

# **ELECTORAL MATTERS COMMITTEE**

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

Melbourne—Thursday, 19 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

## WITNESS

Mr Julian Knight, MP, Chair, Digital, Culture, Media and Sport Committee, UK Parliament.

**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 are 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 Julian Knight, MP, Chair of the Digital, Culture, Media and Sport Committee at the UK Parliament. 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, our Deputy Chair and a Member for Western Victoria; the Honourable Wendy Lovell, a Member for Northern Victoria; Andy Meddick, a Member for Western Victoria; and Dr Tim Read, the Member for Brunswick.

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. While you are covered in Australia under parliamentary privilege for any comments you make today, you should note that Australian law cannot give you the same protection with respect to the publication of your evidence in the jurisdiction you are giving evidence from. 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 placed on the committee's website as soon as possible.

I now invite you to proceed with a brief statement, following which you will be asked some questions by the committee.

**Mr KNIGHT:** Thank you, and thank you for inviting me to give evidence to your committee today. My committee and its predecessor committee have been looking into the impact of social media for the past four years. We have seen that big tech have influenced almost every aspect of our society—how we communicate, how we access services and how we consume media. This has only increased during the COVID-19 pandemic. When it comes to elections, though, we have learned one major lesson—that current electoral law is not fit for purpose in the digital age.

First, it is well known that social media companies' business models revolve around delivering targeted advertising, and this has spread to politics. Often people do not know who has targeted them, why and who is paying for it. This lacks transparency, prevents accountability and undermines people's faith in the political process. Political advertising on social media must be held to some standards, or the same standards as political advertising in all other mediums. I welcome the fact that the government is conducting consultation—the UK government—into extending the UK's regime on imprints in political material to digital advertising, though it is disappointing this will not come into effect before the elections in Wales, Scotland and London and the county council elections across the UK in May next year.

We must also require that companies' advertising libraries are much more comprehensive in terms of the information they tell us. Second, social media companies have exacerbated the issue of mis- and disinformation. Social media algorithms have helped amplify harmful disinformation and conspiracy theories, such as narratives spread by QAnon. In some cases we have seen social media companies like YouTube allow conspiracy theorists to monetise their hoaxes and it is only when committees such as ours point this out to them that any action is taken in the contrary. At the same time, social media disrupts quality journalism and public service broadcasting through both its dominance of and a lack of legal liability in the digital advertising market. This traditional media cannot compete with and be challenging PSB prominence. The cornerstone of any strategy against this must be a comprehensive digital and media literacy program for both kids and adults. Also 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.

Finally, new technologies pose issues for campaign finances. Last year the predecessor committee questioned PayPal as to whether their services were allowing benefactors to send thousands of microtransactions to political parties as though they were individuals to circumvent electoral finance transparency laws where you have to declare anything over, for example, £500. Though electoral law does extend to this domain, we found the Electoral Commission has no means by which to compel PayPal to provide the necessary information to verify this. We need our relevant regulators to have appropriate futureproof powers. They must be able to gather the information they need. They must have the power to levy significant fines, and so these fines are not just seen as the price of doing business by big tech they must have the power to bring forward criminal sanction where there is clear evidence of wilful ongoing wrongdoing in the final analysis.

I would like to finish by restating my thanks for the invitation to give evidence today. International cooperation is made even more imperative both by the multinational nature of some of these companies and also by the shared values of democratic countries. Their elections should be free, fair and transparent. That is why we established the International Grand Committee on Disinformation and 'Fake News' in November 2018, which brought together in Westminster parliamentarians from Ireland, France, Belgium, Latvia, Canada, Brazil, Argentina and Singapore. Since then we have met in Ottawa and Dublin in 2019, and heard from representatives from Germany, Estonia, Finland, Morocco, Mexico, Ecuador, Costa Rica, St Lucia, the United States and of course Australia.

Though Mr Zuckerberg may think otherwise, it is not insignificant that we have brought together and worked on these issues with people from every inhabited continent on the planet. I note that Mr Zuckerberg and Mr Dorsey appeared before the US Congress and touted their progress in combating political disinformation. I think it is appropriate that the next grand committee meeting be held in Washington so they are held accountable for their company's actions around the world. Thank you for your time.

**The CHAIR:** Thank you. On that point about the next meeting, I understand that there was one that was due to be scheduled but was postponed due to COVID. Is that correct?

**Mr KNIGHT:** Yes.

**The CHAIR:** Obviously you are still waiting to find out what happens. There have been no discussions about when that might be because you are waiting to find out what happens post-COVID, obviously.

**Mr KNIGHT:** Yes, and everyone's countries have different experiences of what they can actually do.

**The CHAIR:** Absolutely. No worries. I might throw to the Deputy Chair for the first question.

**Mrs McARTHUR:** Thank you, Chair, and thank you, Julian, for being prepared to speak to us. I am really concerned about two things that are arising in all this. One is anonymity and groups or individuals that can hide behind anonymity on social media and cause untold damage to individuals or other groups. We had some academics previously today suggest that this anonymity issue is vitally important and has to be maintained in social media, but surely it is not acceptable in mainstream media. No material is accepted unless a name and address is supplied, even if it is not used. Even when they are using witnesses that do need to remain anonymous they do have the detail and the information. This does not occur on social media. To me this is one of the main issues and problems in social media abuse of individuals and other groups. The second issue I want to raise is that political parties and candidates can by and large be regulated. They do have to authorise everything they put on social media or in the conventional mainstream media. Third parties are not so regulated, and sometimes not at all, and yet they can play a very important role in election campaigns, but the focus does not appear to be on the third parties as much as it is on political parties and political candidates. Would you like to comment, please?

**Mr KNIGHT:** Yes, I have a lot of sympathies for what you are saying there. Particularly in terms of the first point in terms of anonymity, it is a free-for-all in many respects. Social media companies say they have got the terms and conditions, but as I think I noted, when we visited Washington for hearings in disinformation at the midpoint of our inquiry, actually Google spent more on free lunches than it did on invigilating its social media content and what have you, which is a really perverse situation. Also it leads to libel, to bullying, to the expression of racism, and I know that they will say that they all have their terms and conditions, but if they are not monitoring that correctly, it is only when people basically alert them to it that they will monitor it, and often they do not take it down. Something like Twitter, for instance, is such a Wild West. It is such an instantaneous

exchange of views that in that sort of sense it is almost ungovernable. It is only partly governable, so therefore what you need is safeguards at the point of entry. You need to associate the comments that people make with them themselves. Now, you should be maybe anonymous as a person on the platform; however, there should be a means by which should you transgress there is a mechanism whereby which you are accountable for your transgression in the same way—and I speak as a former newspaper editor—that, for example, if I had anything published in my newspaper then I would be accountable, my newspaper would be accountable, and would face sanctions through the courts.

In terms of outside influences or a third party, you are absolutely correct to identify that as an area of major concern. For example, in the United Kingdom we have rules against foreign nationals contributing to political parties—people that are domiciled overseas. The issue that I highlighted with PayPal and the lack of transparency there, and also frankly the fact that these social media platforms by their nature are internationalist or multinational, is that basically the laws as they stand right now can be circumnavigated by third parties, and there is evidence that it may have been done in the past. Within elections and election times the levels of interference, if you like, or at least propaganda that issues from certain nations without the best interests of the West at heart certainly spike. So I think that there is a real case for reform of electoral law in my country—and I will obviously leave that to you in terms of yours—in that respect, because frankly the idea of current electoral law is based around traditional means by which the politicians and candidates communicate with people and also third parties can have influence, but they are strictly confined. I think now in this age with this sort of multi-platform approach there needs to be a much broader sense of legislative action in order to ensure that our elections are not interfered with and that foreign actors cannot financially impinge on the processes that we so much value.

**Mrs McARTHUR:** I actually was more referring to groups like GetUp! and subsidiaries of organisations like that, and even international funders of organisations like GetUp!, who can play significant roles on specific issues and against specific candidates or political parties. And some of these groups I think appear to be outside the mainstream political activity, where political parties and political candidates are themselves regulated; these players are not.

**Mr KNIGHT:** Do you mean in relation to what they say or in relation to their very involvement?

**Mrs McARTHUR:** Well, it is [Zoom dropout] and they use social media for it, and every platform, and they are well resourced often, they have subsidiaries under different names and so on, and they can influence the outcome of political campaigns. So how does a regulator regulate those third parties as opposed to even political parties, conventional ones?

**Mr KNIGHT:** Yes, and then obviously there is the issue of who assigns what is legitimate and what is not, because that itself is an incredibly difficult issue. Because basically we do not want a situation where governing powers effectively are able to delegitimise lobbying organisations and those organisations that represent people. However, the electoral law as it stands right now is quite clear, in the United Kingdom, anyway, in terms of foreign donations, for instance. That is the first thing. So that is in terms of making sure that money that comes into the electoral process is effectively from a proper source that is easily identifiable and domestic. However, what you refer to as well there is about the idea of outside, for example, people from all around the world forming effectively a lobby or pressure group that in some instances could spread disinformation and misinformation. Now, the social media companies will say that that is basically something that is within their terms and conditions and should be self-regulated.

My view is that there needs to be robust online harms legislation so that particular aspects of what is being said by organisations such as you have mentioned—I cannot speak to them myself but let us say that to give an example—for instance, if they are in any way racist or transphobic or they are found to be spreading information that is harmful not just to political parties as such but to society itself, then that is something that needs to be clamped down on. The way in which you do that is that you basically have a regulator in place that is able, hopefully, to have a transparent conversation and ongoing relationship with all the social media companies, and they have to effectively show that they are doing the correct work through their algorithms, through their processes, in order to ensure that we do not have the political interference that you have referred to if it is deemed harmful along those sorts of lines that I have just expressed. So I think that that is the key to everything—the strength and power of the regulation. But at the same time, we do have to be incredibly

cognisant that this is not a means by which to clamp down on freedom of expression. It is about a balance for societal harms. Hopefully that make sense.

**The CHAIR:** Thank you, and it is worth noting that in Victoria we actually have donation reforms that took place that cover off on third parties and associated entities as well and which capture them in terms of donations coming in and expenditure going out. Organisations like GetUp! are actually captured. Another example that could have been cited that may not be picked up on but that needs to be considered is a group like Victoria Forward, who have been engaging in social media, or Reignite Democracy and organisations like that. But I will go to Andy Meddick for a question.

**Mr MEDDICK:** Thank you, Chair. And thank you, Julian. You have circumvented my question there, Chair, because I was about to say I share Mrs McArthur's distaste for misinformation being spread by third-party organisations. But what we have seen here in Victoria, Julian, is almost an online war taking place between these third-party organisations for who can post the most outrageous misinformation possible. Certainly Reignite Democracy and Victoria Forward have grasped the social media tool, if you like, with far greater aplomb I think than GetUp! have in that they have been extremely active. They have been guilty of, in my view, a lot of what we call—I think it is the same language where you are—pile-ons of individual political figures. Basically some of them are going out there with their mates with video cameras and printing their own what look like press passes to hang around their neck, getting a microphone and putting one of those little cardboard cut-outs around it and basically saying, 'Well, hello, I'm a journalist', when in fact they are not actually a journalist. They are no such thing—they have no accreditation, no study—but they present to people and then ask them leading questions, the general public, and then use that as a social media tool to say, 'Look, this is general public opinion', thereby using that to try to legitimise their political point of view and misinformation as though it is legitimised by having the general public answer—because then they have the ability to cut and chop all of these answers to suit the question that they ask as well. Is that something that you have seen play out in the UK?

**Mr KNIGHT:** Yes, to a certain extent. However, I am very mindful of not—I mean, I have just looked up Victoria Forward, if you do excuse me. I have just read an article written by ourselves referring to Mr Edward Bourke, I think it is, who is the founder there, and discussing that. So I am going to be careful about not actually talking specifically about your own politics, if that is okay in that respect, because that is your own area.

I mean, this is one of those interesting things because we are asking you: do you have, as I say, this type of campaigning which is very much on the edge, on the borders of what is sort of acceptable or not acceptable? In the UK before the 2017 general election, for instance, there was a man called David Jones, I think it was. Something cropped up on Twitter and he became like the eighth most followed person and just disappeared after the election. He was coming out with many things in favour of the hard left. Then there is a lady called Rachael Swindon, who is a well-known sort of Twitter individual who also comes out with some quite fantastical stuff, in my view anyway. But that is a matter of opinion, that is the point.

I think where you really come together with this is where you have to sort it out precisely—and this is an online harms issue—in terms of what is journalism and what is not. Now, I think there need to be clearly defined parameters for what is actually a legitimate, bona fide news organisation and what is not. But at the same time you cannot have government effectively licensing news organisations; I do not agree with that fundamentally. But there should be an architecture in place that states precisely what makes a bona fide news organisation, and then the social media platforms need to think in terms of the prominence that they give to those said news organisations so that, for example, on Google searches or whatever, you do not end up with algorithms that will throw up anything which may be, for example, anti-Semitic or racist et cetera with people and individuals associating themselves with your names as politicians or with a political party et cetera, et cetera. I think that is an important means by which you preserve freedom of speech, which is absolutely sacrosanct, but at the same time you ensure that there is a means by which people can much more easily delineate the truth from the fiction and also that social media companies have parameters which they have to work within.

**Mr MEDDICK:** Thank you very much. That is a very informative answer. It gives me a very good understanding of where things lie not just here but in comparison to the UK in that respect too.

**Mr KNIGHT:** I think we are all going through the same thing.

**Mr MEDDICK:** Yes.

**The CHAIR:** Ms Lovell.

**Ms LOVELL:** Thanks very much, Chair. Thanks, Julian, for being with us tonight and presenting to us. I was just wondering about the lack of regulation around the internet and the difficulty in doing that if it is based in California but broadcast to the world. We can obviously very easily regulate for our own newspapers and, you know, our political donations et cetera, but for a platform that is accessed internationally it is very difficult to regulate with something that is going to suit every jurisdiction. But in the absence of that we have seen the social media platforms themselves becoming self-appointed regulators and censors. The American election is a case in point. Whilst they may well have been accurate, I think that Donald Trump would, you know, dispute whether they were accurate whereas Joe Biden would probably say that they were completely accurate. But placing badges on things or comments that things were disinformation is a problem in itself in stifling free speech, so I just wondered if you had any commentary on those self-appointed censors.

**Mr KNIGHT:** Absolutely. It is very uncomfortable in many respects, because the thing is if they are a self-appointed censors, then there is no transparency; there is just basically their decision. We do not really want to live in a world in which our political processes and increasingly our news outlets are decided upon by Mark Zuckerberg et al. That would be a very poor place to be, and that shows actually the need for proper regulation and the need for a regulator.

Now let us wind back a little bit in terms of where we are at internationally, because I think that is almost the heart of the issue in many respects. First of all, I think that the social media companies in the United States are quite firmly placed legally, because obviously at the very outset, through the US Congress, they 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. That is where they stand there, and obviously there are rights in the US constitution in terms of freedom of speech which effectively preclude them from what you would call quite sort of onerous regulation within the United States.

However, it does not mean that the rest of the world is powerless; sometimes it feels like we are with these social media giants. 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. An instance of that you can see in Germany, for example, and what their approach has been to greater regulation in Germany. And obviously it is going to be really interesting to see exactly what the relationship is going to be in terms of Australia and France with its work on fair pay for journalism on social media platforms.

So you are absolutely correct to alert us or to point out the dangers of Facebook becoming a censor, but that is a process of the current architecture of lack of regulation that is in place right now, because they are able to do almost as they please. Therefore what you need to do is to have a much more robust system of regulation, which does not have to be global because, as I have said earlier in this answer, the fact is that they will have to go to the highest bar. And it is that means by which you prevent the situation where Mark Zuckerberg decides precisely who is able to basically express what they want to express on their platform. If there is just a code of practice which is part of a regulation structure, then that will be much more clearly defined and they will have sanctions in place if they do not do it. But they are not deciding ad hoc what they want—it is through democracy, it is through the representatives of the people in different jurisdictions that those rules are drawn up.

**The CHAIR:** Thank you. Dr Read.

**Dr READ:** Thank you. I am just conscious of the time, but I wonder if you could explain or flesh out very briefly what you meant by that phrase ‘freedom of speech is not freedom of reach’, which I thought was very interesting.

**Mr KNIGHT:** Yes, it is a good sound bite, isn’t it, if you like. Yes, exactly. In that respect I think that it does not mean, for instance, that if you have anything to say, that it should be amplified globally. Let us say, for example, on my own Twitter account I have got 11 000 followers or whatever. It does not mean that I have an intrinsic right as part of my freedom of speech in order basically to have that amplified through social media. So if I want to say something that is deeply unpleasant—hopefully I will not be doing so anytime soon—then that does not mean that because I have that freedom of speech somehow that should be amplified. You can still have freedom of speech, you can still say things which are deeply unpleasant within the confines of the law, but it does not mean that you have a right in order to have that pushed down people’s throats. Does that explain it?

**Dr READ:** Yes. Thank you very much.

**Mr KNIGHT:** Thank you.

**The CHAIR:** Thank you, Julian, for your time. It has been really insightful. And thank you for your submission also; we appreciate that. I wonder if I could impose upon you that if we do have any follow-up questions, we may be able to kind of send them on to you to assist us with our inquiry as well.

**Mr KNIGHT:** I am delighted to help in any way. Thank you for the opportunity. I am sorry; I probably answered questions a bit too long there—

**The CHAIR:** No, that is fine, absolutely.

**Mr KNIGHT:** but it is such an interesting topic. Thank you again, and good luck.

**The CHAIR:** No worries. Thank you very much.

**Witness withdrew.**