoria
- a third-party campaigner operating in Victoria.<sup>50</sup>

This approach has the added advantage of leveraging the VEC's existing relationship with these groups, as discussed above.

<sup>49</sup> The Committee is recommending live analysis of all relevant social media activity around Victorian elections as a way to bring more transparency to Victorian electoral content on social media more broadly in Section 10.4.

<sup>50</sup> Victorian Electoral Commission, *Political donations*, <<https://www.vec.vic.gov.au/candidates-and-parties/political-donations>> accessed 9 June 2021.

### 10.3.4 Other information that should be in the advertising archive

**‘one helpful rule of thumb would be to insist that ad archives should include an equivalent level of information as is offered to the actual ad buyer...’<sup>51</sup>**

To provide maximum benefit, an archive should consist of both electoral advertisements and contextual information such as who paid for the advertisement, how it was targeted and its reach. This information will help voters to interpret the advertisements and will assist journalists and researchers analysing advertisers’ activities. It will also allow opponents to respond to matters raised in advertising by targeting counter-messages to the same groups.

In terms of what contextual information should be included in the archive, suggestions include:

- who authorised the advertisement and their contact details
- who funded it
- which groups were targeted
- how many people actually saw the advertisement and what categories they belonged to
- how much was spent on the advertisement.<sup>52</sup>

The Committee considers that these data would provide a good basis for analysing an advertisement. In developing legislation, the Government may wish to consult with academics, journalists and political parties to see if other information would also be important.

### 10.3.5 Establishing a government-run archive

Given the above considerations, the Committee would like to see the VEC maintain an archive of all online advertising by candidates, parties and other groups that receive donations under the political donation scheme. As with the archives maintained by social media platforms (see Section 9.3.1), it will be important for the advertisements and contextual data to be publicly accessible in a format that is appropriate for the public, researchers, journalists and other stakeholders.

This archive will increase the transparency of online advertising in Victoria and enable more scrutiny of what electoral campaigns are saying. Updating the archive in real-time during the election period will enable the electorate, the VEC and other candidates to be aware of all the messages being promoted by parties, candidates and others.

<sup>51</sup> Paddy Leerssen et al., ‘Platform ad archives: promises and pitfalls’, *Internet Policy Review*, vol. 8, no. 4, 2019, p. 12, doi: 10.14763/2019.4.1421.

<sup>52</sup> See, for example, Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Disinformation and ‘fake news’: final report*, February 2019, p. 61; Elections Canada, *Political communications in the digital age: discussion paper 2: the impact of social media platforms in elections*, Gatineau, 2020, p. 11; Paddy Leerssen et al., ‘Platform ad archives: promises and pitfalls’, *Internet Policy Review*, vol. 8, no. 4, 2019, p. 12, doi: 10.14763/2019.4.1421.



As this will be an additional responsibility for the VEC to undertake at election time, it is important that the VEC receive additional funding to enable it to undertake this work without impacting on its other election activities.

**FINDING 63:** Archives of electoral advertising can benefit Victorian elections by offering increased transparency around who is running electoral advertising on social media and other online spaces and what they are saying. Archives can also include contextual information such as who paid for political advertisements, how they were targeted and what their eventual reach was. In addition, archives can help regulators with enforcement by making it easier to find advertisements that may breach electoral law.

**FINDING 64:** Although some social media platforms and online services have introduced their own advertising archives, a variety of concerns have been expressed about their completeness and usefulness. Rather than relying on social media platforms, elections would be better served by creating a new archive administered by the VEC. This archive would gather all online advertising by key players in Victorian elections in one place and make it accessible to everybody. The VEC is well placed to administer this archive, as it would be able to leverage its existing relationships with key political players through the political donation scheme. However, it is important that the VEC receive additional funding to ensure that this new responsibility does not impact on its ability to perform other functions.

**RECOMMENDATION 28:** That the Government introduce legislation requiring individuals and groups who can receive political donations under Victoria's political donation scheme to provide copies of all online advertisements to the Victorian Electoral Commission for inclusion in a publicly accessible advertising archive that is searchable, machine-readable and updated in a timely manner. Advertisers should also provide contextual information about each advertisement, such as who authorised and paid for the advertisement, the advertiser's contact details, which groups were targeted by the advertisement, how many people saw the advertisement, which groups saw the advertisement and how much was spent on the advertisement.

## 10.4 Live social media analysis during election campaigns

**'Registered political parties and genuine independent candidates are accountable for the content they produce and have published in their name, but it is the mysterious sources of calculated untruths that publishing platforms have so far proven incapable of regulating.'**<sup>53</sup>

The nature of social media means that much of the information that is posted and shared is fleeting and ephemeral. Stories and statements gain prominence and fade on time-scales that make them difficult to track. The volume of content on social media is

<sup>53</sup> Australian Labor Party, Victorian Branch, *Submission 88*, p. 2.

also enormous, which makes it hard to see a lot of behaviour. The Committee considers that it would be beneficial for Victoria's electoral environment to make what is happening on social media more transparent.

For this Inquiry, the Committee was able to draw on academics and private-sector analysts to better understand what was happening on social media. Combined with the Committee's own research, this work allowed the Committee to see activity and patterns that were otherwise unclear, both during the 2018 election and more recently. The Committee was able to learn more about who is contributing to conversations online, how often they are contributing and what kind of content they are producing.

This information has been of great value to this Inquiry and has informed much of the Committee's deliberation. However, much of this information is not readily visible to social media users.

The recommendations in Sections 10.2 and 10.3 will make the official activities of candidates, parties and other political groups more transparent. However, those recommendations will not apply to all political campaigning on social media. As explored in Chapter 5, political messages can also be spread by bots, fake accounts, high-intensity accounts, politically active individuals and groups not covered by the recommended advertising archive (see Section 10.3.3). Electoral messages are often spread through these sorts of accounts and, as noted by AAP FactCheck, a meme which 'goes viral' may have more impact than a paid advertisement.<sup>54</sup> Voters would benefit from being more aware of such behaviour and able to spot information spread in these ways.

The Labor Party argued that the social media behaviour of unregulated, unidentifiable sources is particularly contributing negatively to political debate:

Political parties and their public representatives are verified by several mechanisms and comprehensively scrutinized on their use of platforms. They must verify their identity to place paid advertising, and are judged on their use of language, and how public resources are spent ... Victorian Labor doesn't bemoan the regulation of political expenditure and verification of identity, however it must be mentioned that baseless claims and outrageous slander against organisations and individuals usually don't come from identified candidates, parties or organisations. It increasingly comes from wholly unidentifiable sources, bots, trolls and suspiciously well-organised groups that do not have genuine public following but are manufactured to appear as genuine.<sup>55</sup>

The Committee considers that making these sorts of sources and their activity more visible would improve the electoral environment. It would help users to understand how their social media environments are being shaped and to identify messages that are being spread through coordinated campaigns rather than organically. This will help users to interpret the content they see accordingly.

<sup>54</sup> AAP FactCheck, *Submission 84*, p. 4.

<sup>55</sup> Australian Labor Party, Victorian Branch, *Submission 88*, p. 2.

A second benefit of uncovering and publicising this sort of activity is that it may deter political actors from engaging in morally questionable activity on social media. This can include spreading misleading information, abusing candidates or manipulating the structure of social media platforms to give the impression of greater engagement with their content. While these and similar practices may not be illegal, they can be harmful. The risk of exposure and the impact that may have on electoral results can act as a deterrent for political players.

The Committee is aware of current initiatives to analyse social media activity surrounding elections in real time in other jurisdictions. At the 2020 Queensland State election, researchers from Queensland University of Technology posted a series of blog posts detailing social media activity around the election.<sup>56</sup> The posts looked at topics such as which politicians and parties Tweet the most and are mentioned the most in Tweets, the proportion of positive and negative ‘reactions’ to politicians’ Facebook posts and text analysis of social media posts to determine what topics are most discussed.

This work was taken up by journalists in their coverage of the election, in turn informing voters.<sup>57</sup>

Similar sorts of projects have also been undertaken in other countries. In the United States, the *Illuminating* project aims to ‘help journalists by providing a usable yet comprehensive summary of the content and character of campaign communication online’ by providing a database of presidential candidate advertisements and other content on social media, along with blog-style analysis.<sup>58</sup> This included, for example, posts analysing campaign social media spending and messages in certain states.<sup>59</sup> A team from the Lisbon University Institute partnered with a news organisation in 2019 to publish findings on social media use at a Portuguese election in real time.<sup>60</sup>

The Committee’s view is that social media analysis that delivers real-time information to the Victorian populace at future elections would benefit Victoria in multiple ways. It would allow citizens to be better informed about what is happening on social media around elections and the way that what they see is being influenced by political campaigns. Candidates would benefit from a better understanding of the narratives

56 Queensland University of Technology Digital Media Research Centre, *Election*, <<https://research.qut.edu.au/dmrc/tag/election>> accessed 13 May 2021.

57 See for example Emilie Gramenz, ‘Queensland political parties “pay to play” on social media as QUT researchers find “significant spend” across the board’, *ABC News*, 30 October 2020, <<https://www.abc.net.au/news/2020-10-30/qld-state-election-2020-digital-electioneering-on-social-media/12822544>> accessed 13 May 2021; Matt Dennien, ‘Social media now “core battleground” of election, expert says’, *Brisbane Times*, 8 October 2020, <<https://www.brisbanetimes.com.au/politics/queensland/poll-call-day-3-labor-imp-look-for-northern-exposure-20201007-p5630g.html?post=p51b2t#p51b2t>> accessed 13 May 2021.

58 *Illuminating*, *Illuminating: helping journalists cover social media in the Presidential campaign*, <<https://illuminating.ischool.syr.edu>> accessed 18 August 2021.

59 Hailey Womer, *Battle in the Badger State: campaign advertising in Wisconsin*, 29 October 2020, <<https://news.illuminating.ischool.syr.edu/2020/10/29/battle-in-the-badger-state-campaign-advertising-in-wisconsin>> accessed 13 May 2021.

60 Democracy Reporting International, *Lessons Learned: social media monitoring during elections: case studies from five EU elections 2019–2020*, report prepared by Madeline Brady, 2020, p. 9.

circulating on social media, in case they wish to respond to them. Journalists would be able to use the information to report on the activities of candidates, parties and other campaigners.

This social media analysis would be particularly helpful for bringing to light the activities of individuals and groups which are not currently regulated through the political donation scheme (see Section 10.3.3). This may provide a useful input to future policy development in several areas.

The analysis may be useful for the panel conducting the review of parts of the Electoral Act after the 2022 election.<sup>61</sup> Based on the activity identified through the analysis, the panel may wish to consider whether the donation provisions of the Electoral Act should be expanded to regulate politically active groups not currently covered by the political donation scheme.

The Parliament and future Electoral Matters Committee may also use the information from this analysis to consider whether it is necessary to expand other provisions, such as authorisation requirements or what advertising should be included in the archive administered by the VEC.

A report by Democracy Reporting International into five cases of social media monitoring for elections in Europe found various challenges to social media monitoring and made recommendations including:

- social media platforms need to provide better access to their data
- governments should invest in social media monitoring at a local level—noting organisations that have completed one or more studies have long-term infrastructure that allows them to produce more reports
- partnering with journalists helps to spread findings to a wider audience.<sup>62</sup>

These factors should be considered as part of setting up a system in Victoria. The need for researchers to have better access to data about what is happening on social media is discussed further in Section 10.5.2.

**FINDING 65:** Analysis of social media activity gave the Committee a valuable broader view of what forces were shaping the social media environment and narratives around the 2018 Victorian election. Victorian voters, candidates and journalists would benefit from similar information being provided in real time during an election. In addition, analysis that exposes poor behaviour on social media may act as a deterrent against such activities.

<sup>61</sup> *Electoral Act 2002 (Vic) s 222DB.*

<sup>62</sup> Democracy Reporting International, *Lessons learned: social media monitoring during elections: case studies from five EU elections 2019–2020*, report prepared by Madeline Brady, 2020, pp. 18–19.

**RECOMMENDATION 29:** That the Government fund a suitably qualified organisation to analyse and report on social media activity during the 2022 Victorian election campaign and subsequent election campaigns. Preliminary findings should be publicly available in real-time during the election period so that voters have a clearer idea about what forces shape the social media environment and narratives around Victorian elections, including the way people and organisations are campaigning.

This work should analyse, bring to light and report on:

- advertising by political parties, candidates and other politically active groups
- coordinated campaigns to promote political messages
- high-intensity accounts and their impact on political discussion
- the use of bots and fake accounts
- other activities intended to manipulate what political messages social media users see.

The Government should take lessons from similar work done in Queensland and Europe as described in this report, particularly with regards to working with platforms to ensure that analysts have access to data and partnering with local journalists.

## 10.5 Improving the transparency of social media content, platforms' decisions and algorithms

'The balance I think at the moment is possibly too far towards self-regulation. The platforms are largely intransparent about what they are doing. They certainly make announcements from time to time about the measures that they are taking, but it is very difficult to verify the effectiveness of those measures independently, unfortunately, in part because it is so difficult for people ... who are independent observers of how these platforms operate to fully evaluate the effects of the self-regulation that they say they are putting in place. For instance, we can see the announcements of platforms saying that they have taken down so many bots or so many abusive accounts and we can see what they are saying about how they are changing particular elements of the platform in order to limit the spread of mis- and disinformation, but it is very difficult to assess how effective that actually is.'<sup>63</sup>

The Committee's research and public hearings revealed extensive evidence of platforms lacking transparency around how they decide what appears on their services and

<sup>63</sup> Axel Bruns, Professor, Queensland University of Technology Digital Media Research Centre, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 24.

how their algorithms influence what people see.<sup>64</sup> The Committee is concerned that platforms are making decisions, both algorithmically and otherwise, regarding abuse, inaccurate information, sensational content and other harmful material without adequate transparency. The Committee would like to see more transparency around these decisions, so that their full impact can be understood.

As part of this, it is critical for researchers to have access to social media content and data in an appropriate format. This is necessary for them to analyse the effects of platforms' decisions, to report on what is happening on social media during elections (see Section 10.4), to investigate how social media are affecting Victorian elections (see Section 4.4.1) and to evaluate governments' efforts to reduce the negative impacts of social media.

### 10.5.1 The lack of transparency about social media platforms' content decisions

Elections Canada, in a discussion paper regarding the impact of social media platforms on elections, explained the problem of opaque policies, decisions and content moderation by platforms:

Platforms regularly shut down inauthentic accounts and remove content that does not meet policies; in some cases, they announce takedowns of major information operations. Yet because platforms do not give detailed information about moderation or curation decisions, it is difficult to know what decisions platforms are making, the basis for those decisions, and whether platforms are applying their rules and policies fairly and consistently.<sup>65</sup>

One study into Facebook's and Google's policies regarding paid political advertising criticised the platforms for making decisions in 'often opaque ways, according to policies that are not transparent, and without clear justifications to campaigns or the public as to how they are applied or enforced.'<sup>66</sup> In a separate study that used

<sup>64</sup> Stephan Lewandowsky, Chair in Cognitive Psychology, School of Psychological Science, University of Bristol, and Professor, School of Psychological Science, University of Western Australia, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 31; Julian Knight MP, Chair, House of Commons Digital, Culture, Media and Sport Committee, Parliament of the United Kingdom, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 45; Luboš Kukliš, Board Member, European Regulators Group for Audiovisual Media Services, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 34; Lorna Woods, Professor of Internet Law, Essex University, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 50; Alex Stamos, Sergey Sanovich, Andrew Grotto and Allison Berke, 'Combating state-sponsored disinformation campaigns from state-aligned actors', in Michael McFaul (ed.), *Securing American elections: prescriptions for enhancing the integrity and independence of the 2020 U.S. Presidential election and beyond*, Cyber Policy Centre, Freeman Spogli Institute, Stanford University, Stanford, 2019, p. 50; Ellen P. Goodman, *The first amendment opportunism of digital platforms*, <<https://www.gmfus.org/publications/first-amendment-opportunism-digital-platforms>> accessed 12 January 2021; Lisa-Maria Neudert and Nahema Marchal, *Polarisation and the use of technology in political campaigns and communication*, report for the Scientific Foresight Unit, European Parliamentary Research Service, Brussels, 2019, p. 45; Parliament of the United Kingdom, House of Lords Select Committee on Democracy and Digital Technologies, *Digital technology and the resurrection of trust*, June 2020, p. 42.

<sup>65</sup> Elections Canada, *Political communications in the digital age: discussion paper 2: the impact of social media platforms in elections*, Gatineau, 2020, p. 11 (with source).

<sup>66</sup> Daniel Kreiss and Shannon C. McGregor, 'The "arbiters of what our voters see": Facebook and Google's struggle with policy, process, and enforcement around political advertising', *Political Communication*, vol. 36, no. 4, 2019, p. 1, doi: 10.1080/10584609.2019.1619639.

Facebook’s ‘I’m a Voter’ button and advertiser targeting options as case studies, researchers concluded that Facebook’s policies and procedures, and likely those of other social media companies, regularly change and lack transparency about the changes. The researchers noted that effective policy responses need stronger public disclosure and accountability.<sup>67</sup>

The United Kingdom Parliament’s House of Lords Select Committee on Democracy and Digital Technologies heard evidence that social media platforms’ content moderation focuses on ‘brand management’, doing it ‘inexpensively rather than accurately’ and working at scale over thoroughness.<sup>68</sup>

At a public hearing, Mr Josh Machin from Facebook told the Committee of Facebook’s efforts around electoral harms such as fake accounts and foreign influence:

In protecting election integrity we are able to leverage the significant global investments we make in safety and security. Those efforts comprise employing more than 35,000 people globally and an annual investment on safety and security that is larger than Facebook’s entire revenue when we publicly listed in 2012. As an example, globally we removed 3.2 billion fake accounts in the first half of 2020 and we blocked millions more at upload. Of the accounts that we detected and removed, 99.7 per cent were proactively detected by us via artificial intelligence due to the significant investment that we have made in that area. We have also increased our capacity to detect foreign interference, or the term that we use is ‘coordinated inauthentic behaviour’, or CIB. We have removed over 100 CIB networks globally since 2017, which comprises thousands of pages, groups and accounts, and we transparently publish these removals every month on our global blog, including attributing a source country to those CIB networks that we remove.<sup>69</sup>

However, other witnesses told the Committee that, despite statements like these from social media platforms, the lack of access to data about platform decisions and how they are implemented makes it impossible to verify the effectiveness of platform responses against electoral harms. Associate Professor Daniel Angus, from the Queensland University of Technology Digital Media Research Centre, told the Committee:

Particularly with Facebook ... it is interesting that they kind of make these broad statements around ‘We make public reports’ and ‘We bring transparency around removal of accounts’. We do not see that from an academic perspective. We need the granular detail to be able to properly evaluate their claims around how well they are doing around cleaning up the platform and that they are striking the right balance in terms of what speech they are allowing and what is being taken away.<sup>70</sup>

<sup>67</sup> Bridget Barrett and Daniel Kreiss, ‘Platform transience: changes in Facebook’s policies, procedures, and affordances in global electoral politics’, *Internet Policy Review*, vol. 8., no. 4., 2019, p. 17, doi: 10.14763/2019.4.1446.

<sup>68</sup> Parliament of the United Kingdom, House of Lords Select Committee on Democracy and Digital Technologies, *Digital technology and the resurrection of trust*, June 2020, p. 43.

<sup>69</sup> Josh Machin, Head of Policy Australia and New Zealand, Facebook, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 8.

<sup>70</sup> Daniel Angus, Associate Professor, Queensland University of Technology Digital Media Research Centre, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 24.

As discussed in Section 9.3.5, the decisions that platforms make about content have the potential to affect election outcomes, either deliberately or inadvertently. It is therefore important for the community to be able to see whether platforms are making decisions fairly and appropriately. It is also necessary for governments to monitor the decisions platforms are making and how these impact on elections.

**FINDING 66:** Social media platforms make decisions regarding content that may impact on elections, both in the way that they design algorithms and through staff members' assessments about content breaking the rules. These decisions are not transparent enough. This makes it difficult for the community and government to assess whether platforms are acting appropriately and how their decisions are impacting on elections.

## 10.5.2 Access for researchers

Another important part of transparency is enabling researchers to access social media content. This is critical for understanding the decisions of platforms and their impact (see Section 10.5.1). It is also necessary to enable real-time analyses of electoral activities on social media, as recommended in Section 10.4. In addition, it will allow researchers to better understand the impact of social media on elections (see Section 4.4.1) and to assess the effectiveness of responses undertaken by governments.

The United Kingdom Parliament's House of Lords Select Committee on Democracy and Digital Technologies found that there was a consensus from experts around the need for better access to platform data:

more research is needed, which requires independent researchers to have greater access to data from technology platforms. Whilst on occasion the experts we heard from disagreed, their clear consensus was that there was not enough data because platforms did not allow independent research to audit their performance.<sup>71</sup>

A number of researchers raised concerns with the Committee about difficulties accessing content and data on social media. For example, Queensland University of Technology's Digital Media Research Centre stated:

To track not only official advertising, but also rogue or 'below the line' advertising activities, astroturfing and sockpuppeting campaigns, and other coordinated inauthentic activities that are designed to influence public opinion and electoral choices, we also require generally enhanced access for researchers to social media data, across all major platforms, via research-specific Application Programming Interfaces (APIs). Such access has been much reduced in recent years: the Facebook API has been severely curtailed; the Instagram API has been discontinued; platforms like WhatsApp provide no API

<sup>71</sup> Parliament of the United Kingdom, House of Lords Select Committee on Democracy and Digital Technologies, *Digital technology and the resurrection of trust*, June 2020, pp. 60–61.



functionality whatsoever. This undermines critical, independent, third-party scrutiny, and means that there is no chance to verify whether the measures against mis- and disinformation that platforms announce from time to time are indeed effective.<sup>72</sup>

It is also important that information be available in appropriate formats for researchers. The Committee heard that existing transparency measures from social media platforms, such as advertisement archives, do not allow systemic analysis.<sup>73</sup> Information must be in a format that allows these sorts of analyses, so that researchers can conduct the sort of work advocated in this report.

Access to social media data for researchers is an important aspect of transparency for Victorian elections and the Committee would like to see the Government take action to facilitate this.

**FINDING 67:** Researchers need access to content and data on social media platforms to investigate social media platforms' content decisions and their impact, to analyse how people are using social media during election periods, to better understand the impact of social media on elections and to evaluate government policies. The level of access currently provided by social media platforms and the way that data are provided limit researchers' ability to undertake these tasks.

### 10.5.3 Ways to increase the transparency of content decisions

Some organisations have argued that government regulation should be introduced to make platforms more transparent. Parliamentary committees in the UK have suggested strong regulatory responses, including:

- establishing an independent regulator or ombudsman to make binding rulings in response to public appeals of platform moderation decisions (with these rulings to become standards for future decisions)<sup>74</sup>
- that platforms establish clear moderation policies, publish details of moderation decisions, and face sanctions for inconsistencies between policies and moderation decisions<sup>75</sup>

<sup>72</sup> Queensland University of Technology Digital Media Research Centre, *Submission 105*, p. 8 (with source). Concerns have also been expressed more recently about changes to CrowdTangle, a tool which enables data analytics of Facebook—Kevin Roose, 'Inside Facebook's data wars', *The New York Times*, 14 July 2021, <<https://www.nytimes.com/2021/07/14/technology/facebook-data.html>> accessed 23 July 2021. Researchers at New York University who run the Ad Observatory Project, which uses a browser plug-in to collect political advertising into a public database, have had their Facebook access suspended—Barbara Ortutay, 'Facebook shuts out NYU academics' research on political ads', *AP*, 5 August 2021, <<https://apnews.com/article/technology-business-5d3021ed9f193bf249c3af158b128d18>> accessed 6 August 2021.

<sup>73</sup> Ben O'Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 5.

<sup>74</sup> Parliament of the United Kingdom, House of Lords Select Committee on Democracy and Digital Technologies, *Digital technology and the resurrection of trust*, June 2020, p. 46.

<sup>75</sup> Parliament of the United Kingdom, House of Lords Select Committee on Democracy and Digital Technologies, *Digital technology and the resurrection of trust*, June 2020, p. 73.

- that platforms enable ‘road testing’ of new features by independent researchers ‘to ensure that they are ethically designed’<sup>76</sup>
- requiring regular audits of platform algorithms, both internally (by the platforms) and externally (by a regulator).<sup>77</sup>

Similar views were expressed by some submitters to this Inquiry. The Centre for Digital Rights called for platforms to be required to be transparent about how their algorithms work.<sup>78</sup> Responsible Technology Australia called for major social media platforms to be required to ‘self-publish a tool that allows regulators to access what content is being amplified and served in Australia by these algorithms in real-time.’ The organisation considered that seeing the outcomes would provide more insights about the impact than seeing the algorithm code and would protect platforms’ intellectual property.<sup>79</sup>

At the Commonwealth level, the recent Online Safety Act (see Section 9.4) has recently introduced legislative provisions that may make social media platforms more transparent about their efforts to reduce abuse (and similar matters). These include empowering the eSafety Commissioner to require platforms to report on their compliance with certain standards.<sup>80</sup> However, this is limited to safety matters and not broader electoral issues.

The Committee’s view is that the best way to increase the transparency of social media around elections is a collaborative approach between governments, platforms and other stakeholders. The Government should work with platforms to establish better data access. This data access should not be limited to a regulator, but rather should be more broadly available to people with the expertise and interest to interpret it, particularly academic researchers.

Part of this is ensuring that platforms are aware of the specific expectations of the Victorian community around electoral information online. In the UK, a Transparency Working Group with representatives from civil society and the technology industry is providing advice on what transparency should look like in response to online harms generally (as opposed to election-specific issues).<sup>81</sup> The Committee believes a similar approach is appropriate in Victoria.

The Committee recommends establishing an Electoral Transparency Working Group involving the VEC, social media platforms, academics and other relevant stakeholders

<sup>76</sup> Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Submission 95*, p. 3; Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee, *Misinformation in the COVID-19 infodemic*, July 2020, p. 37.

<sup>77</sup> Parliament of the United Kingdom, House of Lords Select Committee on Democracy and Digital Technologies, *Digital technology and the resurrection of trust*, June 2020, p. 67.

<sup>78</sup> Centre for Digital Rights, *Submission 98*, p. 6.

<sup>79</sup> Responsible Technology Australia, *Submission 85*, p. 6.

<sup>80</sup> *Online Safety Act 2021* (Cth) ss 49–63.

<sup>81</sup> United Kingdom Government, *Consultation outcome: the government report on transparency reporting in relation to online harms*, <<https://www.gov.uk/government/consultations/online-harms-white-paper/outcome/government-transparency-report>> accessed 18 August 2021.

to identify appropriate expectations for social media platforms and how more transparent social media data can be best achieved in the Victorian electoral context.

The Committee recognises the willingness expressed by both Facebook and Twitter, in their evidence to this Inquiry and elsewhere, to work collaboratively with civil society to respond to electoral integrity issues.<sup>82</sup> The Committee considers that increasing the level of transparency about what happens on these platforms would be an important step in this direction.

**RECOMMENDATION 30:** That the Government establish an Electoral Transparency Working Group, with representatives from the Victorian Electoral Commission, academia, social media platforms and other relevant stakeholders. The Group should:

- work to establish what transparency obligations Victorian society expects of social media platforms regarding election-related content on their services (including what should be reported about content decisions made by platforms)
- establish procedures for social media platforms to provide data access to researchers in an appropriate format that allows researchers to analyse platforms' content decisions and their impact on elections
- establish procedures for social media platforms to provide data access to researchers in an appropriate format that allows researchers to analyse how people and groups are campaigning and influencing the social media environment around elections.

<sup>82</sup> Facebook, *Submission 123*, p. 17; Twitter, *Submission 126*, p. 1; Lisa-Maria Neudert and Philip N. Howard, *Ready to vote: elections, technology & political campaigning in the United Kingdom*, report for Oxford Technology and Elections Commission, Oxford, 2019, p. 10.



# 11 Improving people's understanding of social media and encouraging good behaviour

## 11.1 Introduction

Chapter 9 explored ways to reduce the negative impacts of social media by improving the design and operation of platforms. Chapter 10 considered ways of increasing the transparency of platforms' decisions and users' activity. This chapter examines options for improving users' understanding of social media.

Understanding what factors shape the information that a person sees on social media (and media more generally) can counter a number of the harms examined in Chapters 4–8. In particular, it is important to understand how certain content (such as inaccurate information and sensationalist content) can be amplified by the design of platforms and the way that people use them. It is also important to understand the ways that certain groups and individuals can manipulate social media to promote particular messages. Knowledge of these forces can help people to appropriately interpret what they see on social media.

It is also important for people to understand the potential harms that their own behaviour can have. The way that people act and respond to others on social media can influence what is considered acceptable and can either contribute to or reduce various problems.

To increase people's understanding of these issues, the Committee recommends social media literacy and general media literacy programs for the general public, school students, teachers, media professionals and electoral candidates (see Section 11.2).

Political parties and candidates play a particularly important role in contributing to a positive or negative social media environment for Victorian elections. The Committee has seen evidence of parties and candidates engaging in negative behaviour (see Sections 5.3.1, 6.2.3 and 7.3.3). Section 11.3 discusses the negative example this sets for social media behaviour around elections. The Committee recommends a new code of conduct around social media campaigning to improve this situation at future elections.

## 11.2 Social media literacy

**'Even with improved regulation of the social media sector, assisting individuals to identify "fake news", better understand the provenance of information and the expertise of the person communicating it, is likely to be important in increasing resilience more generally – both to foreign interference and other types of disinformation.'**<sup>1</sup>

Multiple submitters and witnesses to this Inquiry called for programs to increase social media literacy. It was argued that improved media literacy has the potential to 'inoculate' the community against inaccurate information on social media and to reduce the likelihood of people engaging in negative behaviours.

The importance of strong media literacy skills in facilitating an informed populace and high quality elections is nothing new. The ability for voters to critique and analyse the information they receive has been necessary throughout time and across all forms of media.

However, the Committee supports a focus on helping Victorians to develop the skills they need to critically respond to the information they receive through social media. Digital literacy responses that specifically address social media should be part of that. More general critical thinking and media literacy skills that apply across a variety of media sources would also be useful.

Some of the key issues that have emerged through this Inquiry that should be taught include that:

- the people and views that a user encounters on a social media platform may not be representative of the wider community (see Section 4.3.1)
- social media platforms may disproportionately promote certain types of content, such as sensationalist content and inaccurate information (see Sections 4.3.1 and 4.3.2)
- certain messages can be amplified or marginalised by fake accounts, bots, high-intensity accounts and gate-keeping (see Sections 5.3, 5.4 and 5.5).

It is also important for users to understand the role that they can play in shaping their social media environment. Social media literacy programs should draw attention to the potential consequences of people's actions on social media and highlight choices which can contribute to harms or encourage inappropriate behaviour.

### 11.2.1 Existing election-specific campaigns

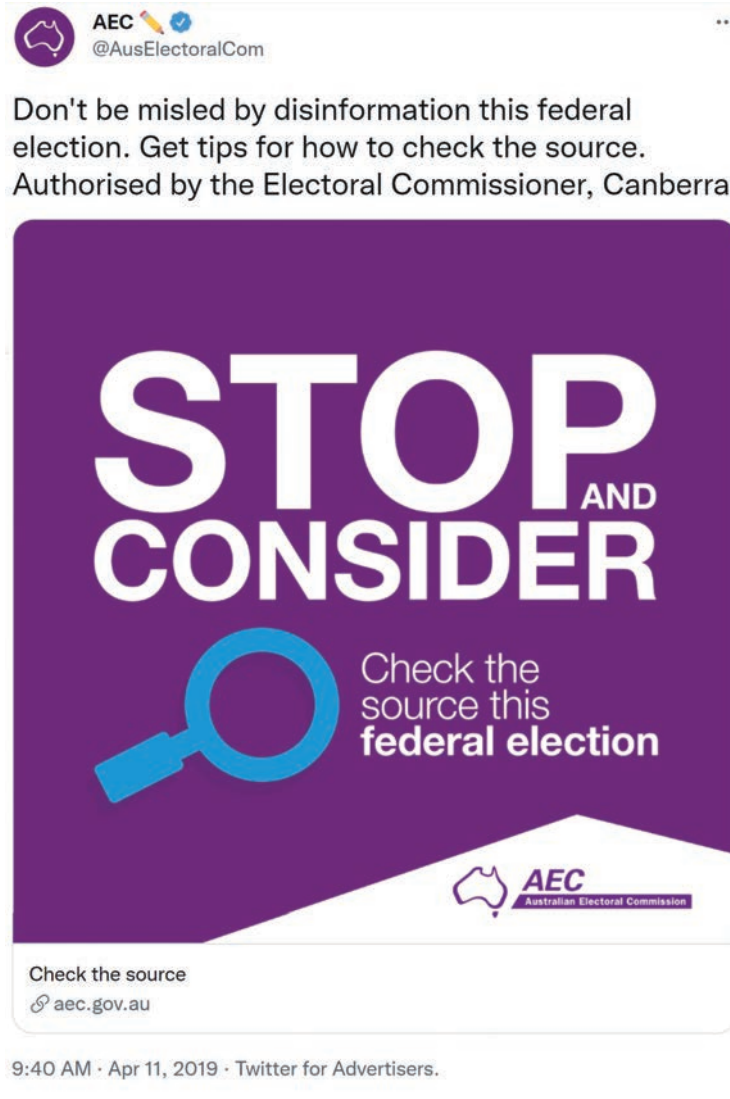
The Committee heard evidence of existing digital literacy programs that focus on elections, such as the Australian Electoral Commission's (AEC's) 2019 'Stop and consider' campaign (see Figure 11.1). The campaign encouraged voters to 'check

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<sup>1</sup> Department of Home Affairs, *Submission 59, Attachment 1*, p. 10.

the source of electoral communication to avoid being misled by disinformation' in the lead-up to the 2019 Commonwealth election.<sup>2</sup> Information was provided in 29 languages.<sup>3</sup>

**Figure 11.1** Advertising as part of the Australian Electoral Commission's 'Stop and consider' campaign



9:40 AM · Apr 11, 2019 · Twitter for Advertisers.

1,031 Retweets 102 Quote Tweets 1,351 Likes

Source: Australian Electoral Commission (@AusElectoralCom), Tweet, 11 April 2019, <<https://twitter.com/AusElectoralCom/status/1116123931990056960>> accessed 10 May 2021.

<sup>2</sup> Australian Electoral Commission, *Annual report 2019–20*, Canberra, 2020, p. 41.

<sup>3</sup> Australian Electoral Commission, *Stop and consider campaign: 2019 federal election*, <<https://emailfooter.aec.gov.au/elections/electoral-advertising/files/stop-and-consider-external-flyer.pdf>> accessed 9 August 2021, p. 2.

The AEC reported that:

The campaign was geared towards increasing visibility of its key messages among the voting community, and this was successfully achieved through the delivery of more than 56 million social media impressions and more than 100,000 clicks to AEC website material.

Outreach activities also yielded spread of key messages through positive media coverage and more than 1,700 downloads of translated fact sheets.

Further to this, independent market reach undertaken showed that the Stop and Consider campaign was generally well received; with two in five (40%) of those recognising the campaign claiming they would take action on account of seeing it.<sup>4</sup>

Elections ACT ran a similar campaign for the 2020 ACT election called 'Check the source'.<sup>5</sup>

The Victorian Electoral Commission (VEC) told the Committee that:

In both the "Stop and Consider" and "Check the source" campaigns, social media messaging pre-empted the possibility of disinformation by reaffirming authorised electoral matter as a trusted media source. Although both electoral commissions could not act as arbiters of truth during the election campaigns, they nonetheless positioned themselves as the official source for electoral information, at the same time as they reasserted the rights of individuals to freely express their political opinions.<sup>6</sup>

The Committee supports campaigns such as 'Stop and consider' and 'Check the source' as part of a social media literacy response to harms posed by social media to elections.

**FINDING 68:** Electoral commissions in other Australian jurisdictions have run election-specific media literacy campaigns that encourage people to consider the source of electoral information they encounter. Such campaigns can form part of an effective response to harms posed by social media to elections.

**RECOMMENDATION 31:** That the Victorian Electoral Commission run election-specific media literacy campaigns similar to the Australian Electoral Commission's 'Stop and consider' campaign at future elections.

4 Australian Electoral Commission, *Stop and consider campaign: 2019 federal election*, <<https://emailfooter.aec.gov.au/elections/electoral-advertising/files/stop-and-consider-external-flyer.pdf>> accessed 9 August 2021, p. 2.

5 Elections ACT, *Check the source*, <[https://www.elections.act.gov.au/elections\\_and\\_voting/2020-check-the-source](https://www.elections.act.gov.au/elections_and_voting/2020-check-the-source)> accessed 10 May 2021.

6 Victorian Electoral Commission, *Submission 77*, p. 20.



## 11.2.2 Broader campaigns which teach social media literacy and general media literacy

**'A government funded media literacy campaign would be a good idea ... A literacy campaign could help people discern what is true or not online, which could apply to political fake news, fake news in other areas (e.g. health) and scams.'**<sup>7</sup>

The VEC also suggested that it may be appropriate for media literacy campaigns to cover general digital literacy, as well as how social media works:

The VEC would recommend that any education programs or campaigns of this nature go beyond educating people to “know what they can trust online” and specifically aim to help people understand the mechanics of social media platforms in collecting, sharing and using their personal data to allow advertisers to influence their behaviour. Such a program, delivered alongside critical thinking programs that helps users understand how to discern between trustworthy and deceptive information, and how to conduct their own research on candidates, parties and policies, would be the approach recommended by the VEC.<sup>8</sup>

The VEC noted that it currently provides some media literacy messaging as part of its voter education and outreach programs,<sup>9</sup> but that it was not best placed to be the lead agency for a broader program.<sup>10</sup>

Professor Darren Lilleker, of Bournemouth University, also advocated for social media-specific and general media literacy programs:

lessons relating to thinking before liking or sharing, how to avoid filter bubbles and understanding the threats posed by exposure to misinformation are required now from a young age. Media literacy also needs to provide a basis for assessing the validity of sources, source bias, the role of journalism in society and how to differentiate between different forms of journalism: investigative, editorial or propagandistic. These are issues that predate and transcend fake news, but have become increasingly imperative due to the widespread usage of this plethora of new platforms.<sup>11</sup>

The Committee believes that it is also important to make users aware of the potential consequences of their own behaviour on social media. Decisions such as whether or not to share inaccurate information can affect how widely it spreads. The type of language people use and the things they say influence how other users behave and send a message about what is considered acceptable. The way that a user responds to others on social media can encourage or discourage inappropriate behaviours.

<sup>7</sup> Benjamin Cronshaw, *Submission 3*, p. 1.

<sup>8</sup> Victorian Electoral Commission, *Submission 77*, p. 19.

<sup>9</sup> Victorian Electoral Commission, *Submission 77*, p. 19.

<sup>10</sup> Victorian Electoral Commission, *Submission 77*, pp. 19, 20–21.

<sup>11</sup> Darren Lilleker, Professor, Centre for Comparative Politics and Media Research, Bournemouth University, *Submission 78*, pp. 5–6. See also Bruce Baer Arnold, Assistant Professor, University of Canberra, *Submission 110*, p. 11.

The UK Government has run programs designed to help people identify inaccurate information online and to discourage them from spreading it.<sup>12</sup> The Committee considers that this may be valuable in Victoria. The Committee would also like to see this expanded to other inappropriate behaviours (such as abuse and incivility) to encourage people to be more mindful about what they choose to post, like, share or comment on.

Schools are one important venue where social media literacy and general media literacy could be taught. One submitter told the Committee:

I am a high school teacher and it is clear that students and their parents do not know who they can trust online. Teachers also need proper training in this.<sup>13</sup>

Another submission noted a survey of Tasmanian teachers in 2018 which found that:

While the majority of teachers surveyed (77%) feel equipped to guide students on deciding whether news stories are true and can be trusted, nearly a quarter of the teachers (23%) report they are not able to provide this guidance.<sup>14</sup>

The submission called for 'the inclusion of media literacy as a central pillar in the Victorian Curriculum to create the overarching umbrella required to attract funding, new resources and further training of staff.'<sup>15</sup>

Some submitters and witnesses noted the importance of programs targeting adults as well as children. Dr Carlo Kopp, of Monash University, recommended that public education on digital media literacy be provided through a range of channels including workplace compliance programs, free online courses with associated 'micro-credentials' and television and social media advertising (in multiple languages).<sup>16</sup>

Journalists were also suggested as a key target for social media literacy programs.<sup>17</sup> Traditional media play an important role as a trusted source of information around elections. Inaccurate information spread by traditional media can damage this trust and damage voters' ability to become properly informed (see Section 6.4.3 for more). Social media literacy programs specifically designed for those in the media could help practitioners avoid spreading inaccurate information. It could also help them to inform the public by identifying the factors influencing the social media environment.

<sup>12</sup> United Kingdom Government, *SHAREChecklist*, <<https://sharechecklist.gov.uk>> accessed 22 July 2021.

<sup>13</sup> Jacinta Marlborough, *Submission 40*, p. 1.

<sup>14</sup> Jocelyn Nettlefold and Kathleen Williams, *Insight five: a snapshot of media literacy in Australian schools*, Institute for the Study of Social Change, University of Tasmania, [2018], p. 5; noted by Hamish Galbraith, Fleur Wackett, Sam Murdoch, and Oscar Kennedy, *Submission 107*, p. 3.

<sup>15</sup> Hamish Galbraith, Fleur Wackett, Sam Murdoch, and Oscar Kennedy, *Submission 107*, p. 3.

<sup>16</sup> Carlo Kopp, Lecturer, Department of Data Sciences and AI, Monash University, *Submission 79*, pp. 11-12.

<sup>17</sup> Carlo Kopp, Lecturer, Department of Data Sciences and AI, Monash University, *Submission 79*, p. 12; MediaLaws, *Submission 99*, p. 3; see also Scott Wright, Professor of Political Communication and Journalism, Monash University, public hearing, Melbourne, 5 July 2021, *Transcript of evidence*, pp. 7-8.

The Government may also consider programs aimed at election candidates and campaigners.<sup>18</sup> Local government election candidates already complete mandatory training which includes information about the Councillor Code of Conduct and electoral campaign donation laws.<sup>19</sup> Social media literacy information could be incorporated into this training and programs could be developed for state election candidates.

The Australian Competition and Consumer Commission has recommended programs for the general community:

The ACCC also recommends measures to improve digital media literacy across the community, to ensure all Australians are well equipped to identify and appropriately scrutinise low quality or unreliable news encountered through digital platforms.

In particular, the ACCC recommends that a Government program be established to fund and certify non-government organisations for the delivery of digital media literacy resources and training. It should be based on the frameworks currently used by the Online Safety Grants Program and Be Connected program, which are administered by the Office of the eSafety Commissioner. The resources and training should be broadly delivered through community centres, libraries, schools and senior centres for the benefit of all Australians. The ABC and SBS are already involved in the provision of digital media literacy resources, and the ACCC considers that organisations participating in the proposed program could partner with these entities in the development and delivery of education and training.<sup>20</sup>

The Committee is aware of grants programs for delivering digital media literacy training overseas. The European Commission has provided funding for programs aimed at improving media literacy.<sup>21</sup> Canada's Digital Citizen Initiative funds various programs aimed at building 'citizen resilience against online disinformation and building partnerships to support a healthy information ecosystem.'<sup>22</sup> These programs include research initiatives and citizen-focused initiatives such as Media Literacy Week.<sup>23</sup>

The Committee considers that there may be benefits to Victorians having a better understanding of how social media work and how their behaviour can influence what happens on social media. Social media literacy programs can help reduce the harm caused to elections by inaccurate information and the way platforms and users can amplify certain content. Helping Victorians gain the skills necessary to understand,

18 Ritesh Chugh, Senior Lecturer, CQ University Melbourne, *Submission 72*, p. 4; Scott Wright, Professor of Political Communication and Journalism, Monash University, public hearing, Melbourne, 5 July 2021, *Transcript of evidence*, p. 8.

19 Victorian Government Department of Jobs, Precincts and Regions, *Local government candidate training – information for candidates* (version 3), Melbourne, 2021.

20 Australian Competition and Consumer Commission, *Digital platforms inquiry*, Canberra, 2019, p. 21.

21 European Commission, *Preparatory action on media literacy for all – call for proposals 2020*, <<https://digital-strategy.ec.europa.eu/en/funding/preparatory-action-media-literacy-all-call-proposals-2020>> accessed 10 May 2021.

22 Government of Canada, *Online disinformation*, <<https://www.canada.ca/en/canadian-heritage/services/online-disinformation.html>> accessed 11 May 2021.

23 MediaSmarts, *Media Literacy Week 2021*, <<https://mediasmarts.ca/media-literacy-week>> accessed 17 August 2021; Canadian Heritage, *Supporting media literacy to stop the spread of online disinformation*, media release, Government of Canada, Ottawa, 26 October 2020, <<https://www.canada.ca/en/canadian-heritage/news/2020/10/supporting-media-literacy-to-stop-the-spread-of-online-disinformation.html>> accessed 11 May 2021.

interpret and be sceptical about information that comes through social media (and media more generally) around elections can lead to better informed voters. It may also reduce problematic behaviour online, by discouraging the spread of inaccurate information and not encouraging inappropriate behaviour.

The Committee supports Government funding for programs that offer social media-specific literacy skills and general media literacy skills. Such programs should be available for the general community and tailored for specific audiences, such as students, teachers, journalists and electoral candidates.

Several people responding to the Committee's survey expressed concern that government-funded social media literacy, if done inappropriately, could be used to push certain agendas. The Committee recognises this concern and notes the importance that any media literacy campaigns be conducted in an apolitical manner.

**FINDING 69:** Social media literacy programs and general media literacy programs can help Victorians gain the skills necessary to understand and interpret information that comes through social media. This can reduce the harm caused to elections by inaccurate information, by not being exposed to a full range of viewpoints and by people manipulating the social media environment. Social media literacy programs can also discourage people from spreading inaccurate information and from behaving in ways that encourage inappropriate behaviour.

**RECOMMENDATION 32:** That the Government fund social media literacy programs and general media literacy programs for Victorians. This should include programs aimed at the community in general, and more targeted programs for school students and teachers, journalists and electoral candidates. Programs should include helping people to understand:

- how social media platforms work and how they can be manipulated
- how the content that a user sees is influenced by the design of platforms and the strategies adopted by other users
- how the viewpoints that a user encounters on social media may not represent the diversity of the broader community
- the potential consequences of their actions on social media and how not to do things that spread inaccurate information or encourage inappropriate behaviour.

### 11.3 Commitments from parties and candidates

**‘Politicians need to rebuild trust in public administration and democratic processes rather than engaging in a race to the bottom in the legislature and on social media.’<sup>24</sup>**

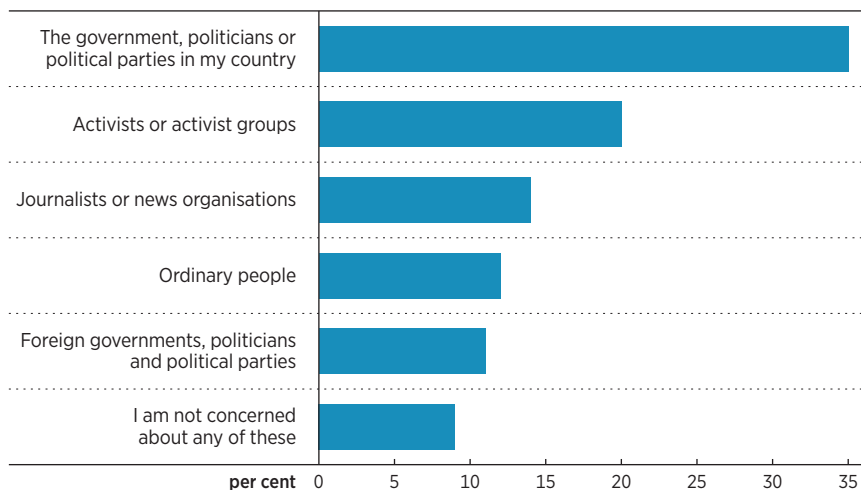
Through its research for this Inquiry, the Committee has identified parties and candidates as either contributing to or exacerbating various problems social media can cause for elections. In particular, the Committee notes the role that candidates and politicians (in Victoria and elsewhere) have played in:

- the spread of inaccurate information (see Section 6.2.3)
- abusive social media behaviour (see Section 7.3.3)
- pushing polarising, misleading or contradictory messages or inflaming existing conflict (see Section 8.3).

In addition to the negative effects these behaviours can have on democratic discussion, these activities can lower the standing of politicians in the community and have the potential to undermine trust in democratic processes.

One survey of Australians found that more respondents were concerned about false or misleading information online from the government, politicians or political parties in Australia than from other sources (see Figure 11.2).

**Figure 11.2 Sources of false or misleading information online that people are most concerned about**



Note: Respondents could select only one of these sources to be the source they were most concerned about for false or misleading information.

Source: Adapted from Sora Park et al, *Digital news report: Australia 2020*, News & Media Research Centre, University of Canberra, Canberra, 2020, p. 79.

<sup>24</sup> Bruce Baer Arnold, Assistant Professor, University of Canberra, *Submission 110*, p. 12.

Research has suggested that the tone of other comments influences how aggressive a person's comments online are.<sup>25</sup> Politicians and candidates discussing politics in aggressive ways may therefore encourage other users to be aggressive. For example, Ms Fiona Patten MP has argued that poor behaviour from politicians towards her on social media prompted abuse.<sup>26</sup> Further, in the context of misinformation, political leaders modelling positive behaviour can have a beneficial effect through others following that example, though the process can take time.<sup>27</sup>

Given these considerations, it is important for politicians to lead by example in their online behaviour. This point was noted by several submitters and witnesses, including Mr Sam McQuestin from the Liberal Party:

All political parties need to be using the medium effectively. We need to be using it respectfully ... we need to make sure that it is used to encourage political discourse in a way that is reasonable ...<sup>28</sup>

The Committee believes that encouraging better behaviour from parties and candidates (within a wider suite of responses) will help to reduce some of the negative aspects of social media. By committing to maintaining appropriate campaign practices such as not spreading inaccurate information, not using fake accounts, not abusing others and using advertising responsibly, parties and campaigns can set a standard for healthier elections.

The Committee heard of various ways that better practices can be encouraged. These included developing 'a dedicated social media training manual to guide political candidates'<sup>29</sup> and pledges or codes of conduct around standards of campaigning.<sup>30</sup> The Committee is also aware of existing pledges made by Canadian and European politicians regarding appropriate campaign behaviour.<sup>31</sup>

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- 25 Leonie Rösner and Nicole C. Krämer, 'Verbal venting in the social web: effects of anonymity and group norms on aggressive language use in online comments', *Social Media + Society*, vol. 2, no. 3, 2016, p. 10, doi: 10.1177/2056305116664220.
- 26 3AW, 'Fiona Patten close to tears as she recounts "foul" tirade of abuse directed at her this week', 9 March 2021, <<https://www.3aw.com.au/tearful-fiona-patten-recounts-foul-tirade-of-abuse-directed-at-her-this-week>> accessed 7 April 2021; Alex White and Shannon Deery, 'Victorian MP calls for new rules amid torrent of online abuse', *Herald Sun*, 3 March 2021, <<https://www.heraldsun.com.au/news/victoria/victorian-mp-calls-for-new-laws-amid-torrent-of-online-abuse/news-story/ab2bb95308b59c50b5c997eaadb845a>> accessed 7 April 2021.
- 27 Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, p. 39.
- 28 Sam McQuestin, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 17 November 2020, *Transcript of evidence*, p. 3.
- 29 Ritesh Chugh, Senior Lecturer, CQUniversity Melbourne, *Submission 72*, p. 4.
- 30 Sonya Kilkenny MP, Victorian Labor Women's Caucus 59th Parliament, public hearing, Melbourne, 19 November 2020, *Transcript of evidence*, pp. 17-18; Ben O'Loughlin, Director, and Sofia Collignon, Deputy Director, New Political Communication Unit, Royal Holloway, University of London, *Submission 24*, p. 4; More Women for Local Government Facebook Group, *Submission 116*, p. 7.
- 31 Bill Curry, 'Liberals, Conservatives and NDP endorse global pledge against fraudulent campaign tactics' *The Globe and Mail*, 29 April 2019, <<https://www.theglobeandmail.com/politics/article-liberals-conservatives-and-ndp-endorse-global-pledge-against/>> accessed 4 May 2021; 'General election 2019: Jo Cox constituency rivals pledge "clean campaign"' *BBC News*, 18 November 2019, <<https://www.bbc.com/news/uk-england-leeds-50459911>> accessed 24 May 2021.

Victorian members of parliament are already subject to the code of conduct in the *Members of Parliament (Standards) Act 1978*. This includes provisions which could be interpreted as applying to member behaviour on social media (see Box 11.1).

**BOX 11.1: Extracts from the *Members of Parliament (Standards) Act 1978***

**‘6 Upholding democracy and respecting others regardless of background**

A Member must—

...

- (d) treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities.’

...

**‘13 Personal conduct**

- (1) A Member must ensure that their conduct as a Member does not bring discredit upon the Parliament.

(2) A Member—

- (a) must act ethically, reasonably and in good faith when using, and accounting for the use of, public resources in relation to the performance of their public duties; and
- (b) must not deliberately mislead the Parliament or the public about any matter relating to the performance of their public duties.

(3) A Member must be fair, objective and courteous—

- (a) in their dealings with the community; and
- (b) without detracting from the importance of robust public debate in a democracy, in their dealings with other Members.’

Part 5 of the Act includes procedures for complaints and sanctions for breaches of the code of conduct, which can include apologies, fines, suspension from the House or vacation of a member’s seat.

Members of parliament should be aware of and abide by the code. The Parliamentary Integrity Adviser offered training around the code and other issues to all members in November 2019—32 members attended the training.<sup>32</sup>

Other representative bodies with similar codes of conduct have used them to address behaviour on social media. For example, Tasmanian local councillors are subject to

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32 Parliamentary Integrity Adviser, *Annual report 2019–20*, 2020, pp. 3–4.

a code of conduct<sup>33</sup> which has been used to address complaints about social media conduct.<sup>34</sup>

An important distinction between the Victorian and Tasmanian examples is that, in Tasmania, complaints are investigated by an independent panel.<sup>35</sup> In contrast, complaints under the Victorian Act are addressed by the Presiding Officers, the Privileges Committees, and each House of Parliament.

Another limitation of the Victorian Act is that it only applies to members of parliament. Candidates who have not been elected, political parties and other groups active in election campaigning are not covered.<sup>36</sup>

The Committee considers that political parties are in a position to influence the behaviour of candidates and other campaigners. The UK's Committee on Standards in Public Life identified three key responsibilities for political parties in relation to intimidation of public figures:

1. To show leadership in setting an appropriate tone for public debate around elections for their campaigners and supporters
2. To tackle intimidatory behaviour undertaken by their members
3. To provide support to their candidates who face intimidation during the election campaign<sup>37</sup>

The Committee considers that parties should be playing these roles in Victoria, as well as discouraging other inappropriate behaviour like spreading inaccurate information or using fake accounts. The Committee would like to see parties make commitments to upholding certain standards for social media behaviour at future elections. A sensible way to achieve this is through a code of conduct that applies to all people involved in election campaigns.<sup>38</sup>

The Committee believes that parties should work together to develop and agree on a code for social media behaviour. Parties are well placed to represent their members and to encourage their candidates and volunteers to follow the code of conduct. The code should be voluntary in the first instance. Public expectations and the desire to see good behaviour will act as the incentive for parties and candidates to sign on.

<sup>33</sup> Tasmanian Government, *Local Government Code of Conduct*, <[http://www.dpac.tas.gov.au/divisions/local\\_government/local\\_government\\_code\\_of\\_conduct](http://www.dpac.tas.gov.au/divisions/local_government/local_government_code_of_conduct)> accessed 10 May 2021.

<sup>34</sup> Local Government Code of Conduct Panel, *City of Hobart Code of Conduct panel determination report: complaint brought by the Lord Mayor, Councillor (Cr) Anna Reynolds, against Alderman (Ald) Simon Behrakis*, 2021. See also Alexandra Humphries, 'Liberal candidate Simon Behrakis forced to apologise over failing to "show respect"', *ABC News*, 7 May 2021, <<https://www.abc.net.au/news/2021-05-07/complaint-against-hobart-councillor-simon-behrakis-upheld/100122652>> accessed 10 May 2021.

<sup>35</sup> Tasmanian Government Department of Premier and Cabinet, *Local Government Code of Conduct*, <[http://www.dpac.tas.gov.au/divisions/local\\_government/local\\_government\\_code\\_of\\_conduct](http://www.dpac.tas.gov.au/divisions/local_government/local_government_code_of_conduct)> accessed 26 May 2021.

<sup>36</sup> *Members of Parliament (Standards) Act 1978* (Vic) ss 3 (definition of 'Member'), 5.

<sup>37</sup> Committee on Standards in Public Life, *Intimidation in public life*, 2017, p. 46.

<sup>38</sup> Kofi Annan Commission on Elections and Democracy in the Digital Age, *Protecting electoral integrity in the digital age*, Kofi Annan Foundation, 2020 (=Kofi Annan Commission on Elections and Democracy in the Digital Age, *Submission 35, Attachment 2*), pp. 76, 78.



**FINDING 70:** Politicians, candidates and political parties play a leadership role on social media. The behaviour they demonstrate can influence what others in the Victorian community see as acceptable. Politicians, candidates and parties therefore have a responsibility to model positive social media behaviour.

**RECOMMENDATION 33:** That Victorian political parties work together to develop a code of conduct regarding social media behaviour to contribute to the health of Victorian elections. This code should establish standards aimed at committing to appropriate campaign practices and avoiding a variety of harmful activities, including spreading inaccurate information, abusive behaviour and inappropriate political advertising. Other participants in elections should be encouraged to adhere to the same standards.

In developing this code, parties can draw on multiple existing resources. For example, the Committee notes the UK’s Committee on Standards in Public Life’s report *Intimidation in public life* as a helpful resource.<sup>39</sup>

**Adopted by the Electoral Matters Committee  
Parliament of Victoria, East Melbourne  
26 August 2021**

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<sup>39</sup> Committee on Standards in Public Life, *Intimidation in public life*, 2017.



# Appendix A

## About the Inquiry

### A.1 Inquiry process

On 19 March 2020 the Legislative Assembly referred an inquiry into the impact of social media on Victorian elections and Victoria's electoral administration to the Committee. The Committee was initially required to table its report by 30 June 2021. The tabling date was subsequently extended to 16 September 2021.

#### Submissions

The Committee called for written submissions through its website, Twitter, Facebook and *The Age* in August and September 2020. The Committee also wrote to a range of key stakeholders inviting submissions, including political parties, government agencies, social media platforms, academics and policy institutes.

The Committee conducted an online community forum on Facebook to publicise the Inquiry on 12 August 2020. As part of the forum, the Chair and Deputy Chair of the Committee were joined by Mr Josh Gordon (Economics and Finance Editor, RMIT ABC Fact Check), Mr Iain Walker (Executive Director, newDemocracy Foundation) and Ms Lucinda Walravens (Associate, YLab) to discuss some of the key issues relating to the Inquiry.

To assist people wanting to make submissions, the Committee developed an online questionnaire, which gave people a chance to comment on the following options:

- encouraging social media platforms to take more action against inappropriate activities (such as bots, harassment, trolling, spreading fake news)
- the Government funding media literacy campaigns to help people know what they can trust online
- requiring public disclosure of all online political advertising (for example, webpages created by social media platforms showing all of the political advertising on their platform and who paid for it, or webpages created by parties/candidates showing all of the online ads they have run)
- requiring online electoral advertising to state who paid for it
- government support for independent and trust-worthy organisations that can fact-check claims or identify misinformation
- using independent organisations (e.g. the Victorian Electoral Commission) as a source of reliable information about electoral candidates

- new laws requiring truth in political advertising
- other things they would like to see the Government do relating to social media or online advertising and elections.

In total, the Committee received 126 submissions from individuals and organisations, including 56 responses to the Committee’s online questionnaire.

A full list of submitters can be found in Section A.2 of this appendix. The submissions can be viewed on the Committee’s website at [www.parliament.vic.gov.au/emc](http://www.parliament.vic.gov.au/emc).

## Public hearings

The Committee conducted 24 public hearings between 17 November 2020 and 5 July 2021. The witnesses included political parties, Facebook, electoral commissions, fact-checking organisations, academics and various organisations.

All public hearings were held by videoconference.

A list of the witnesses who attended public hearings is included in Section A.3 below.

## Data analysis

The Committee analysed Facebook and Twitter posts to determine how social media are used in Australia, especially in relation to the 2018 Victorian state election. The Committee examined accounts from members of parliament, candidates running for election, electoral commissions, parliaments and members of the public.

As part of this, the Committee engaged Bakamo and the Queensland University of Technology Digital Media Research Centre to gather and analyse data. The Committee also undertook its own data gathering and analysis.

More details about this research can be found in Appendix B.

## A.2 Submissions

1	Associate Professor Luke Beck	35	Kofi Annan Commission on Elections and Democracy in the Digital Age
2	John Del Forno	36	Helen Allison
3	Benjamin Cronshaw	37	Kathryn Stanislawski
4	Vasalia Govender	38	Elizabeth Turner
5	Michael Gavaghan	39	John Lawrence
6	James Bell	40	Jacinta Marlborough
7	Associate Professor Yasmin Dawood	41	Geoffrey Love
8	Peter Brackstone	42	Patrick Loverso
9	Michael Kerr	43	newDemocracy Foundation
10	Broadcasting Standards Authority New Zealand	44	Robyn Maher
11	Dr Katherine Dommett	45	Tracy Everingham
12	Name withheld	46	Perrin Hoyle
13	Edward McConnell	47	Peter Jenke
14	Dr Philip Seargeant	48	Scott Robson
15	Graeme Dobson	49	Monika Evers
16	Cate Hughes	50	Marg Smith
17	Sandie Downes	51	Zeffi Home
18	Darryn Fisher	52	Kelly Macnamara
19	Professor Sandra Martin	53	Charles Mimnaugh
20	Marlea Hutson	54	Professor Stephan Lewandowsky Professor Ullrich Ecker
21	Professor Vian Bakir Professor Andrew McStay	55	Michael Fozard OAM, PHF
22	Alexandra Rojas	56	Michael Craig
23	Professor George Loukas	57	Electoral Commission New Zealand
24	Professor Ben O'Loughlin Dr Sofia Collignon	58	Mark Roper
25	Anthony Scott	59	Department of Home Affairs
26	Carter Wrangles	60	European Regulators Group for Audiovisual Media Services (ERGA)
27	Susan Laukens	61	Dilnaz Billimoria
28	David Strunz	62	Sharon Michael
29	Irene Chase	63	Roger Florance
30	Andrew Warner	64	Jeanette Goff
31	Michael Bajer	65	Jamie Ramsay
32	Laurence Webb	66	Brian Barber
33	Claude Bailly	67	Gaie Buysen
34	Leonie Grant	68	Sayeed Aslam

69	Dr Subhajit Basu	101	Commercial Radio Australia
70	Michael Kelaart	102	Professor Thad Kousser
71	Craig Rowley	103	Inclusion Designlab
72	Dr Ritesh Chugh	104	Luca Giamessi
73	Name withheld	105	Queensland University of Technology Digital Media Research Centre
74	The Centre for Public Integrity	106	Professor Leighton Andrews
75	Thomas Danese	107	Hamish Galbraith Fleur Wackett Sam Murdoch Oscar Kennedy
76	Renee Duncan	108	Victorian Trades Hall Council
77	Victorian Electoral Commission	109	TikTok Australia
78	Professor Darren Lilleker	110	Dr Bruce Baer Arnold
79	Dr Carlo Kopp	111	Dinesh Mathew
80	British and Irish Law Education and Technology Association	112	Government of Canada
81	Peter Grenville	113	Sarah Day
82	Carnegie UK Trust	114	Tom Sear
83	Philippe R. Dubois Professor Thierry Giasson Professor Eric Montigny	115	Name withheld
84	AAP FactCheck	116	More Women for Local Government (MWLG) Facebook Group
85	Responsible Technology Australia	117	Gender Equity Victoria
86	Proportional Representation Society of Australia (Victoria-Tasmania)	118	Victorian Local Governance Association
87	Garry Page	119	EMILY's List Australia
88	Australian Labor Party, Victorian Branch	120	Australian Local Government Women's Association
89	Office of the Victorian Information Commissioner	121	Sally Woodward
90	Chris Zappone	122	The Australia Institute
91	Victorian Labor Women's Caucus 59th Parliament	123	Facebook
92	Hon Nazih Elasmr OAM, MLC, President of the Legislative Council	124	Kenneth McLeod
93	LinkedIn	125	Victorian Pride Lobby
94	International IDEA	126	Twitter
95	Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee		
96	Electoral Reform Society		
97	Politoools		
98	Centre for Digital Rights		
99	MediaLaws		
100	Free TV Australia		

## A.3 Public hearings

### Tuesday 17 November 2020

Name	Position	Organisation
Sam McQuestin	State Director	Liberal Party of Australia (Victorian Division)
Dinesh Mathew	2018 election candidate	Australian Greens Victoria
Jessica Wheelock	Communications Director	Australian Greens Victoria
Dr Catherine Williams	Research and Policy Officer	The Centre for Public Integrity
Geoffrey Watson SC	Board Member	The Centre for Public Integrity
Dr Carlo Kopp	Lecturer	Department of Data Sciences and AI, Monash University
Warwick Gately AM	Electoral Commissioner	Victorian Electoral Commission
Marie Guerin	Manager, Communication	Victorian Electoral Commission
Keegan Bartlett	Director, Electoral Integrity and Regulation	Victorian Electoral Commission
Ashley Carr	Research Officer	Victorian Electoral Commission

### Thursday 19 November 2020

Name	Position	Organisation
Sven Bluemmel	Information Commissioner	Office of the Victorian Information Commissioner
Mia Garlick	Director of Policy, Australia and New Zealand	Facebook
Josh Machin	Head of Policy, Australia and New Zealand	Facebook
Sonya Kilkenny MP	-	Victorian Labor Women's Caucus 59th Parliament
Professor Axel Bruns	Professor	Queensland University of Technology Digital Media Research Centre
Associate Professor Daniel Angus	Professor in Digital Communication	Queensland University of Technology Digital Media Research Centre
Dr Timothy Graham	Senior Lecturer (Digital Media and Communication)	Queensland University of Technology Digital Media Research Centre
Dr Sofya Glazunova	Postdoctoral Research Fellow	Queensland University of Technology Digital Media Research Centre
Professor Stephan Lewandowsky	Chair in Cognitive Psychology	School of Psychological Science, University of Bristol
	Professor	School of Psychological Science, University of Western Australia

Name	Position	Organisation
Professor Ullrich Ecker	Professor	School of Psychological Science, University of Western Australia
Luboš Kukliš	Board Member	European Regulators Group for Audiovisual Media Services (ERGA)
Professor Ben O'Loughlin	Director	New Political Communication Unit, Royal Holloway, University of London
Dr Sofia Collignon	Deputy Director	New Political Communication Unit, Royal Holloway, University of London
Julian Knight MP	Chair	Parliament of the United Kingdom, House of Commons Digital, Culture, Media and Sport Committee
Professor Lorna Woods	Professor of Internet Law	Essex University
William Perrin	Trustee	Carnegie UK Trust

### Monday 15 February 2021

Name	Position	Organisation
Mick Sherry	Electoral Commissioner	Electoral Commission South Australia
Associate Professor Luke Beck	Associate Professor of Constitutional Law	Monash University
Holly Nott	Managing Editor	AAP FactCheck
Peter Bodkin	Editor	AAP FactCheck
Josh Gordon	Economics and Finance Editor	RMIT ABC Fact Check

### Monday 1 March 2021

Name	Position	Organisation
Nicola Castleman	Assistant State Secretary	Australian Labor Party, Victorian Branch
Tom Sear	Industry Fellow and PhD candidate	UNSW Canberra Cyber, Australian Defence Force Academy

### Friday 12 March 2021

Name	Position	Organisation
Peter Wolf	Senior Expert on Electoral Processes	International IDEA
Associate Professor Yasmin Dawood	Canada Research Chair in Democracy, Constitutionalism and Electoral Law	University of Toronto



**Tuesday 15 June 2021**

<b>Name</b>	<b>Position</b>	<b>Organisation</b>
Associate Professor Andrea Carson	Associate Professor	Department of Politics, Media and Philosophy, La Trobe University

**Monday 5 July 2021**

<b>Name</b>	<b>Position</b>	<b>Organisation</b>
Professor Scott Wright	Professor of Political Communication and Journalism	Monash University



# Appendix B

## Social media data analysis

### B.1 Introduction

The Committee's early investigations found a lack of direct evidence regarding social media use around Victorian and Australian elections. While much research has looked at US, British and European elections, the electoral environment in those places is different from Victoria in multiple ways. As a result, conclusions drawn from the impact of social media in other countries may not be relevant to Victoria. To better inform this Inquiry, the Committee therefore conducted research to understand how social media have been used in relation to Victorian elections.

The Committee established three lines of analysis looking at social media activity around the 2018 Victorian election:

- the Committee conducted analyses of Twitter and Facebook activity by political parties and Victorian party leaders (see Section B.3)
- the Committee commissioned the Queensland University of Technology Digital Media Research Centre to conduct an analysis of Facebook activity by political parties, Victorian party leaders and a broader set of accounts (see Section B.6)
- the Committee commissioned Bakamo, a social media consultancy, to analyse social media activity at the time of the election across multiple platforms (see Section B.7).

The Committee also conducted some broader analyses looking at:

- Twitter and Facebook activity by Australian and New Zealand electoral commissions (see Section B.4)
- election-related Twitter and Facebook activity by Australian and New Zealand parliaments (see Section B.5).

These analyses played an important role in the Committee's considerations and are discussed throughout this report. This chapter sets out the methodology and limitations of these analyses, along with the key overall findings.

## B.2 General method and limitations of the Committee's analyses

The Committee analysed the Twitter and Facebook activity of three groups:

- political parties and Victorian party leaders
- electoral commissions
- parliaments.

Specific details and the results of these analyses are set out in Sections B.3–B.5 of this Appendix.

### B.2.1 Method

The Committee used Twitonomy<sup>1</sup> to download Tweet data. This included the content of Tweets, along with metadata such as the time and date of each Tweet, and the number of Retweets and likes per Tweet.

The Committee was assisted by researchers from the Queensland University of Technology Digital Media Research Centre to analyse Facebook data extracted via CrowdTangle. Again, the content of posts was analysed, along with metadata including the time and date of each post, and various sharing and engagement statistics.

The topics of Tweets and posts were manually coded according to categories determined by the Committee, as set out in Sections B.3.3 and B.4.2.

### B.2.2 Limitations

The Committee's analysis faced some data access limitations:

- The Committee only analysed content on Twitter and Facebook.
- The Committee was unable to access content and accounts that were removed during or after the 2018 Victorian election. This is likely to have reduced the incidence of abusive or otherwise inappropriate content in the Committee's sample, as such content is more likely to be removed (either by users or by social media platforms).
- The Committee was unable to access any social media material that was not published publicly. Hence content in, for example, private Facebook groups or private messages did not form part of the Committee's analysis. Again, this is likely to have reduced the prevalence of inappropriate content in the Committee's sample.
- The completeness of the Committee's data set was impacted by any limitations of the tools used to gather data from Twitter and Facebook.

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1 <<https://www.twitonomy.com>>

Limitations regarding particular accounts are explained in the relevant sections below.

In most of its analyses, the Committee focused exclusively on posts initiated by the accounts it analysed. That is, most analyses do not include replies to other accounts or replies/comments on the posts of the analysed accounts. Some analysis of replies by politicians and electoral commissions can be found in Sections 3.3.2 and 3.6.1 of Chapter 3 of this report.

## B.3 The Committee's analysis of parties and party leaders

The Committee gathered data from the Twitter and Facebook accounts of political parties that contested the 2018 election<sup>2</sup> and the Victorian leaders of those parties at that time. The Committee gathered content created from 1 October to 24 November 2018 (election day). This allowed the Committee to access approximately eight weeks of election campaigning activity ahead of the 2018 Victorian election.

### B.3.1 Data gathering—Twitter

Some parties and party leaders contesting the 2018 election did not have Twitter accounts or did not Tweet during the relevant period.

Limitations imposed by Twitter prevented access to content from the election period from some accounts. Twitter allows only the 3,200 most recent Tweets to be accessed for each account with the tools used by the Committee. The accounts listed in Table B.1 Tweeted more than 3,200 times between the 2018 Victorian election and when the Committee gathered its data, preventing access to election-period Tweets from those accounts.

**Table B.1** Party and party leaders' Twitter accounts which were not analysed due to Twitter's 3,200 Tweet access limit

Party or party leader	Twitter handle
Greens (Cth)	@Greens
Labor (Cth)	@AustralianLabor
Sustainable Australia (Cth)	@VoteSustainable
Mr Avi Yemini	@OzraeliAvi

The data set analysed by the Committee consisted of 31 Twitter accounts with 2,785 Tweets, see Table B.2.

<sup>2</sup> Some parties had a Victorian-specific Twitter/Facebook account, some had only a national account and some had both. The Committee included all in its initial target group.

**Table B.2 Party and party leaders' Twitter accounts analysed**

Party or party leader	Twitter handle
Hon Daniel Andrews MP	@DanielAndrewsMP
Animal Justice (Cth)	@animaljusticeAU
Animal Justice (Vic)	@AJP_Victoria
Aussie Battler (Vic)	@AusBattlerParty
Australian Country (Cth)	@auscountryparty
Mr Rod Barton MP	@RodBarton4
Democratic Labour (Cth)	@DLPAustralia
Derryn Hinch's Justice (Cth)	@JusticePartyAu
Greens (Vic)	@VictorianGreens
Mr Stuart Grimley MP	@stuartgrimleyMP
Hon Matthew Guy MP	@MatthewGuyMP
Hudson for Northern Victoria (Vic)	@hudson4nv
Cr Stephen Jolly	@stephenjolly99
Labor (Vic)	@VictorianLabor
Liberal (Cth)	@LiberalAus
Liberal (Vic)	@LiberalVictoria
Liberal Democrats (Cth)	@LibDemAus
Mr Andy Meddick MP	@AndyMeddickMP
Ms Fiona Patten MP	@FionaPattenMLC
Mr James Purcell MP	@JamesPurcellMLC
Dr Samantha Ratnam MLC	@SamanthaRatnam
Reason (Cth)	@reasonaustralia
Shooters, Fishers and Farmers (Cth)	@sffAustralia
Shooters, Fishers and Farmers (Vic)	@SffpVictoria
Sustainable Australia (Vic)	@SustainableVIC
The Nationals (Cth)	@The_Nationals
The Nationals (Vic)	@TheNationalsVic
Transport Matters (Vic)	@transport_mp
Victorian Socialists (Vic)	@vic_socialists
Vote 1 Local Jobs (Vic)	@Vote1LocalJobs
Hon Peter Walsh MP	@PeterWalshMP

### B.3.2 Data gathering—Facebook

As with Twitter, some political parties and politicians in the Committee’s target group did not have Facebook accounts. Further, some party accounts at the Commonwealth level produced low numbers of posts relevant to the Victorian election, so were excluded.

The data set analysed by the Committee consisted of 30 Facebook accounts with 2,347 posts, see Table B.3.

**Table B.3 Party and party leaders’ Facebook accounts analysed**

Party or party leader	Facebook account
Hon Daniel Andrews MP	<a href="https://www.facebook.com/DanielAndrewsMP">https://www.facebook.com/DanielAndrewsMP</a>
Animal Justice (Cth)	<a href="https://www.facebook.com/AnimalJusticePartyAJP">https://www.facebook.com/AnimalJusticePartyAJP</a>
Animal Justice (Vic)	<a href="https://www.facebook.com/ajpvic">https://www.facebook.com/ajpvic</a>
Aussie Battler (Vic)	<a href="https://www.facebook.com/Aussiebattlerparty.com.au">https://www.facebook.com/Aussiebattlerparty.com.au</a>
Australian Liberty Alliance	<a href="https://www.facebook.com/RebelNewsAustralia&lt;sup&gt;a&lt;/sup">https://www.facebook.com/RebelNewsAustralia<sup>a</sup></a>
Mr Rod Barton MP	<a href="https://www.facebook.com/RodBartonMP">https://www.facebook.com/RodBartonMP</a>
Mr Jeff Bourman MP	<a href="https://www.facebook.com/JBourmanMP">https://www.facebook.com/JBourmanMP</a>
Democratic Labour (Cth)	<a href="https://www.facebook.com/democraticlabourDLP">https://www.facebook.com/democraticlabourDLP</a>
Greens (Vic)	<a href="https://www.facebook.com/VictorianGreens">https://www.facebook.com/VictorianGreens</a>
Hon Matthew Guy MP	<a href="https://www.facebook.com/VicLibLeader">https://www.facebook.com/VicLibLeader</a>
Mr Clifford Hayes MP	<a href="https://www.facebook.com/CliffordHayesMP">https://www.facebook.com/CliffordHayesMP</a>
Health Australia (Cth)	<a href="https://www.facebook.com/HealthAustraliaParty">https://www.facebook.com/HealthAustraliaParty</a>
Hudson for Northern Victoria (Vic)	<a href="https://www.facebook.com/hudson4nv">https://www.facebook.com/hudson4nv</a>
Labor (Vic)	<a href="https://www.facebook.com/VictorianLabor">https://www.facebook.com/VictorianLabor</a>
Liberal (Vic)	<a href="https://www.facebook.com/liberalvictoria">https://www.facebook.com/liberalvictoria</a>
Liberal Democrats (Cth)	<a href="https://www.facebook.com/LibDemAus">https://www.facebook.com/LibDemAus</a>
Mr Andy Meddick MP	<a href="https://www.facebook.com/AndyMeddickMP">https://www.facebook.com/AndyMeddickMP</a>
Ms Fiona Patten MP	<a href="https://www.facebook.com/FionaPattenMP">https://www.facebook.com/FionaPattenMP</a>
Mr James Purcell MP	<a href="https://www.facebook.com/vote1localjobs">https://www.facebook.com/vote1localjobs</a>
Dr Samantha Ratnam MLC	<a href="https://www.facebook.com/SamanthaRatnamGreens">https://www.facebook.com/SamanthaRatnamGreens</a>
Reason (Cth)	<a href="https://www.facebook.com/ReasonAustralia">https://www.facebook.com/ReasonAustralia</a>
Reason (Vic)	<a href="https://www.facebook.com/ReasonVIC">https://www.facebook.com/ReasonVIC</a>
Shooters, Fishers and Farmers (Vic)	<a href="https://www.facebook.com/SFFPVIC">https://www.facebook.com/SFFPVIC</a>
Sustainable Australia (Cth)	<a href="https://www.facebook.com/VoteSustainable">https://www.facebook.com/VoteSustainable</a>
The Nationals (Vic)	<a href="https://www.facebook.com/TheNationalsVic">https://www.facebook.com/TheNationalsVic</a>
Transport Matters (Vic)	<a href="https://www.facebook.com/TMPVic">https://www.facebook.com/TMPVic</a>
Mr Tim Quilty MLC	<a href="https://www.facebook.com/TimQuiltyMLCNorthVic">https://www.facebook.com/TimQuiltyMLCNorthVic</a>

Party or party leader	Facebook account
Victorian Socialists (Vic)	<a href="https://www.facebook.com/vicsocialists">https://www.facebook.com/vicsocialists</a>
Voluntary Euthanasia (Cth)	<a href="https://www.facebook.com/VoluntaryEuthanasiaParty">https://www.facebook.com/VoluntaryEuthanasiaParty</a>
Hon Peter Walsh MP	<a href="https://www.facebook.com/peterwalshmp">https://www.facebook.com/peterwalshmp</a>

a. The Australian Liberty Alliance Facebook page has been renamed since the 2018 Victorian election.

### B.3.3 Analysis process

Of the 2,785 Tweets gathered, 356 were replies and 794 were not directly relevant to the 2018 Victorian election. The Committee's analysis focused on the remaining 1,635 Tweets.

Of the 2,347 Facebook posts identified, 530 were not directly relevant to the 2018 Victorian election. The Committee's analysis focussed on the remaining 1,817 posts.

Each Tweet/post was placed into one of eight content categories, as set out in Table B.4. Tweets/posts with content across multiple categories were placed in the category which best reflected the main focus of the content, or if content was equally focused on multiple categories, whichever content came first.

**Table B.4** Topics used to categorise election-related Tweets and Facebook posts by parties and party leaders

Topic	Description
Join the campaign	Exhortations for people to join a campaign, whether through volunteering, donating money or otherwise.
Opposition criticism	Criticism of political opponents and their policies.
Policy	Information about policies the party or candidate is bringing to the election (including any statements about specific things they intend to do if elected).
Real world campaigning	Content showing or describing parties/candidates campaigning. Includes details of campaign events.
Thanking volunteers and voters	Thanking campaign volunteers, donors and voters.
Vote counting and results	Information about the vote counting process, including updates on the number of votes counted and votes cast at early voting centres.
Vote for party/candidate	Exhortations for people to vote for a party/candidate with no accompanying policy detail. Includes how-to-vote card information and exhortations to vote based on record (rather than future policy commitments).
Other	Content that is election-related but doesn't fall into any other categories, including: <ul style="list-style-type: none"> <li>• content about voting centres (for example, campaigners sharing a coffee)</li> <li>• information about how to vote that doesn't preference a particular party/candidate, including links to independent (e.g. media) analysis of various parties and candidates</li> <li>• content that cannot be categorised due to broken links or missing contextual content</li> <li>• links to media articles about the election that don't fall into any other category</li> <li>• independent candidates promoting other independent candidates.</li> </ul>



### B.3.4 Quantity of Tweets and Facebook posts

Table B.5 shows the total number of election-related Tweets (excluding replies) and Facebook posts from the 2018 election period that the Committee was able to access.

**Table B.5 Election-related Tweets (excluding replies) and Facebook posts**

Parties and party leaders	Tweets	Facebook posts
Animal Justice (Cth)	-	9
Animal Justice (Vic)	52	52
Mr Andy Meddick MP	-	36
Aussie Battler (Vic)	61	45
Australian Country (Cth)	15	-
Australian Liberty Alliance	-	17
Democratic Labour (Cth)	20	46
Derryn Hinch's Justice (Cth)	5	-
Mr Stuart Grimley MP	16	-
Greens (Vic)	428	152
Dr Samantha Ratnam MLC	114	108
Health Australia (Cth)	-	68
Hudson for Northern Victoria (Vic)	14	55
Labor (Vic)	46	152
Hon Daniel Andrews MP	77	137
Liberal (Vic)	21	17
Hon Matthew Guy MP	150	98
Liberal Democrats (Cth)	12	24
Mr Tim Quilty MLC	-	27
The Nationals (Vic)	59	27
Hon Peter Walsh MP	63	50
Reason (Cth)	5	4
Reason (Vic)	-	95
Ms Fiona Patten MP	233	134
Shooters, Fishers and Farmers (Vic)	13	33
Mr Jeff Bourman MP	-	33
Sustainable Australia (Cth)	-	92
Sustainable Australia (Vic)	36	-
Mr Clifford Hayes MP	-	11
Transport Matters (Vic)	36	78
Mr Rod Barton MP	33	26

Parties and party leaders	Tweets	Facebook posts
Victorian Socialists (Vic)	16	156
Cr Stephen Jolly	95	-
Vote 1 Local Jobs (Vic)	7	-
Mr James Purcell MP	8	25
Voluntary Euthanasia (Cth)	-	10
<b>Total</b>	<b>1,635</b>	<b>1,817</b>

### B.3.5 What they Tweeted and posted about

Figure B.1 shows the quantity of Tweets (excluding replies) from these accounts on each day of the 2018 election period (election day was 24 November). Figure B.2 presents a similar break-down of Facebook posts. These figures also indicate the topics of the Tweets and posts.

The charts below include the category ‘vote counting and results’ for Facebook posts. In the sample analysed by the Committee, there were only three Tweets in that category, so they were included in the category ‘other’.

Figure B.1 Tweets by parties and party leaders over time, broken down by topic

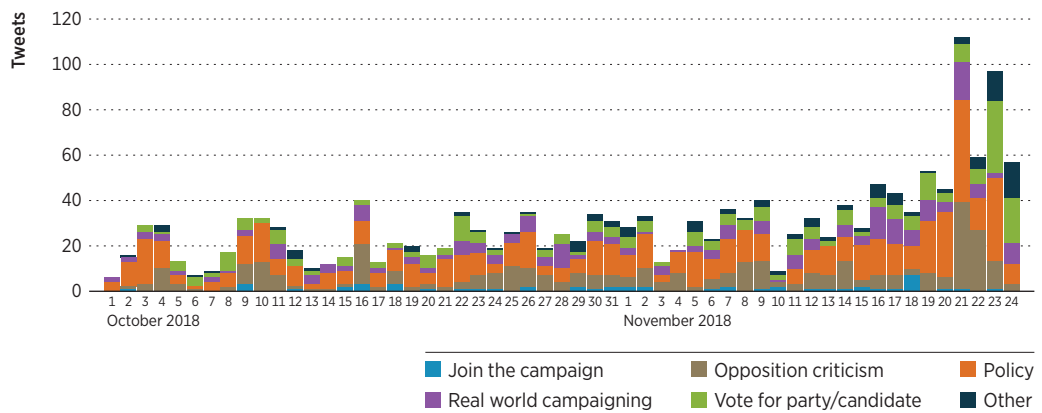


Figure B.2 Facebook posts by parties and party leaders over time, broken down by topic

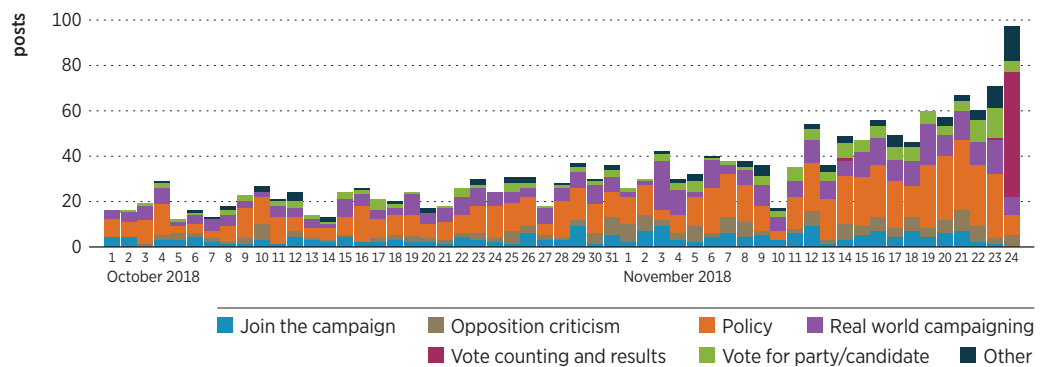
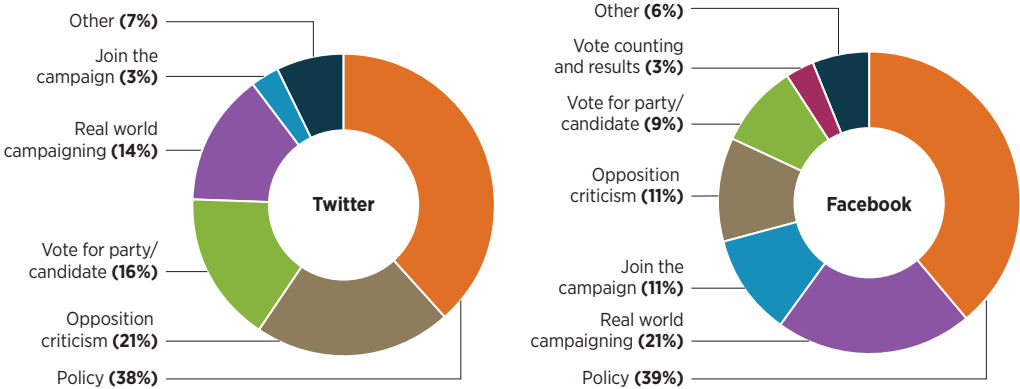


Figure B.3 aggregates these Tweets and Facebook posts to show the most common topics overall.

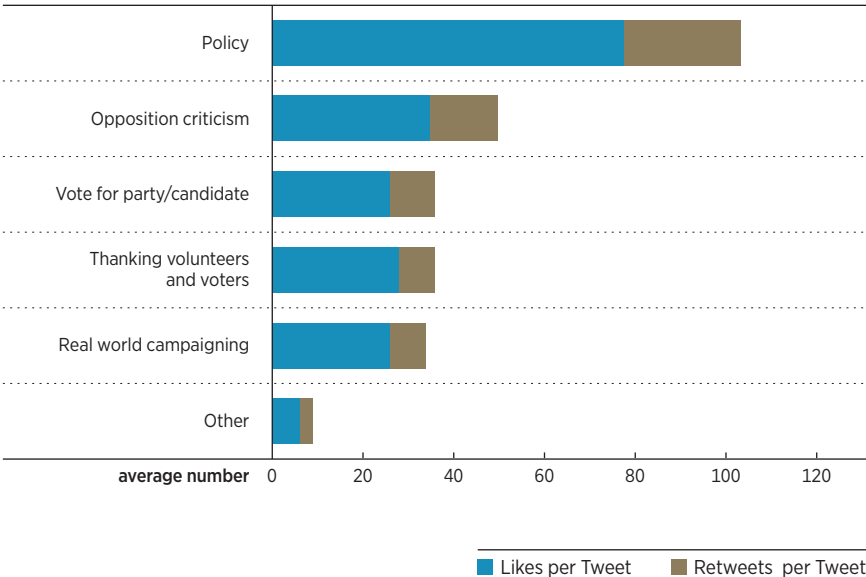
**Figure B.3** Topics of Tweets and Facebook posts by parties and party leaders



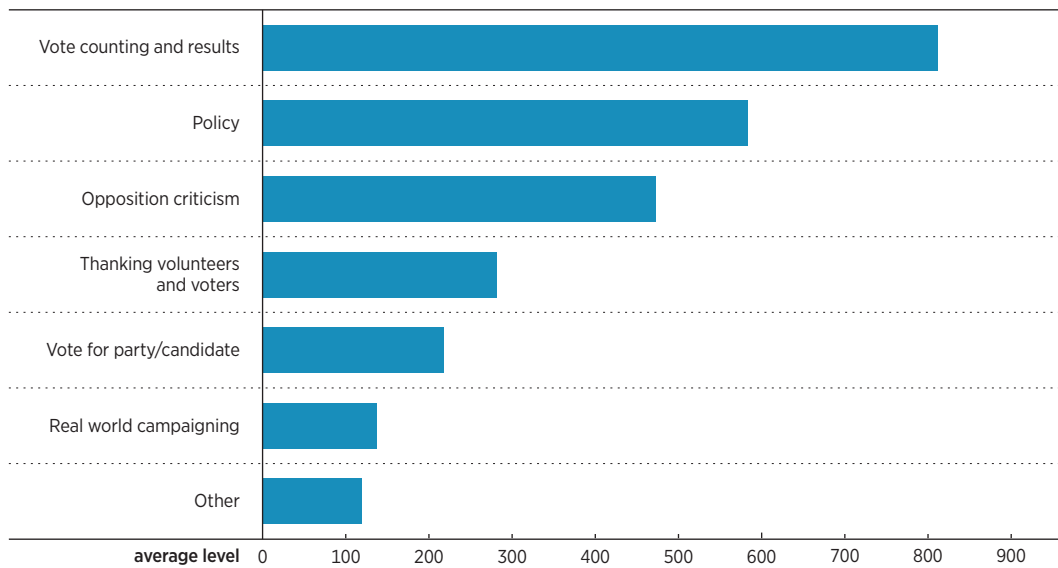
**B.3.6** Levels of engagement

Figures B.4 and B.5 compare the levels of user engagement that occurred with different topics. For Tweets, this has been measured by the average number of likes and Retweets per Tweet. For Facebook, this has been measured by the average number of reactions, shares and comments received by each post.

**Figure B.4** Average number of likes and Retweets per Tweet, broken down by topic (all party and party leader accounts)



**Figure B.5** Average level of engagement per Facebook post, broken down by topic (all party and party leader accounts)

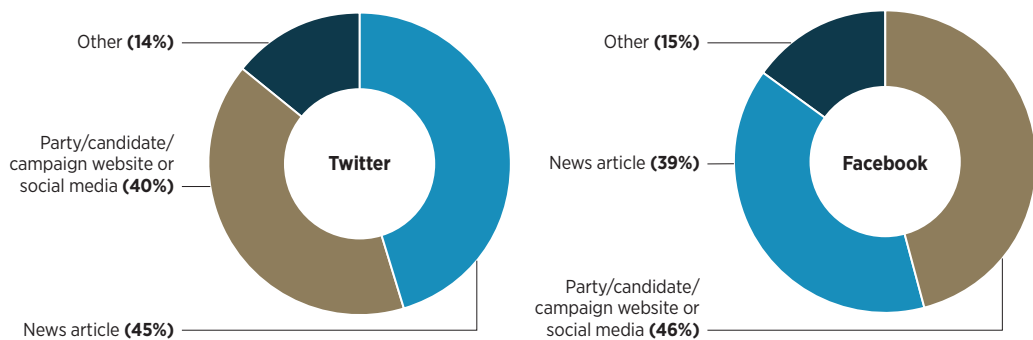


Note: Engagement is measured by an aggregate of Facebook reactions, shares and comments per post.

### B.3.7 Links and news sources

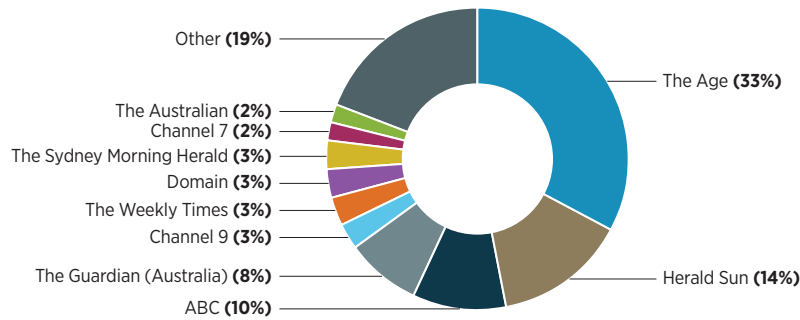
Many parties and party leaders shared links through their social media posts—47% of the Tweets analysed and 34% of the Facebook posts contained links. These links were mostly either to news articles or to websites/other social media associated with a party, candidate or campaign (see Figure B.6).

**Figure B.6** Types of links shared by parties and party leaders on Twitter and Facebook

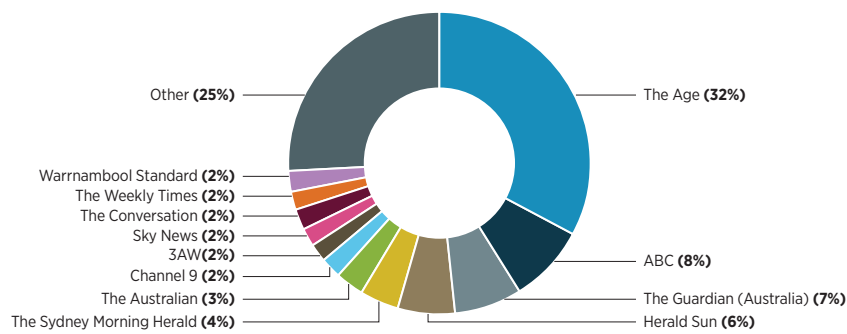


For those Tweets and Facebook posts which contained links to news articles, Figures B.7 and B.8 show the source of news which was linked to.

**Figure B.7** Sources of news articles shared by political parties and party leaders on Twitter



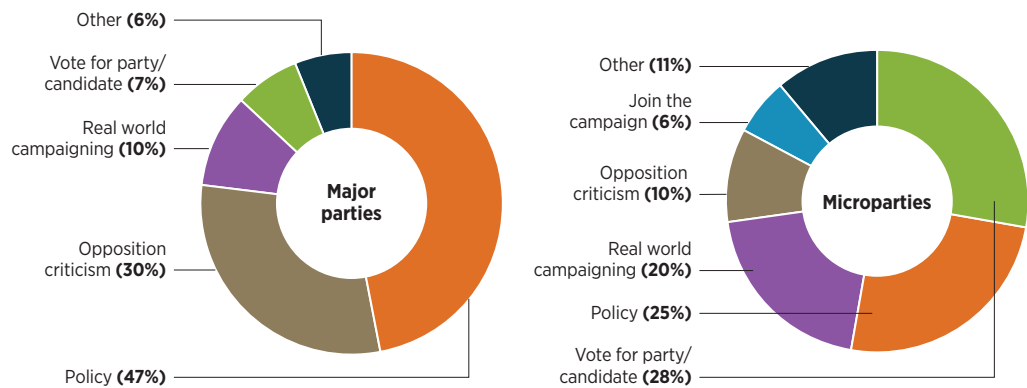
**Figure B.8** Sources of news articles shared by political parties and party leaders on Facebook



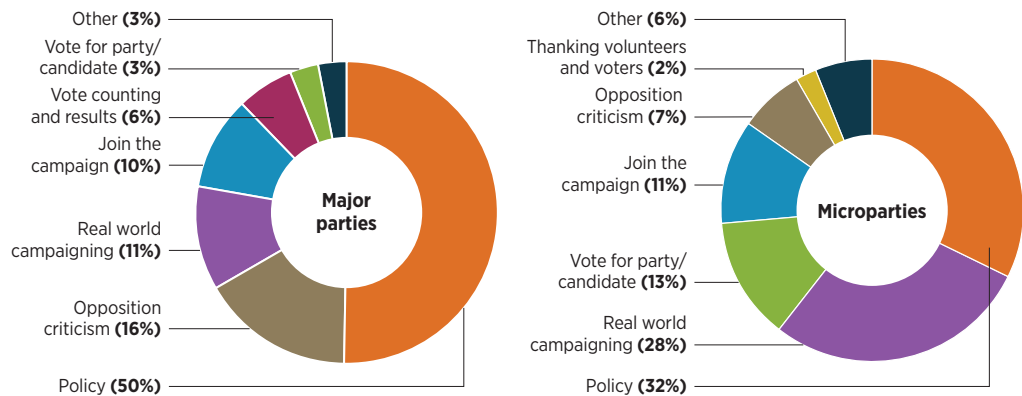
**B.3.8 Comparing major parties and microparties**

Figures B.9 and B.10 compare the major parties and microparties in terms of what topics they Tweeted and posted about. For this analysis, the Labor Party, Liberals, Nationals and Greens were included as major parties, with all others counted as microparties.

**Figure B.9** Topics of Tweets by major parties and major party leaders compared to microparties and microparty leaders



**Figure B.10** Topics of Facebook posts by major parties and major party leaders compared to microparties and microparty leaders



## B.4 The Committee’s analysis of electoral commissions

### B.4.1 Data gathering—Twitter and Facebook

The Committee gathered data about Tweets and Facebook posts by Australian and New Zealand electoral commissions from 25 November 2016 to 24 November 2020 (where possible). This allowed the Committee to analyse a substantial sample of electoral commission activity and also to ensure that the data included at least one election in each jurisdiction.

The data set identified by the Committee consisted of 10 Twitter accounts with 8,073 Tweets and 10 Facebook accounts with 2,989 posts (see Tables B.6 and B.7).

**Table B.6** Electoral commission Twitter accounts analysed

Electoral Commission	Twitter handle
Australian Capital Territory Electoral Commission	@ElectionsACT
Australian Electoral Commission <sup>a</sup>	@AusElectoralCom
Electoral Commission New Zealand	@ElectoralCommNZ
Electoral Commission of Queensland	@ECQInfo
Electoral Commission South Australia	@SAElectoralCom
New South Wales Electoral Commission	@NSWElectoralCom
Northern Territory Electoral Commission	@NTElecComm
Tasmanian Electoral Commission	@ElectionsTas
Victorian Electoral Commission	@electionsvic
Western Australian Electoral Commission	@WAElections

a. The Australian Electoral Commission reached the 3,200 Tweet download limit imposed by Twitter within the four-year analysis period. The Committee analysed 3,200 AEC Tweets from 15 September 2017 to 24 November 2020.

**Table B.7** Electoral commission Facebook accounts analysed

Electoral commission	Facebook account
Australian Capital Territory Electoral Commission	<a href="https://www.facebook.com/ElectionsACT">https://www.facebook.com/ElectionsACT</a>
Australian Electoral Commission	<a href="https://www.facebook.com/AusElectoralCom">https://www.facebook.com/AusElectoralCom</a>
Electoral Commission New Zealand	<a href="https://www.facebook.com/VoteNZ">https://www.facebook.com/VoteNZ</a>
Electoral Commission of Queensland	<a href="https://www.facebook.com/electoralcommissionqld">https://www.facebook.com/electoralcommissionqld</a>
Electoral Commission South Australia	<a href="https://www.facebook.com/SAelections">https://www.facebook.com/SAelections</a>
New South Wales Electoral Commission	<a href="https://www.facebook.com/NSWElections">https://www.facebook.com/NSWElections</a>
Northern Territory Electoral Commission	<a href="https://www.facebook.com/NTElectoralCommission">https://www.facebook.com/NTElectoralCommission</a>
Tasmanian Electoral Commission	<a href="https://www.facebook.com/ElectionsTas">https://www.facebook.com/ElectionsTas</a>
Victorian Electoral Commission	<a href="https://www.facebook.com/electionsvic">https://www.facebook.com/electionsvic</a>
Western Australian Electoral Commission	<a href="https://www.facebook.com/WAElections">https://www.facebook.com/WAElections</a>

Note: Some commissions maintain separate, more specialised Facebook accounts, such as the Australian Electoral Commission's Our Vote Our Future Facebook page <<https://www.facebook.com/aecourvoteourfuture>>, which is part of its Indigenous Electoral Participation Program. The Committee only analysed commissions' primary accounts.

## B.4.2 Analysis process

A number of statistical analyses were conducted on the whole data set, looking at issues such as the volume of Tweets and Facebook posts, and users' level of engagement.

Regarding the topics of Tweets and posts, the Committee focussed its analysis on three commissions for each platform:

- for Twitter, the Committee analysed 1,738 (non-reply) Tweets from the Australian, Victorian and Queensland electoral commissions
- for Facebook, the Committee analysed 873 posts from the Australian, Victorian and New South Wales electoral commissions.

Each Tweet/Facebook post was placed into one of 18 content categories, as set out in Table B.8.

Tweets/posts with content across multiple categories in relation to a specific election, such as enrolment information and when and where to vote, were categorised in 'general election information'. All other Tweets/posts with content across multiple categories were placed in the category which best reflected the main focus of the content, or if content was equally focused on multiple categories, whichever content came first.

**Table B.8** Topics used to categorise Tweets and Facebook posts by electoral commissions

Topic	Description
Administering the election	Details of electoral commissions running elections, including election logistics and getting to people in remote areas. Also includes information about parliaments expiring ahead of an election and writs being issued and returned.
Customer service information	Information about contacting the commission. Examples include notification that the commission office will be closed, or that telephone lines are busy.
Electoral education	Details of an electoral commission's electoral education programs, including advertising for the programs and specific pieces of information, such as when women first got the vote. Does not include how votes are counted.
Election advertising rules	Information about the rules for candidate/party/campaign advertising.
Electoral boundaries reviews	Information about electoral boundary redivisions and local council representation reviews.
Electoral research	Research and statistics about elections, including content about electoral conferences and seminars.
Enrolment information	Information about how to enrol, including deadlines to enrol for particular elections.
General election information	Information relevant to elections that does not fit into other categories, including content which covers multiple categories in relation to a specific election, such as enrolment information and when and where to vote. Also includes failure to vote content.
How to fill out your ballot papers	How to properly mark ballot papers.
Information about candidates	Information about who the candidates are and how to learn more about them, including lists of candidates at an election and links to candidate statements.
Information for candidates	Information for election candidates, including how to nominate, relevant deadlines and information sessions for prospective candidates.
Responding to inaccurate information	Commissions' responses to inaccurate electoral information, including specific instances and general advice (such as the Australian Electoral Commission's 'Stop and consider' campaign).
Party registration information	Information about political parties being registered or deregistered with the electoral commission, including rules and deadlines for registration.
Political donations and spending	Information about rules for political donation and spending and records of political donations and spending.
Recruiting election staff	Calls for people to apply to be election staff, including advertisements for casual election staff, permanent positions and graduate positions.
Vote counting and results	Information about the vote counting process, including updates on the number of votes counted and votes cast at early voting centres.
When and where to vote	Information about when and where to vote, including information about alternative forms of voting, such as postal voting.
Other	Content that doesn't fall into any other categories, including: <ul style="list-style-type: none"> <li>• non-electoral content, such as statements about Remembrance Day or NAIDOC week and commissions publishing corporate documents such as reconciliation action plans</li> <li>• content that cannot be categorised due to broken links or missing contextual content</li> <li>• content about interactions with parliamentary committee processes and legislation</li> <li>• content about how votes are counted.</li> </ul>



The Committee also gathered data on whether Tweets/posts were made during an election period, what images were included with Tweets/posts and links included with Tweets/posts (see Section 3.6.1).

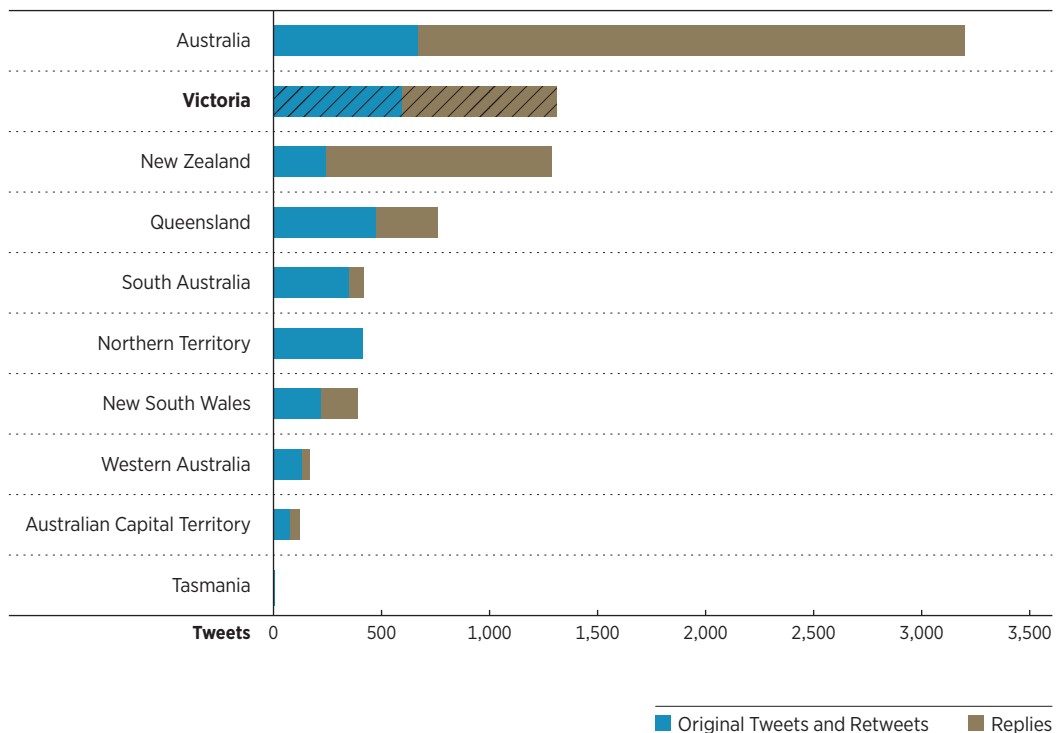
### B.4.3 Mr Antony Green AO

To make several comparisons with the electoral commissions, the Committee also analysed a sample of Tweets from the ABC’s Chief Election Analyst, Mr Antony Green AO. From 5 October to 16 November 2020, Mr Green Tweeted 566 times. Of these 566 Tweets, 90 were original Tweets (that is, not replies), and 76 of those were relevant to elections. These Tweets are discussed and compared to electoral commission Tweets in Section 3.6.1 of Chapter 3.

### B.4.4 Quantity of Tweets and Facebook posts

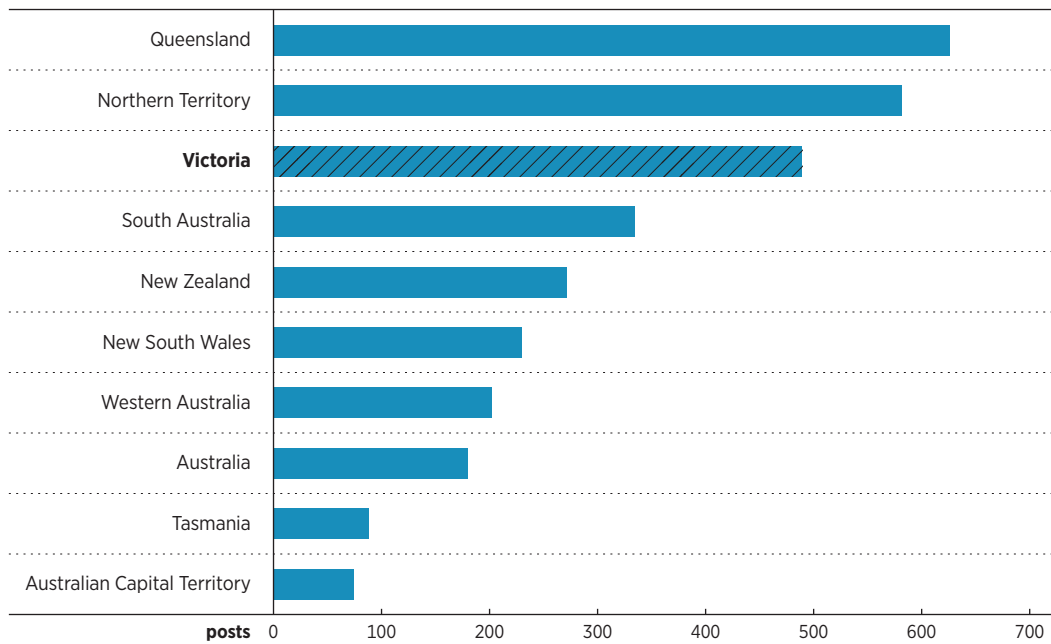
Figures B.11 and B.12 show the total number of Tweets and Facebook posts by Australian and New Zealand electoral commissions over the four-year period to November 2020 (except as noted above).

**Figure B.11** Number of Tweets from electoral commissions, 25 November 2016 to 24 November 2020



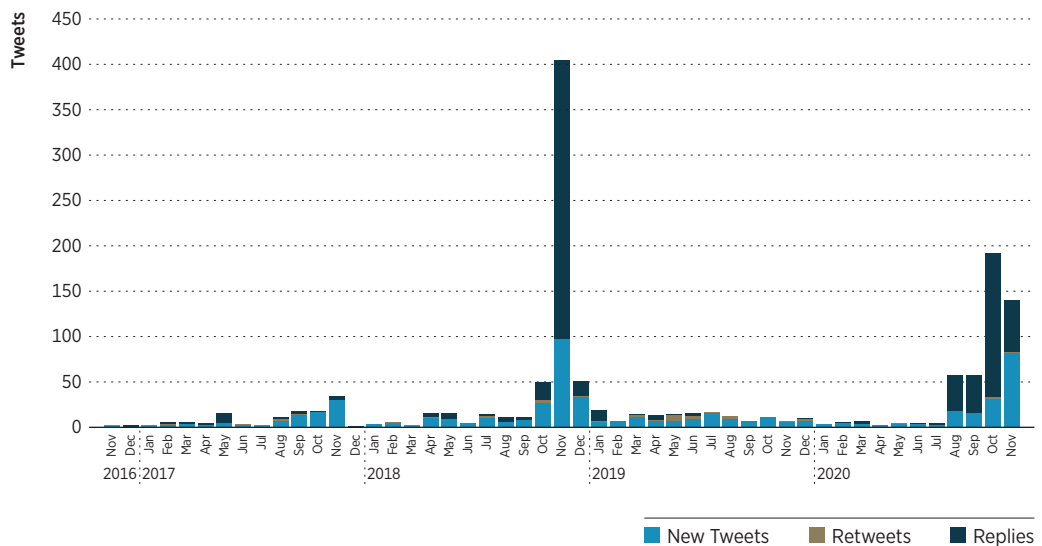
Note: The Australian Electoral Commission’s total is limited to 3,200 due to Twitter’s restriction on accessing historical Tweets. The AEC published 3,200 Tweets from 15 September 2017 to 24 November 2020.

**Figure B.12** Number of Facebook posts by electoral commissions from 25 November 2016 to 24 November 2020

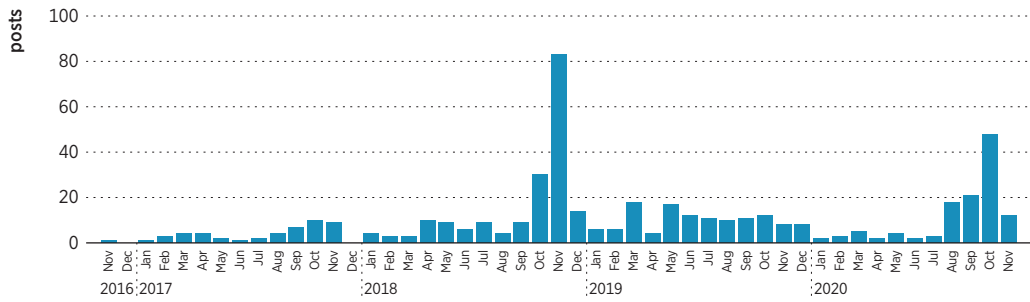


Figures B.13 and B.14 break down the VEC’s Tweets and Facebook posts by month. Peaks of activity can be seen around the 2018 state election (November 2018) and the 2020 local council elections (October 2020).

**Figure B.13** Victorian Electoral Commission’s Tweets over time



**Figure B.14** Victorian Electoral Commission’s Facebook posts over time

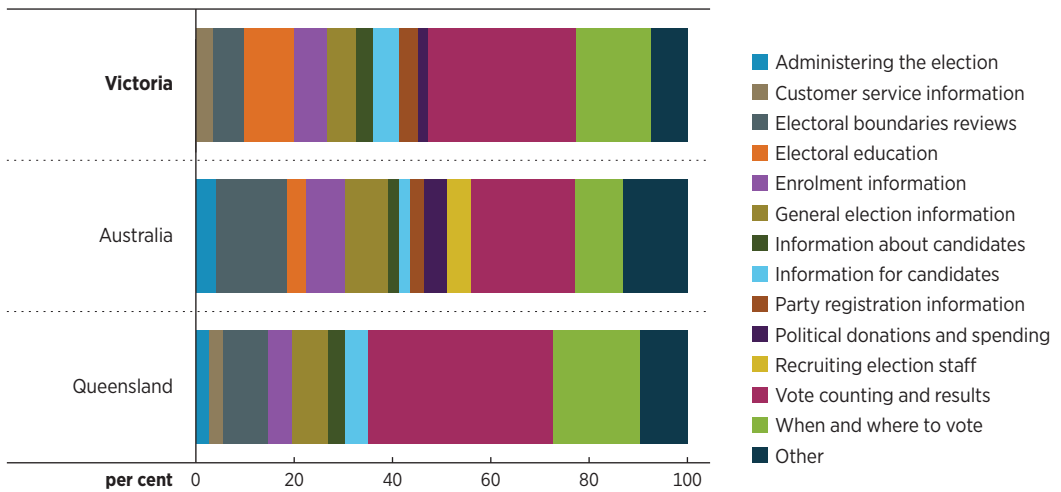


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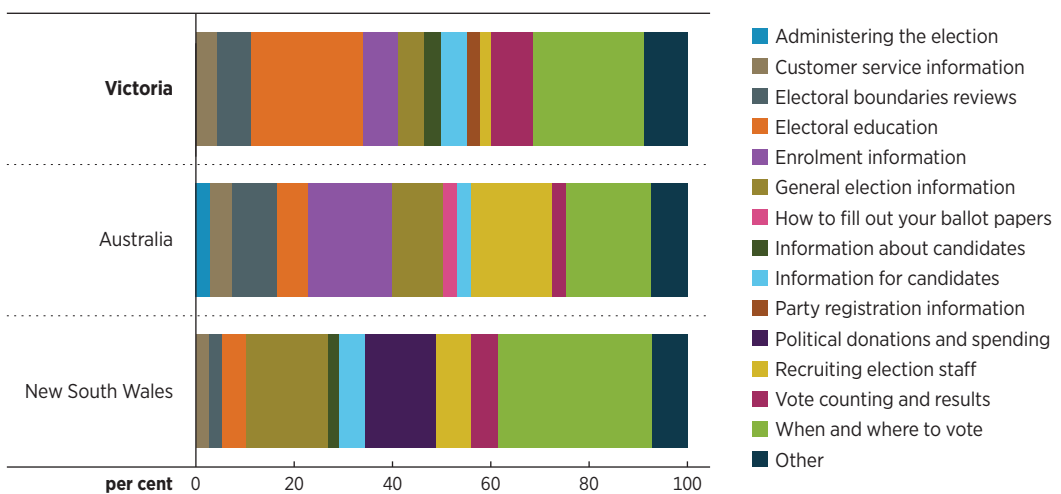
**B.4.5 What they Tweeted and posted about**

Figures B.15 and B.16 compare the topics of the Tweets and posts from the electoral commissions analysed by the Committee.

**Figure B.15** Topics of Tweets by electoral commissions



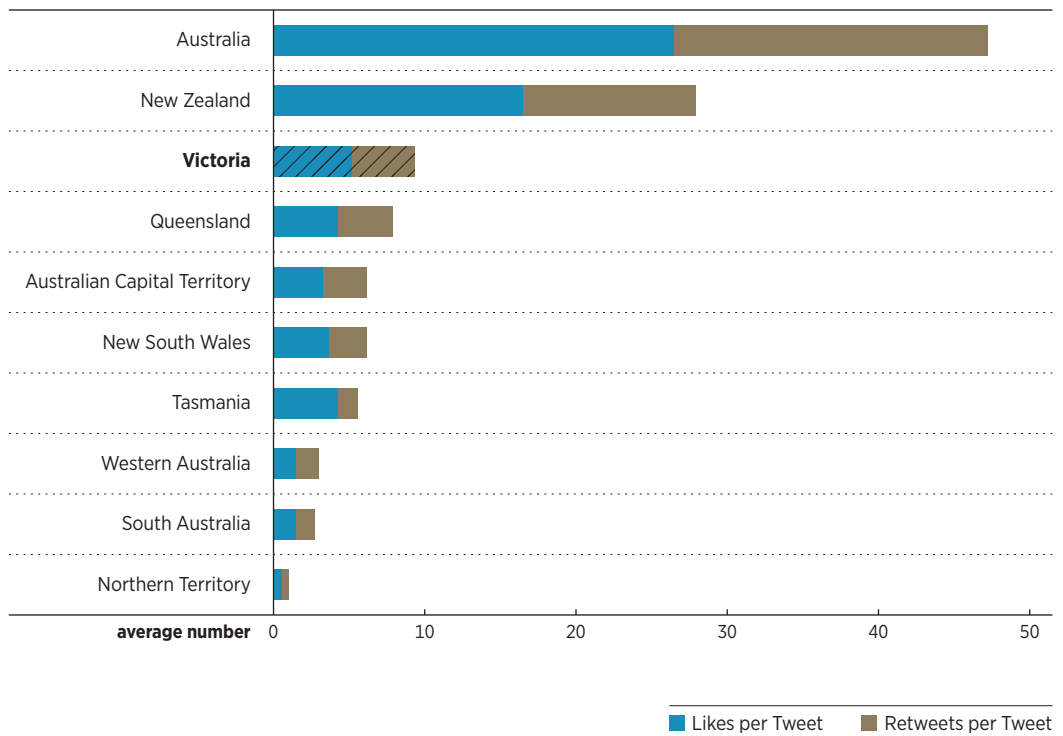
**Figure B.16** Topics of Facebook posts by electoral commissions



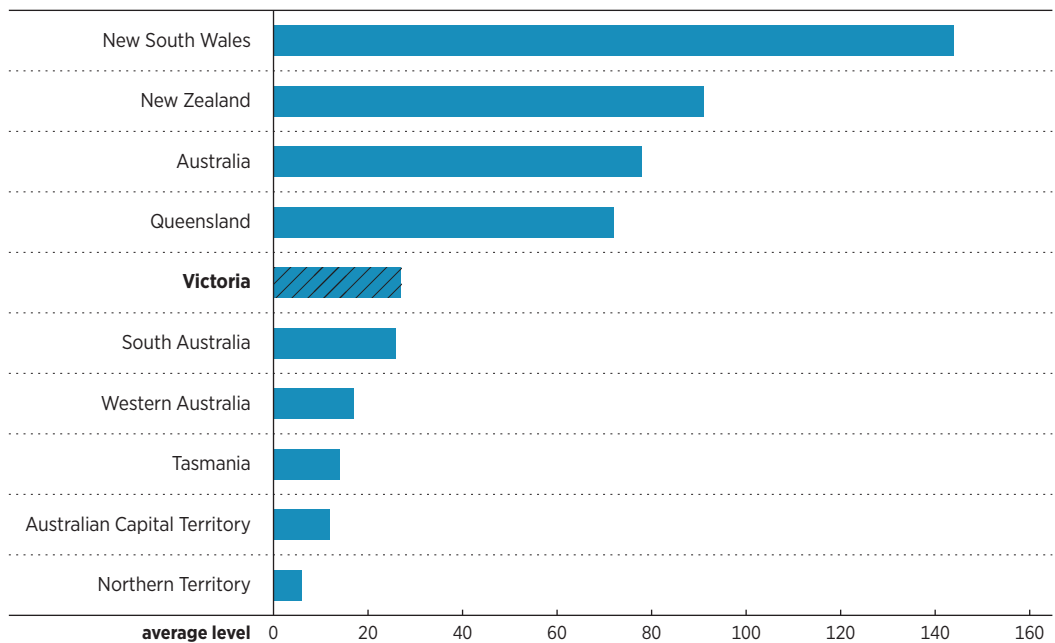
### B.4.6 Levels of engagement

Figure B.17 shows the average number of likes and Retweets of Tweets by Australian and New Zealand electoral commissions. Figure B.18 shows the average number of reactions, shares and comments received by each Facebook post.

**Figure B.17** Average number of likes and Retweets per electoral commission Tweet



Note: Tasmanian Electoral Commission was omitted from this figure due to its low number of Tweets (three).

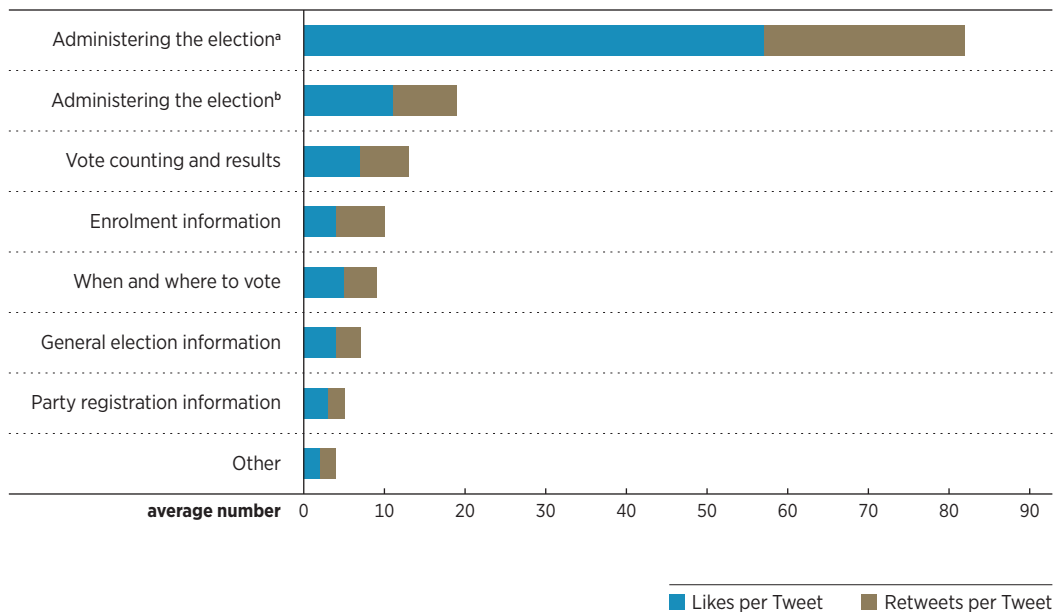
**Figure B.18** Average level of engagement per electoral commission Facebook post

Note: Engagement is measured by an aggregate of Facebook reactions, shares and comments per post.

Figure B.19 shows the average number of likes and Retweets received the Victorian Electoral Commission's Tweets, broken down by topic. One Tweet about administering the election (which showed Victorians in Antarctica voting) received an outsized number of likes and Retweets compared to the VEC's other Tweets.<sup>3</sup> The category 'administering the election' is shown with and without this Tweet to give an indication of the effect this Tweet had on engagement.

<sup>3</sup> VEC (@electionsvic), Tweet, 24 November 2018, <<https://twitter.com/electionsvic/status/1066134373085442048>> accessed 24 November 2020.

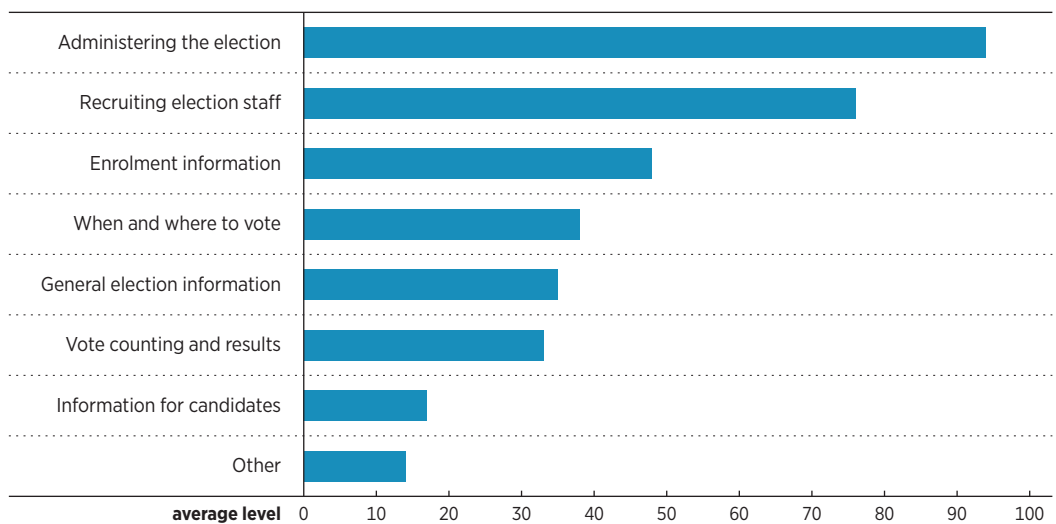
**Figure B.19** Average number of likes and Retweets per Tweet by the VEC, broken down by topic



- a. Including the Tweet on Antarctic voting.
- b. Excluding the Tweet on Antarctic voting.

Figure B.20 shows the average of all reactions, shares and comments received by the VEC’s Facebook posts across a range of topics.

**Figure B.20** Average level of engagement per Facebook post by the VEC, broken down by topic



Note: Engagement is measured by a combination of various Facebook reactions, shares and comments per post.

## B.5 The Committee's analysis of parliaments

### B.5.1 Data gathering—Twitter and Facebook

The Committee gathered Twitter and Facebook data for Australian and New Zealand parliaments during the most recent election period in each jurisdiction. Election periods were defined as starting on the day that the election writ was issued and lasting until the writ was returned.

Some parliaments did not Tweet during their most recent election period. The Tasmanian Parliament has no Twitter account. Similarly, some parliaments did not post on Facebook during their most recent election period.

The data set identified by the Committee consisted of 11 Twitter accounts across 6 jurisdictions with 552 Tweets (see Table B.9), and 10 Facebook accounts across 7 jurisdictions with 313 posts (see Table B.10).

**Table B.9 Parliament Twitter accounts analysed**

Parliament	Twitter handle	Data gathered (most recent election period)
Australian Capital Territory	@ACT_Assembly	11 September 2020 to 28 October 2020
Commonwealth <sup>a</sup>	@AboutTheHouse @AuSenate @Aust_Parliament @ParLibrary	11 April 2019 to 21 June 2019
New South Wales	@nsw_upperhouse @NSWParILA @NSWParIResearch	4 March 2019 to 17 April 2019
New Zealand <sup>b</sup>	@NZParliament	13 September 2020 to 20 November 2020
Queensland	@QueenslandParl1	6 October 2020 to 16 November 2020
Victoria	@VicParliament	30 October 2018 to 14 December 2018

a. The Commonwealth Parliament also maintains a Hansard account (@AUS\_Hansard). The content from this account was not relevant and was therefore excluded from analysis.

b. The New Zealand Parliament's committees maintain individual Twitter accounts. The content from these accounts was not relevant and was therefore excluded from analysis.

**Table B.10 Parliament Facebook accounts analysed**

Parliament	Facebook account	Data gathered (most recent election period)
Australian Capital Territory	<a href="https://www.facebook.com/ACTAssembly">https://www.facebook.com/ACTAssembly</a>	11 September 2020 to 28 October 2020
Commonwealth	<a href="https://www.facebook.com/aboutthehouseau">https://www.facebook.com/aboutthehouseau</a> <a href="https://www.facebook.com/AustralianParliamentaryLibrary">https://www.facebook.com/AustralianParliamentaryLibrary</a> <a href="https://www.facebook.com/visitAPH">https://www.facebook.com/visitAPH</a>	11 April 2019 to 21 June 2019
New South Wales	<a href="https://www.facebook.com/parliamentnsw">https://www.facebook.com/parliamentnsw</a> <a href="https://www.facebook.com/nswupperhouse">https://www.facebook.com/nswupperhouse</a>	4 March 2019 to 17 April 2019
New Zealand	<a href="https://www.facebook.com/NZParliament">https://www.facebook.com/NZParliament</a>	13 September 2020 to 20 November 2020
Northern Territory	<a href="https://www.facebook.com/LegislativeAssemblyNT">https://www.facebook.com/LegislativeAssemblyNT</a>	30 July 2020 to 7 September 2020
Queensland	<a href="https://www.facebook.com/QueenslandParliament">https://www.facebook.com/QueenslandParliament</a>	6 October 2020 to 16 November 2020
Victoria	<a href="https://www.facebook.com/VicParliament">https://www.facebook.com/VicParliament</a>	30 October 2018 to 14 December 2018

### B.5.2 Analysis process

Of the 552 parliament Tweets gathered, 119 were replies and 229 were not directly relevant to that jurisdiction's election, leaving 204 Tweets.

Of the 313 parliament Facebook posts identified, 239 were not directly relevant to that jurisdiction's election, leaving 74 posts.

Considering the low number of election-relevant Tweets and posts from parliaments, the Committee's analysis focussed on the overall numbers of electoral Tweets and posts made, account follower numbers and their interactions with electoral commissions. These are discussed in Section 3.6.2 of Chapter 3.

## B.6 Queensland University of Technology Digital Media Research Centre's analysis of Facebook activity

The Committee engaged researchers from the Queensland University of Technology's Digital Media Research Centre to gather and analyse data about Facebook activity around the 2018 Victorian election. The output from this work contributed to the analyses detailed in Sections B.2–B.5.

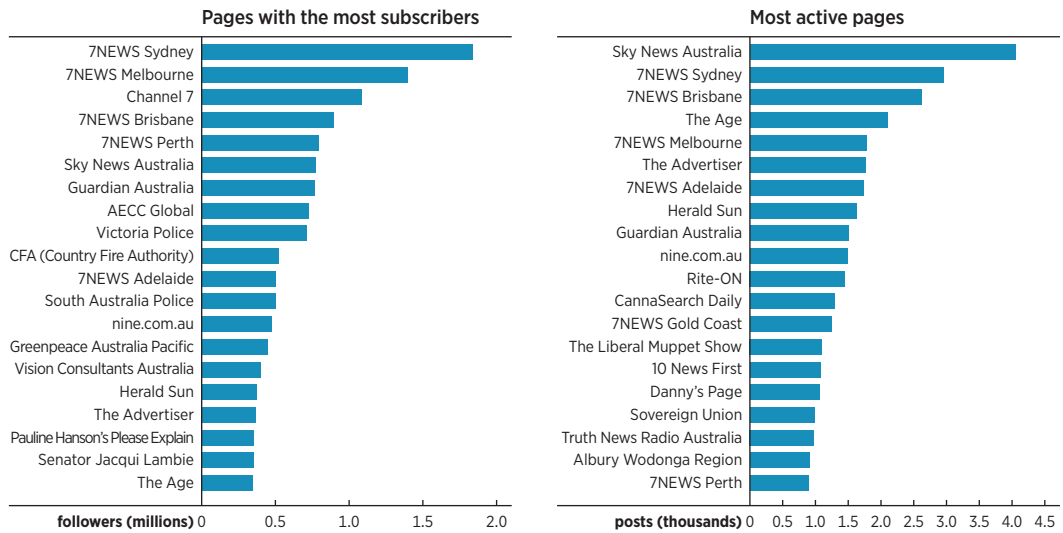
The researchers also used election-relevant search terms provided by the Committee to identify a broader set of 852 public, Australian-administered Facebook accounts. Researchers analysed approximately 120,000 posts published by these accounts from 1 October to 24 November 2018 (election day). This data set was not limited to content relating specifically to the Victorian state election. As the by-election for the



Commonwealth seat of Wentworth in New South Wales took place during the period examined, a significant quantity of content about politics at the Commonwealth level is also included.

Among other things, this analysis found that pages by mainstream media (especially 7 News, Sky News and The Guardian Australia) had the greatest numbers of subscribers and were most active (see Figure B.21).

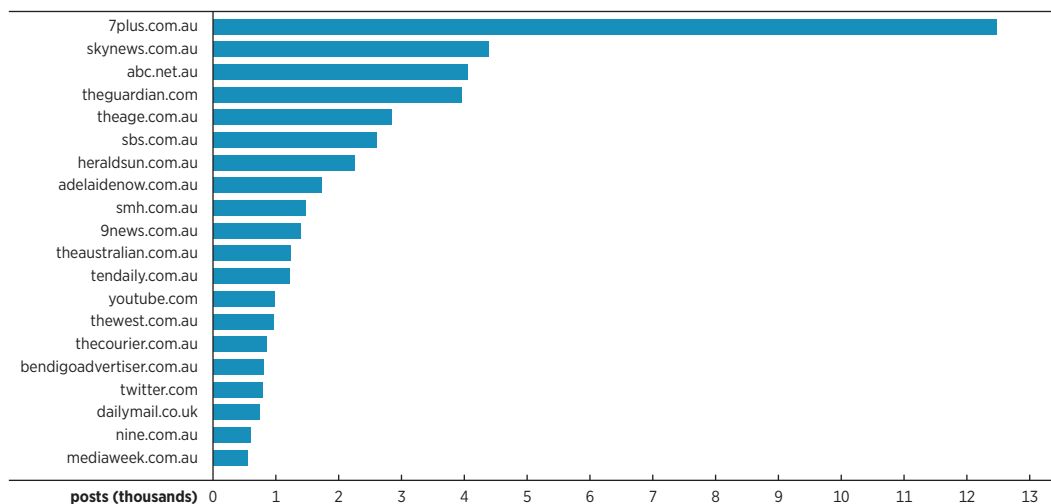
**Figure B.21 Most subscribed and most active Facebook pages among the dataset**



Source: Research by the Queensland University of Technology Digital Media Research Centre, commissioned by the Committee.

The analysis also found that Australian mainstream media were the most common information sources from outside Facebook that were included in the Facebook posts examined (see Figure B.22).

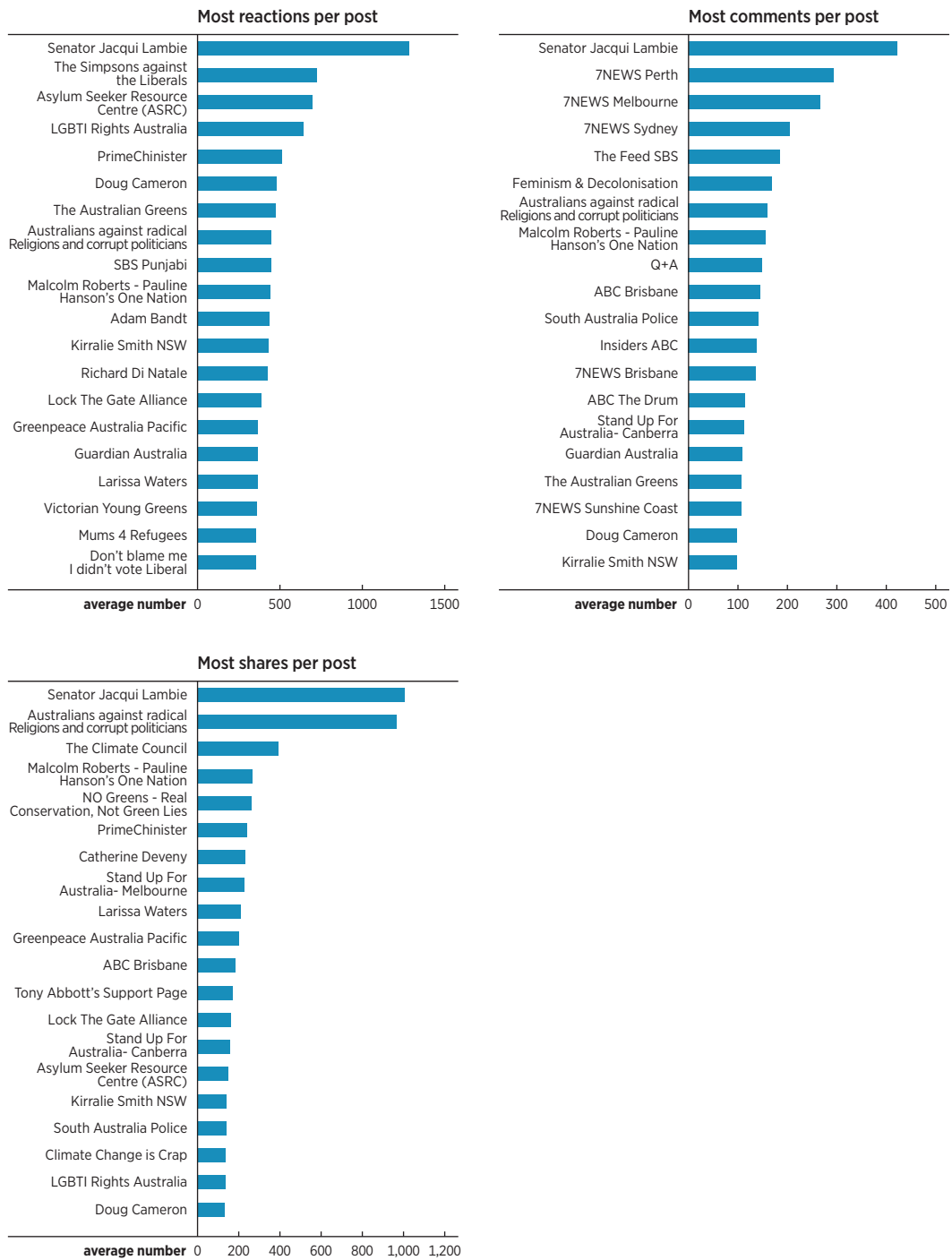
**Figure B.22 Most prominent external information sources in Facebook posts examined**



Source: Research by the Queensland University of Technology Digital Media Research Centre, commissioned by the Committee.

In terms of the level of engagement, Figure B.23 shows the accounts with the highest average number of reactions per post, comments per post and shares per post. These include a number of political groups, mainstream media and activist groups. In all cases, this is limited to pages that made at least 100 posts during the period examined.

**Figure B.23** Accounts whose posts had the highest average number of reactions, comments and shares



Source: Research by the Queensland University of Technology Digital Media Research Centre, commissioned by the Committee.

The researchers also produced a network map based on the way that the Facebook pages in the data set shared posts from each other (see Figure 4.1 in Chapter 4).

## B.7 Bakamo's analysis of social media activity

B

The Committee engaged Bakamo, a social media consultancy, to perform an analysis of the broader social media environment around the 2018 Victorian election.

Bakamo analysed activity from 1 October 2018 to 24 November 2018 (election day) across a variety of social media platforms, using keywords, geofiltering and a filter to identify ordinary people. This yielded an initial data set of 2.3 million public social media comments. As with the work by the Queensland University of Technology Digital Media Research Centre, this data set included much content that was not related to the Victorian state election, especially content relating to the Wentworth by-election.

Regarding the way that people in the data set discussed electoral matters and politics online, Bakamo's analysis found that:

- discussion was mainly civil and policy-oriented, with criticism focused on parties, rather than their followers
- there is some degree of information sharing and debate across political divides through the sharing of news article and through debate in comment sections
- the overwhelming majority of media sources which were shared on social media were mainstream news sources.

Bakamo also looked at how often different political parties posted and what tone they used. In addition, Bakamo examined how often parties were mentioned by other social media users and the public perception of parties on social media. It found significant differences between parties in terms of social media use and levels of public engagement.

Bakamo's analysis identified a number of high-intensity accounts, which played a significant role in online conversations. It also found that conservative voices tended to be underrepresented in online conversations, and noted that some conservative voices expressed concerns about being marginalised. These issues are explored in Chapter 5 of this report.



# Extracts of proceedings

The Committee divided on the following questions during consideration of this report. Questions agreed to without division are not recorded in these extracts.

## Committee meeting—26 August 2021

### Chapter 6

**Recommendations 13:** That the Government provide funding to support an appropriate organisation to conduct fact checking during election periods. Protocols should be established to ensure that the body undertaking the work operates independently of the Government and cannot be influenced by the Government. Details of these protocols and the funding should be made public.

Mrs McArthur moved, in Recommendation 13 **omit** ‘support an appropriate organisation’ and **insert** ‘the Victorian Electoral Commission’.

#### The Committee divided.

Ayes	Noes
Mrs Bev McArthur MLC	Mr Lee Tarlamis OAM, MLC
Mr Tim Quilty MLC	Mr Enver Erdogan MLC
	Ms Katie Hall MP
	Mr Andy Meddick MLC
	Mr Cesar Melhem MLC
	Dr Tim Read MP

#### Amendment negatived.

**Recommendation 14:** That the Government explore options for funding an independent organisation to develop online resources bringing together trustworthy information about candidates, parties and their policies in an accessible way.

Mrs McArthur moved, in Recommendation 14 **omit** ‘explore options for funding an independent organisation’ and **insert** ‘provide the Victorian Electoral Commission with adequate funding’.

**The Committee divided.**

Ayes	Noes
Mrs Bev McArthur MLC	Mr Lee Tarlamsis OAM, MLC
Mr Tim Quilty MLC	Mr Enver Erdogan MLC
	Ms Katie Hall MP
	Mr Andy Meddick MLC
	Mr Cesar Melhem MLC
	Dr Tim Read MP

**Amendment negated.**

**Chapter 10**

**Recommendation 29:** That the Government fund a suitably qualified organisation to analyse and report on social media activity during the 2022 Victorian election campaign and subsequent election campaigns. Preliminary findings should be publicly available in real-time during the election period so that voters have a clearer idea about what forces shape the social media environment and narratives around Victorian elections, including the way people and organisations are campaigning.

This work should analyse, bring to light and report on:

- advertising by political parties, candidates and other politically active groups
- coordinated campaigns to promote political messages
- high-intensity accounts and their impact on political discussion
- the use of bots and fake accounts
- other activities intended to manipulate what political messages social media users see.

The Government should take lessons from similar work done in Queensland and Europe as described in this report, particularly with regards to working with platforms to ensure that analysts have access to data and partnering with local journalists.

Mrs McArthur moved, in Recommendation 29 **omit** ‘a suitably qualified organisation’ and **insert** ‘the Victorian Electoral Commission’.

**The Committee divided.**

Ayes	Noes
Mrs Bev McArthur MLC	Mr Lee Tarlams OAM, MLC
Mr Tim Quilty MLC	Mr Enver Erdogan MLC
	Ms Katie Hall MP
	Mr Andy Meddick MLC
	Mr Cesar Melhem MLC
	Dr Tim Read MP

**Amendment negatived.**

