

18 August 2020

Lee Tarlamis OAM MP, Chair
Electoral Matters Committee
Parliament House, Spring Street
East Melbourne VIC 3002
Australia

By Email: emc@parliament.vic.gov.au

Dear Mr Tarlamis,

Thank you for your letter and for the opportunity to provide some input into your inquiry.

We appreciate the relevance and importance of the subject of this inquiry. However, the experience and expertise of the Broadcasting Standards Authority is limited in respect of social media, as our jurisdiction covers only content that has been broadcast. This includes television and radio content and, in some cases, online content that has been streamed, but excludes social media content that is not broadcast to the general public. Whether or not the term 'broadcast' as used in the Broadcasting Act 1989 covers the transmission of information over the internet is a live issue in New Zealand.

Most online election advertising content, including that on social media, is dealt with by the Advertising Standards Authority. If you have not already done so, you may wish to contact the Chief Executive of the Advertising Standards Authority, [REDACTED] for [REDACTED] advice in that regard: by email at [REDACTED] or by telephone at [REDACTED]. You may also wish to contact the Chief Executive and Chief Electoral Officer of the New Zealand Electoral Commission, [REDACTED], as [REDACTED] organisation oversees the election processes and handles complaints and questions regarding general requirements relating to election advertising: by email at [REDACTED]. Finally, you may wish to contact the Chair of the Media Council, [REDACTED], as this body deals with a range of online published material, including digital sites with news content and blogs characterised by news commentary: by email at [REDACTED].

Notwithstanding this, we do have an interest in election integrity and the impact that content may have on the democratic process, and through this cause harm. At a high level, I would make two points that might be relevant to your inquiry. The first is that the proliferation of mediums for the communication of election content, as with other content, presents novel regulatory challenges that needs to be addressed in a proactive and comprehensive manner, so as to provide certainty and security for both those sharing information and those receiving it. This is fundamental to the robust and equitable realisation of the right to freedom of expression in the digital era. We value highly free political speech, where it is clearly recognised by those who receive it as such. But content that mixes fact with opinion, without

clear distinction, and which has the ability to mislead and distort voter understanding presents real risks.

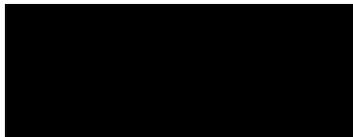
In this context, the role of traditional print (including online) and broadcast media which are subject to ethical standards systems and provide complaint services, becomes even more critical as the public searches trusted, accurate and reliable news. The role of standards in media which is delivered to the wider public therefore remains highly important, when sitting alongside unregulated social media.

The challenge in this context is to balance and preserve the important democratic right to freedom of expression, against the harm that may be caused. Now that convergence has happened we need to find a regulatory approach that upholds standards in a platform agnostic way.

The second point is that there appears to be a heightened sense of the importance of accuracy in this digital era. We have seen an increase in the number of complaints about news and current affairs broadcasts involving the standard of accuracy. The number of such complaints upheld has not increased; however, as above, this does not include much online content, nor any social media content. Nonetheless, this trend reflects an increasing concern amongst the public about the accuracy and reliability of news and current affairs content, and it is likely that this is both influenced by and relevant to the nature of online and social media content.

We wish you all the best with your inquiry.

Yours sincerely,



Belinda Moffat
Chief Executive
Broadcasting Standards Authority