

ELECTORAL MATTERS COMMITTEE

Inquiry into the Impact of Social Media on Elections and Electoral Administration

Melbourne—Tuesday, 17 November 2020

(via videoconference)

MEMBERS

Mr Lee Tarlamis—Chair

Mrs Bev McArthur—Deputy Chair

Ms Lizzie Blandthorn

Mr Matthew Guy

Ms Katie Hall

Ms Wendy Lovell

Mr Andy Meddick

Mr Cesar Melhem

Mr Tim Quilty

Dr Tim Read

WITNESSES

Dr Catherine Williams, Research and Policy Officer, and

Mr Geoffrey Watson, SC, Board Member, Centre for Public Integrity.

The CHAIR: I declare open the public hearings for the Electoral Matters Committee Inquiry into the Impact of Social Media on Elections and Electoral Administration. I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands each of us is gathered on today, and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings.

I welcome Dr Catherine Williams and Mr Geoffrey Watson, SC, from the Centre for Public Integrity. I am Lee Tarlamis, the Chair of the committee and a Member for South Eastern Metropolitan Region. The other members of the committee here today are Bev McArthur, Deputy Chair and a Member for Western Victoria; Katie Hall, Member for Footscray; the Honourable Wendy Lovell, a Member for Northern Victoria; Cesar Melhem, a Member for Western Metropolitan; Tim Quilty, a Member for Northern Victoria; Dr Tim Read, Member for Brunswick; and we will be joined, if they are not already online, by Andy Meddick, a Member for Western Victoria, and the Honourable Matthew Guy, the Member for Bulleen.

All evidence taken by this committee is protected by parliamentary privilege. Therefore you are protected against any action in Australia for what you say here today. However, if you repeat the same things outside this hearing, including on social media, those comments may not be protected by this privilege. All evidence given today is being recorded by Hansard. You will be provided with a proof version of the transcript for you to check as soon as it is available. Verified transcripts, PowerPoints, presentations and handouts will be placed on the committee's website as soon as possible. I now invite you to proceed with a brief statement, which will be followed by questions from the committee.

Mr WATSON: Thank you. I will go first, if I may. Dr Williams and I come from the Centre for Public Integrity, and we are really quite honoured to have been invited to come and speak to you. But I want to return the compliment straightaway and say what a wonderful thing it is actually that this committee is sitting. The Victorian Parliament should be proud that this inquiry is taking place because it is actually very important for all of us, and not only that but it is going to become more important and I hope will act as something of an inspiration to the other parliaments to follow suit.

There is no doubt about its importance. As recently as the past few years we have seen things from around the world which have indicated to us that democracies are fragile. That was before social media came on the scene, and it has got worse now. The fact is that there is information that scholars have observed of this fragility and the fact that it is becoming more vulnerable as time goes on with advances in what you might call the cyberspace. We also know something else. Irrespective of what we say about the actual effect of interference with elections by these technological means, it is also very damaging for perceptions. We only have to look at what is happening in America now to know that it has undermined the confidence, not only now but it is going to for some time in the future, in election after election after election.

There are problems obviously which lie well beyond the skill set of Dr Williams and myself. They are the technological matters. I personally do not know where those skills can be acquired. It seems to me that they are almost at a national security level. There may be sophisticated agencies in Victoria which can assist you in that respect, but we are not going to talk about that; we are going to talk about means and measures whereby we think the Parliament could be well advised to try and put in place their own protections, whether by regulatory standards—we would prefer that—or by education—we support that—and to try and do that now.

Victoria is two years away from its next election as I understand it, so it is timely that you are talking about this now. It gives you time to act. The thing is that what we want to address today are some of the matters which we think can assist there. One matter which we are happy to discuss, should the committee wish to go there, is how the idea that interference through the cyberspace into electioneering material crosses over with truth in political advertising, a controversial subject but one upon which we feel as though we can offer some help and support.

Can I say this. The Centre for Public Integrity, I would like to say we are very partisan. We have got strong views, but we are not party political. We do not care which party you come from or whether you are an Independent; that is not our interest.

After this inquiry is over if this committee thinks that what we had to say was of any assistance at all, I would like to extend it and say that we are there to provide assistance. We have got lawyers who are skilled in this area, former appeal court judges from Victoria. We have got academics who are very experienced in this area—two professors—and Dr Williams herself, who has high qualifications not only in law but also in the relevant areas, especially on electoral matters. That is all I wanted to say. We are here and we hope we can help by answering your questions. Dr Williams?

Dr WILLIAMS: Thank you. So I would second what Mr Watson said, and that is to congratulate the committee on instituting a most timely inquiry, and we can say timely in particular at the moment because we have all just borne witness again to the dangers of social media and online advertising posed to the integrity of democratic elections in the form of the US election. In the lead-up to this event more than 200 scholars from around the world, scholars of authoritarianism and fascism, warned that studying the past shows that democracy is fragile and even potentially temporary, requiring vigilance and protection. One of the key things that they have identified as essential to face this crisis of democracy, of which they already see signs, is a swift and tangible commitment on the part of governments to tackling the dangers of misinformation, and misinformation is of course one of the key dangers posed to our elections by social media and online advertising.

It may seem incongruous to sit here and speak of a threat to democracy itself, because what we are doing right now is after all engaging in a process that is a sign of a robust democracy—something that we are most fortunate to have here in Victoria. But as we see fault lines opening around the globe, it would be foolhardy to presume ourselves and our democracy to be somehow immune. And for that reason the Centre for Public Integrity advocates a number of things as being necessary to help redress the dangers posed by social media and online advertising. Things that we advocate include a comprehensive regulatory framework, a well-resourced and nimble regulator, a commitment to continually adapting regulation in order to meet constantly evolving technology and, really importantly, a recognition of the importance of taking a holistic approach through things like improved language analysis, teaching and digital literacy skills in order to safeguard the right and responsibility of Victorians to participate freely in our democratic process here in Victoria. And as Mr Watson has already mentioned, we specifically advocate enhanced regulation of political advertising, and this can be done, say for example, expenditure caps and truth in political advertising provisions.

Of course regulatory innovations like this are only meaningful if they are accompanied by robust reporting and auditing requirements and a sufficiently resourced regulator with a mandate for vigorous enforcement. And for that reason, of course, we also recommend that the powers of the VEC be strengthened and its resources expanded as required. So we acknowledge that your task is a very complex one and not enviable for its complexity, but we hope that we might be able to assist today and also into the future with any queries you might have. Thank you.

The CHAIR: Thank you, Dr Williams and Mr Watson. I might kick things off around the truth in advertising, in that area. Obviously South Australia have a model that is in place at the moment, so that is administered by the Electoral Commission of South Australia. In your view is the electoral commission the appropriate body to be administering those laws?

Dr WILLIAMS: Yes, provided that it is sufficiently resourced to do so, because of course it could be—we would hope it would not be, but it could be—an enormous undertaking for them. It appears to us that at the moment there is not an alternative that you could propose to do that that would not require establishment from the ground up. The VEC would already be in a good position to do it.

Mr WATSON: Could I just comment upon that and just say something from personal and direct experience in this? In New South Wales what had happened was it was recognised that the electoral commission, which here is just as highly respected as yours—they are two very highly respected organisations—had neither the resources nor the skills to carry out investigations, so the statutory crossover was created between the electoral commission and our ICAC. You could do the same with your IBAC so that you could have a statutory basis for

referral when the Electoral Commissioner thought that there was a matter worthy of investigation which was beyond the immediate skill set of the Electoral Commissioner.

The CHAIR: One of the criticisms of a truth in advertising model has been that it bogs things down and is not fast enough and there could be too many frivolous cases, which has not appeared to be the case in South Australia. What would your response be to that?

Dr WILLIAMS: Well, our response would be, as you said, it has not been borne out in South Australia. The provision has been in place since 1985, so now a great deal of time has passed. It is an operational provision. It works. That does not mean that it works without difficulty, but much regulation does not work without difficulty. And the fact that there might be difficulties with it does not mean that it is not worth adopting. There was an important study—you may have already seen it—of that provision in 2019 by the University College London. In their report *Doing Democracy Better* they found a couple of things in relation to that provision, but the key thing they found was that the opinion of experts and those who had close exposure to the provision was that notwithstanding the difficulties that you refer to it is worthwhile because while it has got the difficulties and it may not entirely transform discussion, it nonetheless sets important boundaries. That aspiration, having boundaries set and encouraging a political discourse that is based in truth and in fact rather than in misinformation, is something that we would say we should be working towards notwithstanding any difficulties that might exist.

Mr WATSON: I endorse every word of that, and I will just add to it. There has never been a good case, I think, for not setting up a body because it would move too slowly or may be inundated with trivial complaints. That is a better reason why you would set up such a body—to be able to winnow out the trivial complaints and also adjust to things as they are changing to move with more speed.

The CHAIR: Thank you. I might throw to the Deputy Chair, Bev McArthur.

Mrs McARTHUR: Thank you, Chair. Look, I would be interested to know a couple of things. Are there any jurisdictions that you think are doing a good job responding to the impacts of social media and online advertising in relation to elections, and what has made their response effective? Then I have another question after that.

Mr WATSON: Well, subject to what Dr Williams says, who is quite an expert in this area, I would say none in Australia, I am afraid. What you need to do is look overseas. We know that Germany, France and Canada have put in place the sort of ambitious regulatory framework that we would be asking you to emulate in Australia. But at the moment, and this is one of the reasons why we both offered our congratulations at the outset, it seems like Victoria is moving ahead of the rest of Australia in this respect.

Dr WILLIAMS: Yes, I would agree with that and I would add too that it is still too early for us to know whether the measures that have been taken in the countries that Mr Watson referred to are efficacious or not. Of course often we do not know whether any legislative measure is efficacious, because we do not always undertake detailed evaluative study of its impact, but it is certainly, I think, too early to know at the moment whether those jurisdictions and the measures they have taken are becoming more successful in combating the dangers of social media.

I would just note one thing: some jurisdictions are possibly better positioned than we are at this point to manage the dangers because of regulations that they already had in place and that were not specifically directed at social media and online advertising. So for example, in that context we would talk again about South Australia and its truth in advertising provision. Now the ACT has adopted a provision modelled on that South Australian provision as well, and then we come to something like New Zealand, which has caps on political or publicly funded legal advertising and then caps on expenditure, so that goes some way also to addressing the dangers that social media and online advertising pose. So while they were not specifically introduced for that purpose, they are regulatory innovations that are worth considering in the context of trying to tackle the social media and online advertising dangers.

Mrs McARTHUR: Further to that, how do you balance the need and the requirement and the goal of free speech with regulation of speech?

Dr WILLIAMS: It is a really important question and it is one that our courts—the High Court—have been grappling with over a long period. I would say to you my preferred approach to that is the approach taken by Justice Gaudron in the Australian Capital Television decision because in that case Justice Gaudron made a statement that is so simple but so true that it is hard to get away from. She said that the freedom of political communication is about facilitating the free flow of ideas and information. That does not extend to false statements. We are not interested in facilitating those in the context of freedom of communication. We are interested in the free flow of ideas and information but not lies. That is something different.

So that is my preferred approach. That is not the only approach. There has been a different approach taken in another High Court decision—I think the Nationwide News decision, but I can double-check and give you further information later—and in that case the approach taken was, ‘We are just interested in facilitating free speech, and that might include lies’. So their approach is to the question of whether you desire to limit freedom of communication, but then the court’s approach in relation to how it should be managed—and probably Mr Watson can further elucidate on the point—seems to be that we can accept a limitation on the freedom of political communication. It has to be for a legitimate purpose. It has to be—after the McCloy decision it appears to have to be—in relation to an end that is protecting representative government. And I think probably it would be hard to argue that a provision that was designed to limit misinformation was incompatible with protecting representative government, but, Mr Watson, you might have something more to add there.

Mr WATSON: Look, I agree; that is a good question. It is also the hardest question of the lot. If you just look at the 20th century, Australia was battling with that concept from the time of the First World War, wherein, for example, in New South Wales their anti-sedition laws were really very contrary to free speech; people were being jailed because they were speaking out against conscription. That was going around Australia. We had to work our way through that. Similar issues arose during the Second World War, where there was obviously some sort of line that had to be drawn so that there was no public interest in revealing where your troops were or how many you had. Now, we worked our way through that until the later part of the 20th century, where the High Court developed the concept of the implied freedom of political discourse. That was a protective right. We are still working our way through that; it is a battle every day. Freedom of speech has got to be judged against trying to shut down things which should not be said. The law of defamation is a famous example of that.

What we are talking about—I think I speak on behalf of Dr Williams when I say this—when we are talking about truth in political advertising is not the sort of thing which, for example, a politician or a political party or for that matter a commentator might say, for example, as an aspiration: ‘We want to reduce taxes to a particular level’ or ‘We want to reduce unemployment to a particular level’. Rather, what we are directing it at is where there are incorrect statements of fact—provable incorrect statements of fact. There is no real trespass with freedom of speech if you do have a means of controlling people from spouting falsehoods. But again, can I tell you: these matters are not simple. They do work themselves out in the wash, and we have faced bigger and more difficult occasions when freedom of speech and protection of certain information has come into a bigger collision than it would here.

Dr WILLIAMS: One thing that I would like to mention—it is something that we can provide to the committee if it would be of any benefit to you—is we have done a detailed analysis of the history of section 84 of the *Electoral Act* in Victoria, which began its life as a section of the *Constitution Act Amendment Act*. Now, the relevant provision was originally introduced in Victoria in the late 1930s, and it is very, very clear if you read the *Hansard* from that time that what the Victorian Parliament intended to enact even at that time was a provision that would stop false statements being made that could influence an elector’s [Zoom dropout]. So as I said, we are happy to provide that detail if you think it would be of benefit to you, but it has been an issue that has been alive in the Victorian Parliament for a very long time and something that they intended to achieve back at the end of the 1930s.

The CHAIR: That would be helpful if you could provide that to us. Thank you. I might throw to Cesar Melhem.

Mr MELHEM: Thank you, Chair. Following on from that issue, should we look at further regulation of social media platforms, political parties and their candidates, other campaigners and the general public? I am sort of interested in both of you—what are your views on that? Do we need to look at further regulation? You did mention the 1930s; I did not know about that, so I am looking forward to reading that. What are your

thoughts on that? And you did talk about experiences in other countries like Germany and so forth. So what is your view?

Dr WILLIAMS: I suppose our view is: in relation to regulating the platforms themselves, that is almost inevitably necessary—difficult, very difficult no doubt, and you will see the federal government is facing some of those difficulties at the moment, but it is probably going to be essential. Other than that, the regulation, say the truth in political advertising provision, should apply to anything that currently is required to be authorised as political advertising, so then that would extend to anyone engaged in that kind of conduct—it would cover them all. Mr Watson, I am not sure if you would like to add something.

The CHAIR: No? We will go to Dr Tim Read.

Mr WATSON: Sorry; I was on mute, but I did wish just to add something to what Dr Williams said. I think the first issue about regulating the larger social media platforms is really a federal issue. And what is more, it is going to be fought out in the next few years at a really very high level and a difficult level. It is really an international issue rather than merely an Australian issue. That said, what we are trying to do by suggesting a regulatory framework is really to try and control misuse of those platforms by people who wish to become active in the election. For example, I do not know the group to whom I speak, but I presume there are some Labor people, there are some Liberal Party people, Nationals, maybe Greens and maybe Independents. But over the years I have spoken to many politicians about these election funding issues, and it is not so much that any of the politicians actually disagree. All of them agree that there should be caps and controls on election involvement, funding and the like. The problem is it is difficult to do it in respect of third parties. Now, the coalition will say, ‘Look at Labor; they’ve got the unions’, and the Labor Party will say, ‘Look at the coalition; they’ve got the minerals council’. That sort of debate has been going on for years. It is the control of those third parties. What we are trying to do is give you a regulatory framework to consider which might control the involvement of those third parties. Part of that would be the utilisation of social media. Does that prevent people who are determined to break the law? No, it does not. So it needs to have a punitive characteristic or element as well. Thank you.

The CHAIR: Thank you. Dr Read.

Dr READ: Yes. Dr Williams, I am concerned about the impact of a billionaire who has got a much bigger megaphone and can buy a lot more social media than, say, some other candidate, and you raised the fact that other jurisdictions have spending caps, which to some extent limits at least the volume of misinformation. Could you address whether or not you think that is a limitation of freedom of speech, and if it is, whether it is acceptable?

Dr WILLIAMS: The imposition of spending caps, if it is a limitation on free speech, then I would absolutely endorse it as acceptable, because it is a necessary means to protect our democracy and therefore it has to be necessary. It has to be proportionate, I think. Though I would endorse what you said, and that is it seems that people with enormous resources can get their megaphone and get their message most widely disseminated. That is a serious problem in a democracy of course. So we would propose regulation that can render the landscape more equitable and effectively democratise our elections.

Mr WATSON: I agree with Dr Williams, and I would just go a little bit further and say: take the example of the billionaire who wishes to become involved in the election process for some particular reason. We have seen a little of that in Australia. In America it is a daily experience, and it is out of control in America. That tells you something—that unless we do something about trying to control it, we are going to have exactly the same thing here. I have always said, because I love mixed metaphors or double clichés, that it is kind of an odd idea to think that freedom of speech is promoted by the person with the deepest pockets having the loudest voice. That is not freedom of speech; that is a compromise of freedom of speech. And the thing is that this factor was considered in the McCloy case by the High Court, which said they could readily find the balance there. The submission finally put on behalf of Mr McCloy, who is a very wealthy man, was that he should be allowed to use his money as he sees fit to support who he sees fit and that otherwise that cuts across his implied freedom of political discourse. The High Court had no trouble in making the adjustment in that case. Balances can be struck.

The CHAIR: Thank you. Ms Lovell.

Ms LOVELL: Thanks very much, Lee. I was just wondering, Dr Williams, whether you think that this is something that we can legislate or regulate on a state-by-state basis or whether it needs to be national. But even at a national level, how do we then, with social media platforms, stop international interference in our elections?

Dr WILLIAMS: It is a really good question. It would be preferable if there were uniform legislation nationally—certainly preferable. If that is not achievable, then it should nonetheless be done; each state should take the necessary measures. And in relation to interference by foreign states, as Mr Watson I think mentioned at the outset, you are getting into such a complex area—an area where we are talking about national security really. So I am not sure the best way to approach it in respect of foreign interference, but presumably there would have to be some involvement at least of federal agencies with the necessary expertise in those areas. I would presume that would be necessary, but Mr Watson might have other thoughts on it.

Mr WATSON: I know this is going to make me sound like a nerd, but this has been something that has been troubling me since I was a schoolboy—the nature of a cooperative federal system. The thing is, it makes me metaphorically weep to think that here Victorians had the foresight to go ahead and have this committee convene and consider these matters. It should not be done by Victoria alone, it should not be done just by the states alone. This should be the sort of thing where I hope one of the recommendations of this committee will be that this issue be taken to the federal government, that it be encouraged to be dealt with at a federal level so that a federal solution can be found. That is not patronising the states; that is actually just recognising that the system will only be as strong as its weakest link, and if you allow it, particularly when these kinds of interventions into elections are coming from the atmosphere—cyberspace—the fact is that if you have got a weak link in one of the states then that is going to be difficult for Victoria to control alone. I am not discouraging you from going ahead. Lead the way with this committee, and then I hope you will encourage others to follow you.

The CHAIR: Thank you. Ms Hall.

Ms HALL: Thank you both for your time. Look, I am interested in I suppose a bit of a different aspect in this inquiry, which is the threat to democracy from systematic trolling. In Ginger Gorman's book *Troll Hunting* she said that it is a risk to our democracy to allow the kind of trolling of political candidates to continue as it has, because it is a massive disincentive for women and people perhaps from diverse backgrounds to participate, and I wondered if you have a view on that.

Dr WILLIAMS: I do not know a great deal about trolling. I have to begin by saying that. But if there is evidence that it is a problem that prevents equal participation, then I think it would be something that is worth looking at in great detail and looking at what kind of measures could be taken in order to try to remedy the situation. When you say 'trolling', you mean abuse, hate speech, things like that?

Ms HALL: Yes, that is correct. So we know that women in particular receive particularly gendered threats online, and they vary in their degrees of aggression. But it is just, I think, an interesting thing that people anecdotally will say, 'Why would you want to get involved in that?'

Dr WILLIAMS: It is a terrible disincentive to participate, and that is certainly not something we would want. I suppose there are a few perspectives you could approach it from. One is that the platforms which are being used to facilitate the trolling should be strongly encouraged to stop doing it. Now, of course we have seen, like we saw in relation to the Cambridge Analytica inquiry in the UK, those platforms then decide to what degree they actually want to come to the party on those points or not. So that is a necessary measure, but it is not going to be a sufficient one. Then we need to look at, 'Well, those threats, are they traceable?'. If we deploy sufficient technology, are they actually traceable, and if they are, then the full force of the law needs to be brought to bear on the individuals who are perpetrating that crime of abusing particularly women, particularly perhaps other minority group members online. Whether it is in a political context or for any other reason, perhaps we need to better develop our skills in tracing these people so they cannot anymore hide behind the protection of the internet's anonymity. Mr Watson?

Mr WATSON: I will add something. Trolling is not just merely abuse in the way that you describe. It also in a political context involves just the telling of lies. Now, how do we do this? This is this very large question which I think can only be resolved from an Australian point of view at a national level, but really at an

international level you have got to control the people who run those platforms—at least get them better directed to how they would control the people who participate in them. But I probably do not need to remind everybody the day that one platform starts pushing a particular line or any degree of censorship a new platform opens. I think that when Bill Clinton was addressing China opening to the world he said he would like to see how they control the internet. Well, strangely enough they have. Nobody thought they could do it. Bill Clinton famously said, ‘While you’re at it, you can also try and nail some jelly to the wall’. The fact is that China has somehow or another been able to do it. I am not saying that it is often the case that we would be looking to China for examples of how we should or should not censor things, but there has got to be a solution. Trolling is just disgusting because the fact is it is just like bullying in a playground. It is always the weakest and the vulnerable who suffer the most. It is so hard. It is an awful question. I wish you had not raised it, Ms Hall, because actually I find it sometimes a little upsetting when I see the way that those platforms are misused to attack people.

Ms HALL: Thank you.

The CHAIR: Mr Quilty.

Mr QUILTY: Thanks. So going back to print and advertising, and also I will touch on public funding as well, I have a concern that every time you set up more regulations in this area you are creating regulatory burdens that make it hard for new entrants to come in, for parties to enter. You are basically handing advantages to the existing parties, the big parties. It is tough on small parties if you want to start a new party. I will start with that.

Dr WILLIAMS: I understand your concern, because of course you want to be able to encourage new entrants to enter the fray. But in respect of a truth in advertising provision, it is not so difficult because if they stick to the facts then they will not fall foul of the provision. So I would not be concerned about the impact of a provision like that on the ability of new entrants to participate. But, Mr Watson, do you have something to add?

Mr WATSON: Mr Quilty, we worked our way through a lot of these problems with the Attorney-General of Queensland, Yvette D’Ath. As part of it there was a wide consultation with groups who thought that they might be adversely affected by it, and there is no doubt that that there is a real problem: if you create additional regulations, then those additional regulations are going to be a burden not only to well-organised political parties but less organised political parties and even, in some instances, charities. There is a tremendous difficulty in drawing the balance. However, we worked our way through those problems and there was widespread consultation, and all I can say is by the end you can do it. Not everybody is going to be happy; that is the nature of the process. You as politicians know that better than us. But the point is that we were able to work our way to a solution. I think it can be done.

I will tell you something else, Mr Quilty. For a very, very long time I have been troubled by the fact that our system seems to enforce a cartel between the coalition and Labor as being the dominant parties. And it means that others outside this do not get a sufficient voice, and there is a meaningful contribution to be made by Independents and smaller parties, which I think we are missing out on. I am entirely sympathetic with what you are saying, but as part of a long process working with Queensland, people at the Centre for Public Integrity, including Professor George Williams from the University of New South Wales and Justice Stephen Charles, one of your great judges in Victoria, were able to work our way through them, and I think we came up with some pretty good solutions.

Mr QUILTY: And if you apply the same thing to the public funding of election campaigns, how does that work for the minor parties or if you have not entered yet?

Mr WATSON: The thing is that it strongly benefits the minor players in the sense that if you have got a maximum overall spend and a maximum spend per seat, then the minor parties who are not putting up candidates in all the seats can focus their money on those where they think that they can make some inroads and perhaps get somebody elected. It actually works to their advantage. I have got my own saying about this. I call it the ‘political cartel’, which is really Labor versus the coalition. The thing is that controlling the amount able to be spent dismantles the control of the cartel. I am not, by the way, comparing those two groups with drug cartels, but you know what I mean. I am talking about economic cartels.

Mr QUILTY: Close enough. Are there political opinions that would be beyond the pale for funding? If a Neo-Nazi party starts up, are they going to be eligible for public funding as well, and if not, who decides?

Mr WATSON: The thing is that if you had something which was a Neo-Nazi party you would not control it receiving public spending but you would prevent it by other legislative means, which are ample, from [Zoom dropout]. The thing is that under our system we have got to respect—I say this with some regret—that there is a component of our community who would support such a party and believe in what they have got to say. Subject to those overall controls—defamation laws and any discrimination laws—then they should be allowed to participate in the process as, at the other scale, should a Communist Party. But then again you can work out ways of providing the public funding so that it does actually reflect a proper spend of the money. For example, any yahoo just cannot set up a party. We all know about Lord Buckethead, who stands for election each year in the UK against the Prime Minister. We would not be giving money to yahoos who were just doing it for self-promotion. But there would be a basic sum to which a party is entitled. A party itself is pretty easy to define because you have got to register a certain number of members. There are going to be people who try to get around that. But when advising the Attorney-General of Queensland we, I think, as a group repeatedly said, ‘You’ve got to treat election funding controls like you would a taxing statute’—that is, as soon as you pass a law people are going to be paid to try and work out a way to get around it, and you have just got to keep coming back and legislating and cutting off the escape hatches, closing the loopholes.

The CHAIR: Thank you. Unfortunately we are well over time. It has been a really insightful session, and I want to thank you, Mr Watson and Dr Williams. It has really been interesting, and I wish we did have more time because I know I have got lots more questions I would like to discuss. So we may well take you up on your offer of submitting some further questions offline to you from committee members for your guidance when we are considering further steps and some possible recommendations as well. So we welcome that invitation.

Mr WATSON: We would welcome those questions, and can I just say thank you on behalf of the political process and the people of Victoria for conducting this in such an enlightened way. They were very well informed questions, and it was also done with I think common and mutual respect and politeness—a rare thing in a political discourse these days.

The CHAIR: Thank you very much, and thank you for your time today.

Mr WATSON: Thanks.

Dr WILLIAMS: Thank you.

Witnesses withdrew.