

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

Mr Warwick Gately, AM, Electoral Commissioner,

Ms Marie Guerin, Manager, Communication,

Mr Keegan Bartlett, Director, Electoral Integrity and Regulation, and

Mr Ashley Carr, Research Officer, Victorian Electoral Commission.

The CHAIR: I declare open the public hearing 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 Warwick Gately, Electoral Commissioner; Marie Guerin; Keegan Bartlett; and Ashley Carr from the Victorian Electoral Commission. I am Lee Tarlamis, Chair of the committee and a Member for South Eastern Metropolitan Region. The other members of the committee here today are Bev McArthur, the Deputy Chair and a Member for Western Victoria; the Honourable Wendy Lovell, a Member for Northern Victoria; Cesar Melhem, a Member for Western Metropolitan; Tim Quilty, a Member for Northern Victoria; and Dr Tim Read, the Member for Brunswick. Some other committee members may also be joining us at some point as well.

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 available. Verified transcripts, PowerPoint presentations and handouts will be posted on the committee website as soon as possible. I now invite you to proceed with a short statement, following which questions will be asked by the committee.

Mr GATELY: Chair, thank you. You were a little faint there towards the end, but I understand now that it is over to me. Look, thank you, yourself and members of the committee, for having the VEC here today to talk to our submission. Social media is fast becoming one of the primary sources of election news and information for Victorians, surpassing traditional media in some age groups. The VEC understands it is important to ensure an appropriate, evidence-based, continuously improving combination of regulatory and non-regulatory approaches to managing this trend to ensure the ongoing integrity of elections in Victoria.

We acknowledge that social media platforms are proactively addressing some of the issues arising from the platforms around election events—in particular disinformation, fake news, attacks on candidates and hate speech. This has been seen in the recent elections around the world, particularly the recent United States election and the Myanmar election, where social media is perceived to have damaged the integrity of elections in the past. For example, Twitter has introduced fact-checking labels for tweets that it deems misleading or unverified, and it appears there has been a stronger effort to clamp down on unverified information from unreliable sources. However, there is still a long way to go, and I offer that we cannot rely on these multinational companies to always do the right thing.

In the Victorian context the current evidence suggests that the fake news phenomenon and its impact on the electorate during election events is not a widespread issue. However, given that current legislation does not explicitly prohibit the spreading of disinformation in political advertising and commentary, it is hard to measure this. However, 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 predate the proliferation of social media as a means of political communication, and I offer that it should be updated to give certainty about the liability of online platforms in their role as publishers. This is not to say that the VEC supports the introduction of legislation to require truth in advertising—quite the opposite. What I do support is a combination of regulatory and non-regulatory approaches to ensure a comprehensive, multifaceted response to protect the integrity of our democracy in the future. And this was covered in our submission. Thank you, Chair.

The CHAIR: Thank you, Mr Gately. I might go straight to the Deputy Chair, Mrs McArthur, for the first question.

Mrs McARTHUR: Thank you, Chair. We heard a disturbing story of intimidation at a polling booth in the Caulfield electorate in the last state election and exacerbated through social media, but the manager of the polling booth appeared not to take any action. I do not know whether you are aware of that particular incident. Matthew Guy also reported on the issue of another organisation that did the same thing in a previous election in the seat of Bulleen. People are calling for the VEC to be the regulator of social media and everything else. How practical is that, given that it appears that you are not able to properly police what happens at pre-poll polling and polling booths in relation to intimidation that is also replicated through social media?

Mr GATELY: I will just put the social media element of that aside very briefly, and then I will talk about that matter, that we are aware of. The committee and I have discussed this matter previously, and I have dealt with that individual as well. I am very sympathetic to the circumstances that they faced at that polling place. I do not wish to go into it here, but the matter at that point in time was put to Victoria Police. It is still a matter for Victoria Police. The social media aspect of that, you asked that question—it is difficult given the plethora of activity on social media for the VEC to monitor all of that and to respond accordingly to that. In our election report following the 2018 state election we did mention that. We did talk about social media. We did talk about some of the successes there that we had in relation to some of the social media companies where we were able to get some take-down action taken. It is in my submission to the committee as well. I will take that matter no further. I might just ask whether my Director of Electoral Integrity and Regulation, Keegan Bartlett, has any more to add to that, and then I will ask Marie Guerin to come in on the social media aspect. Keegan?

Mr BARTLETT: Thanks, Commissioner, and thanks, Deputy Chair. We are aware that you had a submitter earlier today in relation to that particular concern, and as the commissioner mentioned, quite rightly it was referred to police. There are obviously different experiences that people have, and some are absolutely horrific. That is certainly the story that that particular candidate shared with us from 2018. Quite rightly it was a police matter. I was not attending this morning or watching the streaming of this hearing, but certainly our staff on the ground at the early voting centre did take action at the time—whatever action was available, the appropriate action—but of course police were called, and it became a police matter. It may not have been to the satisfaction of that candidate. I appreciate that, and that is very clear from his submission. Hopefully one of the commitments that we have got going forward is to continue to work with police and other enforcement agencies, because whether it is social media or face-to-face, that type of antisocial behaviour is unacceptable in the electoral environment. So we want everybody to feel safe in elections, and certainly we responded as best we could at the time—not to the satisfaction of that candidate; we appreciate that and have spoken at length with him since the 2018 state election—but obviously referring it to police was the appropriate thing to do at the time.

Mrs McARTHUR: But it appears that your manager at that booth was not aware of the legislation that did cover this and did not inform the candidate that there was an actual unit working with the VEC and the police that is in charge of this sort of aspect. Have you changed your procedures in relation to the managers of polling booths for the future, so that they are all familiar with exactly what the legislation is in relation to the law?

Mr GATELY: Before Mr Bartlett comes in, I will just say yes, we have and we will, and that will be further incorporated into the training and preparation of our voting centre managers before we get to the next large state election activity. Keegan?

Mr BARTLETT: No, that is exactly what I was going to say, Commissioner. So yes, Deputy Chair, every election provides continuous improvement opportunities, some unfortunately from very sad circumstances. People's experiences contribute to our continuous improvement program, and that candidate's will as we head into the 2022 state election.

Mrs McARTHUR: Is it practical, as others are asking, for the VEC to be the regulator of social media or should it be some other body or not at all or buyer beware or whatever? But, seriously, is the VEC able to regulate social media? As it is a very volatile and an instant process, how can you practically be on top of it?

Mr GATELY: Okay. I am going to ask Marie to come in there about what action we currently take in relation to social media, and then I will close that out with comments that go also to that matter and the role of

the VEC as an election service provider versus that of a social media regulator. Marie, would you like to come in about action that we currently take.

Ms GUERIN: Thanks, Warwick, and thank you, Deputy Chair, for the question. So currently we have built relationships with each of the major platforms in order to expedite takedown requests. You will see in our submission the process that we have brokered with Facebook and Twitter and Google. So basically we have brokered partnerships with representatives, their governmental relations people, so that when we do receive a complaint—of which there were very few at the 2018 state election I would point out—and our initial tactic does not work, so generally if we receive a complaint about potentially in-breach content being advertised or pushed on social media, we will go directly to the author and ask them to correct the breach or to take down the content and in the vast majority of cases it relates to people who have not appropriately authorised their ad or their political content.

Where that fails, we have brokered relationships, as I mentioned, with the major social media platforms to escalate to them for them to take it down. Now, we provided an example from the 2018 state election where Facebook were able to do that in one business day. I think that is a pretty fast outcome, but you could argue 24 hours is a long time for in-breach content to be circulating on the internet. But in that same instance Twitter did not comply. So not to foreshadow or move too much into what Warwick will discuss, an issue with trying to regulate further and move into that truth in advertising provision is that you wholly rely on the social media platforms to take down in-breach content once it has been identified. And based on our experience and what other submitters and speakers to this hearing have already said, their response can be inconsistent and patchy at best. So Warwick, I will let you talk about the Deputy Chair's question.

Mrs McARTHUR: I was just going to say, you have made a most interesting comment that you had very few complaints in the 2018 election.

Ms GUERIN: That is correct.

Mrs McARTHUR: That is I think very informative in this inquiry, where we are led to believe this is a major issue. But if the VEC have had very few complaints, I think that is most enlightening in itself.

Ms GUERIN: I guess because the current framework is quite narrow and relates to things like lacking an authorisation statement or misleading a voter in relation to the casting of their vote, that could be why the complaints were very few. But, yes, there were fewer than 20 from the 2018 state election.

Mrs McARTHUR: Thank you.

Mr GATELY: And, Marie, is it a reasonable observation that quite often we are seeing where social media to some extent self-regulates, so the users of social media self-regulate that?

Ms GUERIN: Yes. The platforms have taken some significant steps to address misinformation as well, as you saw in the lead-up to the US election most recently, particularly Twitter with its fact-checking labels. That can have unintended consequences. As you might be aware, it can lead to people leaving the platform and moving on to an even more dangerous platform, like Parler, which you might have heard of in the news in the last week. But, yes, we are seeing the platforms themselves making a lot more effort to crack down on in-breach and misleading content.

The CHAIR: Thank you. Mr Melhem.

Mr MELHEM: Look, thank you for your time. The VEC—you have an enforcement role around the regulation of political content online, and your submission sort of notes that due to the volume of content on social media you use a complaint-based system for escalating breaches et cetera. Are you able to effectively implement Victorian electoral laws around social media and online advertising? That is the first question. The second part of the question is: what are the challenges? I note what you said earlier—that 2018 has not been that bad in relation to complaints. Do you need greater resourcing to manage this problem, if this is a resources problem?

And the last one is: do you see a better way to manage possible breaches of the *Electoral Act* on social media and on online advertising? Have you got any suggestions about perhaps some further changes to strengthen the

position and control to make sure there is no abuse, i.e., false advertising and discrimination, whether it is racial or not. I think we talked about that earlier. I know there are number of points there. Anyone? Warwick? I am sure you will either answer yourself or do you want to delegate? There are four questions in one.

Mr GATELY: Yes, Mr Melhem. Thank you. Hopefully I have got them all. If I did not, I am relying upon some others. I might start with Marie again, just to give some perspective to that. In terms of the regulatory function, I will then come back to Keegan after Marie has provided some comments in the lead-in to it.

Ms GUERIN: Thanks, Warwick, and thank you, Mr Melhem. At the moment, under the current regulatory framework, I would say that the VEC's complaints-based system of regulation is appropriate given the small number of complaints that we do receive in relation to in-breach social media content. This is in our submission. One of the reasons we do not actively monitor or proactively monitor content is due to the sheer volume that is circulating during an election period. We are talking about ads that could be circulating in the thousands, and even with extra resourcing it would be impossible to monitor that.

There is also what has come up in many other submissions and what we have talked about in ours—that 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. And if you are not familiar with that concept, it is the idea that advertisers build up quite detailed voter profiles based on their online behaviour, and as a result they are able to craft and target advertising at those very highly specific demographics. 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.

The CHAIR: Thank you. I might jump in there with a question, just picking up on one of those points you made, Marie, there in terms of the microtargeting. I know you mentioned in the VEC submission the need for an archive similar to what Facebook do on their platform. But would you agree that there is a need for a publicly available archive that is a permanent record of all paid advertising, including that microadvertising that may only appear for 24 or 48 hours and then disappear, that basically captures all of that, including who has paid for it, who it has targeted and all those sorts of things, and that is easily searchable so it has that transparency about who is being advertised to, who is paying for it and what it is being used for? Is that something the VEC would be supportive of and that you think would be an informative transparency tool that should be in place? That may be a question for Warwick, but again it picks up on the points that you made, I think.

Mr GATELY: Look, Chair, we do raise the issue of archiving in our submission as well, and that brings a number of elements to it. There is that history there as well. We see what is being provided, and there is an opportunity there if we need it in terms of a legal context thereafter as well. Is there anything else, Marie, with regard to that? It is an idea that we have proposed, and it certainly has our support for that. Marie?

Ms GUERIN: Yes, I would say that is definitely something we support.

The CHAIR: I might go to Ms Lovell for a question.

Ms LOVELL: Thanks very much. I was just wondering if you think, if there was to be some sort of legislation or regulation around this, it is appropriate that it is done at a state level or it needs to be done at a national level and how that would actually be impacted by the ability for people to comment internationally as well.

Mr GATELY: Chair, if I can, I will go to Keegan Bartlett on that matter, if he has a view in relation to that. Keegan?

Mr BARTLETT: Thanks, Commissioner, and thanks, Ms Lovell, for that question. Any type of regulatory scheme that would be created, bearing in mind the point that Marie just made and the depth and the extent of social media and the environment and the plethora of different platforms that exist, is going to be challenging for any sort of regulatory process or scheme. It does go back to Mr Melhem's question about the capability of any type of regulatory response. The Commissioner mentioned in his opening remarks the current operation of the *Electoral Act*, which was a law passed by the Parliament in 2002. Yes, it has been changed since then, but the social media landscape has emerged well and truly since then. Yet the relevant provisions of certainly the

Electoral Act and trying to enforce those and apply those provisions to an emerging communication platform like social media is a complicated starting point for the VEC with its regulatory function. Your question, Ms Lovell, comes back to—yes, there are jurisdictional challenges with any type of regulation, and there will always be with anything that is on the internet. The ability for people to access and first be accountable for what they publish and for regulators to then access that information and hold those people accountable, in relation to the Chair's question, and the ability to capture some type of evidentiary matter when it can be deleted so easily, depending on the platform, creates a complication for every regulator. There is no perfect answer here, which is why it is admirable that the committee is running this inquiry. But the answer to your question: are there complications with overseas and interstate jurisdictions? Absolutely.

That will be a complication for every regulator. What we do know and what you will see in the VEC submission to this inquiry is that with the laws under the *Electoral Act* there is a whole lot of expectation to try and apply those laws to the issue of social media, trying to regulate that environment even in a reactive context like a complaints-based system, but we are still dealing with the laws that were written in 2002. So there are complications to the current statutory scheme, let alone what a regulator could imagine as a conclusion or a decision by this committee as a consequence of this inquiry.

Mr GATELY: Chair, can I just come back? Ms Lovell, you mentioned the term 'national'. You may be interested to know that in the Electoral Council of Australia and New Zealand, which is all the electoral commissioners—and we come together quite regularly—we are working very closely with the federal government department and also social media lobby groups such as, it is called, DIGI to establish a protocol for how we engage, jurisdiction by jurisdiction, with these various social media platforms. That is in an advanced stage of production. I think there is a meeting coming up towards the end of the month. The sector are very interested in this as well. It leads also into the fact that ACMA are about to put out a new code, I believe, as well that goes to social media. So we are doing a lot of work nationally to make it easier for each jurisdiction to deal with the social media platform as we need to under various templates and protocols.

Ms LOVELL: Thanks very much. Also I was just wondering, and it is probably a Keegan one again, what your thoughts are on the social media platforms effectively making themselves censors by having these stickers that they put on things and fact-checking et cetera.

Mr GATELY: Keegan?

Mr BARTLETT: My thoughts on that, Ms Lovell: there is no perfect system when it comes to the internet and when it comes to online communication. I suppose the challenge with platforms becoming self-regulators is, by the very nature of the plethora of different platforms, they have all got different terms and conditions that are attached to them, which means that they may have a different level of tolerance. So what is accepted on one platform may not be accepted on another in terms of interpersonal or improper conduct or poor behaviour. And we saw that in terms of the Deputy Chair's question earlier on and that situation that came from a submitter earlier today and his submission in terms of what was accepted on one platform versus what was removed or quickly removed from another platform. I think that is probably the extent of my thoughts on the industry self-regulating, but it will be a challenge, especially the question that is raised in the VEC's and our submission about that jurisdictional challenge—the accountability that some of these platforms have in the Australian context, the national context, let alone the accountability that they have under Victorian law. And with overseas operators there is always going to be that challenge of trying to hold them accountable for that too.

One of the efforts, as Marie pointed out, was trying to get that cooperation, and one of the efforts that the Electoral Council of Australia and New Zealand is doing is trying to work with the platforms to bring them on board, to bring them into the tent, so we have that buy-in from the beginning and we have an established protocol of working with the platforms and the ability to influence their commercial operations and the decisions that they make. That is the play at the moment and the focus of the efforts, lacking these regulatory instruments.

The CHAIR: Thank you. We might go to Dr Tim Read for a question.

Dr READ: Thank you. Ms Guerin mentioned that at least one of the platforms—I think it was Twitter—did not take down a post when asked. So my question is whether the commission has sufficient power and resources to enforce these sorts of decisions or actions that you want to take in dealing with the tech companies.

Mr GATELY: Dr Read, thank you. I will ask Marie to come in as well momentarily. In regard to whether we have sufficient power and resources, with regard to the legislation we have, I have enough provided I can prevail upon the goodwill of the platform. They will look at it and I will put the argument to them with respect to their terms and conditions and not only breaches of national law, or state law here. It might be sufficient to say, 'Look, even under your terms and conditions, this is not being satisfied, and on that basis, you should take it down', or alternatively, 'National law requires this, therefore I'm appealing to you to do that'. Part of this electoral council protocol that we are establishing with these platforms will make it easier to do that. 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. Marie can give more detail with regard to that particular Twitter matter.

Ms GUERIN: Thanks, Warwick. Apologies, I have just turned off my video because I am lagging quite a bit. With regard to that Twitter issue, that sort of illustrates the problem with relying on platforms to enforce a regulation. In this instance, as you read, they did not accede to our request even though it was clear that this person did not have appropriate authorisation on their page which was tweeting out electoral matter. So, as I mentioned, the only recourse would have been to seek a court order in that instance to have the page taken down. That was not a path that we took at the time, but it is problematic in that seeking a court order can take quite a while and in the middle of an election period, particularly if something is happening on election day, the take-down is not going to happen in a timely enough manner to address the impact that the in-breach content has, so I think things like the relationship building that we are doing through ECANZ is one way of addressing that—to build strong relationships with the platforms—because at the moment there is not much more that can be done to enforce a quicker and more comprehensive response.

Dr READ: Would empowering the Commissioner to issue an enforceable order speed things up, given the importance of timeliness in an election campaign?

Mr GATELY: Again, for a company that is based and operating overseas, I am not quite sure of the legalities around that and whether any additional powers here are actually of any use. Now, Keegan, have you formed a view in relation to that at all?

Mr BARTLETT: There are elements, Dr Read, that link back to the different configurations of corporations and corporate responsibility and bodies corporate in terms of offences in the *Electoral Act*. The statutory scheme as it exists now would need to change if the VEC were to get compulsory powers to require the removal or take down. And the Commissioner is quite right, the obligation on companies that are not necessarily accountable to the Victorian jurisdiction would be a complicated and time-consuming effort, given that the damage of the content that we are talking about is done essentially immediately after it is published. We know it is no secret that elections are significant, complex exercises that have significant, complex contexts, and the ability to impress that upon an overseas jurisdiction or an overseas-based company that does not necessarily have Victorian democracy at its heart, as we do and as the Electoral Matters Committee does, is a complicated process, which is why that up-front effort and that relationship building is important to try to bring the sector and the platforms along with us as we talk about responsible online behaviour.

But of course it is not just in the context of elections that inappropriate behaviour happens. I am conscious of the terms of reference of this inquiry and the Electoral Matters Committee in general, but inappropriate behaviour online is still inappropriate behaviour from a criminal perspective just as much as it is from an electoral perspective. So there are other laws and there are other enforcement agencies that would potentially have a role to play that may well have much broader powers than the electoral commission, but I think the focus of the VEC's efforts and certainly of the electoral sector's efforts to date has been on getting that partnership from the platforms themselves to enable a response. But can the VEC issue a takedown request now? We can make the request; there is no legal compulsion behind it. There are opportunities to injunct and to seek injunctive relief, but if the damage is done and if it is on election day an hour before the close of voting, then the question is: where do you want your electoral commission's and where do Victorians want their electoral commission's attention to be focused? So it all needs to be considered in balance. It is a really tricky problem, and there is no perfect solution.

The CHAIR: I guess just picking up on that point, at the moment you do not have any kind of legislative ability to do it. But potentially if there was a legislative change that effectively reversed the onus so that the electoral commission did have it in law that they could go to the platform and say, 'We have the authority to

take this down', the platform could still challenge that from the point of view of saying, 'We don't recognise that law because we're international'. But it may strengthen the case to them potentially in terms of building that relationship and arguing the point.

Mr BARTLETT: Chair, I think there are elements of the *Electoral Act* as we know it today which are relevant. We have discussed some social media material or information published on social media that might be unauthorised; it might be misleading and deceptive in the casting of the vote. So those are existing offences whether you are holding the material or campaign flyer or something in your hand versus seeing it online, and those offences can apply, but of course the question when it is published on the internet comes back to: who published it? And even if it was a flyer put in people's letterboxes, there is always the challenge of if they are wanting to make mischief, then they are not going to write who authorised it. As the Commissioner mentioned in his opening remarks, the multifaceted solution here is probably something that is absolutely necessary. There are existing aspects of the *Electoral Act* that can apply, just the same as newspaper advertising and campaign flyers put in letterboxes and how-to-vote cards, but the complexity is that social media aspect.

The CHAIR: I think the other element I read in your submission was with regard to making contact with people—and correct me if I am wrong—that have committed a breach. You are limited in how you can make contact with them in some way by the way in which they have communicated the breach, or something. Did I read that somewhere in the submission? So if they have posted on social media, you have to communicate with them in that way, or something like that, which may limit the speed in which you can contact them. Or did I read that incorrectly? Or there was something in the submission?

Ms GUERIN: Yes, that is correct. We were talking about the limitations on Facebook specifically where, if they have not initiated a Messenger conversation with us, we cannot initiate a private conversation with them as the VEC. So we have to use our personal accounts to contact them or post publicly on their page.

The CHAIR: Is that something that should be looked at within the legislation as well to give you more ability, if you do want to contact them to approach them about trying to take something down, and you have additional mechanisms to be able to try and contact them, not just be restricted to that. Because they could just potentially ignore you through that mechanism.

Mr GATELY: And, Marie, I think that comes back to the way the platform operates. I do not know that legislation at this end would enable us to change the way they operate, if that makes sense to you. Marie, is that right?

Ms GUERIN: Yes. The only other option would be to ask the platforms to provide us with the contact details of the page owner or of the advertiser. And even then I do not see how that would work as a legal compulsion. It would be just as slow as trying to contact them directly.

The CHAIR: Yes. Okay. No worries. Mr Quilty?

Mr QUILTY: No, I have not got any questions.

The CHAIR: No worries. I will go with another question then. In your submission you talked about the proposition of replacing the authorisation at the bottom of advertising with a 'paid for' so that way it was clear who was actually paying for the advertisement. When put together with the requirement that Facebook now has in regard to the identification or verification component, this would be a strengthening tool around identifying who is paying for the advertisement and knowing that it is actually a genuine person doing it so that there is a connection and you know who is saying what and what they are saying can be attributed to a person so you can put a weighting towards it. I was just wondering if you could talk to us all a bit more about that.

Mr GATELY: Keegan, did you want to come in on that one in relation to the idea that we proposed there?

Mr BARTLETT: Sure. Chair, the functionality already exists on some platforms in terms of who sponsored ads or paid advertising is paid for by, and you mentioned Facebook as one of the platforms that has introduced that. It does not exist on all of the platforms. But that type of accountability I suppose is one opportunity that we have if it were consistently applied by the platforms, and the contact information that is attached to who to paid for it. If we take it out of the social media context, the same question could be asked about any corflute that is put up—who paid for it could be quite different from the person whose name is on the bottom authorising it.

These are the ordinary challenges that the VEC and other electoral commissions and regulatory agencies in relation to electoral material face, but there is the added dilemma of online and not knowing whether that profile sitting behind that booking or that payment is legitimate.

Going back to your previous question, Chair, about having greater powers for different platforms to give over customer data, quite separate to the different terms and conditions attached to those platforms, which may prohibit them or prevent them from wanting to surrender customer information, it also assumes that it is a legitimate profile sitting behind it—and it is very easy to create a fake profile online these days. We can talk about what will not work, often, but I think that initiative that some social media platforms have taken to add accountability and transparency to paid electoral advertising, or paid advertising more generally, is a good one. The ability to enforce it on a multinational company from a Victorian jurisdiction is something that would require significant regulatory thought, but yes, it is a step in the right direction at least.

The CHAIR: Thank you. Andy Meddick, I notice you are online. Do you have a question?

Mr MEDDICK: I am good, thank you, Chair. You have covered everything that I was thinking of.

The CHAIR: No worries. The other thing you also made reference to, while I have got the opportunity then, is around the education campaign—I am just trying to think of the name of it; it was run at the federal election campaign—whose name escapes me at the moment.

Mr GATELY: Stop and Consider, Chair, I think it was.

The CHAIR: That is right—yes, Stop and Consider. You spoke in your submission about that being a more long-term educational campaign rolled out. Again, could you speak briefly about that and the importance that that would play?

Mr GATELY: I think for the AEC it was a well-considered campaign. They were monitoring what was occurring overseas in relation to misinformation, disinformation, fake news et cetera. It was a soft campaign really, just to alert the electors to look at the information they were receiving as to its origin, as to its message, as to its reality, and it was nothing more than that. So a soft alert to electors—look and listen carefully at the material that you are receiving and put some value judgement on that yourself. I think that followed some other successful campaigns overseas as well. I think Sweden particularly is one important one. Look, it is a worthwhile investment in advertising to even consider that here in Victoria as well, just to make sure that the elector has an understanding of the material that is put before them as to its origin and as to its truthfulness.

The CHAIR: Yes, and I just found the part where you make recommendation in your report that a more long-term, comprehensive, digital literacy campaign designed to have a more lasting and wider impact should be considered, which I think is a good idea. I thought that was worth putting on the record as well, so yes.

Are there any other questions from committee members that they would like to ask? No? On that basis, I would like to thank you all for your informative contributions today and thank you for coming along yet again to provide us with your insights and valuable information. I hope that you would be open to the idea of taking some additional questions as we have further considerations about what recommendations we may make going forward. I am sure you will be available to assist us.

Mr GATELY: Very much so, Chair. Thank you.

The CHAIR: No worries. Thank you very much. That ends our session today. Thank you.

Mr GATELY: Thanks, indeed, Chair and committee.

Ms GUERIN: Thank you, everyone.

Committee adjourned.