

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

Ms Sonya Kilkenny, MP, Labor Women's Caucus.

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 respects to their ancestors, elders and families. I particularly welcome any elders of the community members who are here today to impart their knowledge on this issue to the committee or who are watching the broadcast of these proceedings.

I welcome Sonya Kilkenny, MP, representing the Labor Women's Caucus. I am Lee Tarlamis, Chair of the committee and a Member for the South Eastern Metropolitan Region. The other members of the committee 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; Andy Meddick, a Member for Western Victoria; Cesar Melhem, a Member for Western Metropolitan; and Dr Tim Read, 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. 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 will be placed on the committee's website as soon as possible. I now invite you to proceed with a brief opening statement, which will be followed by questions from the committee.

Ms KILKENNY: Thank you, Chair, and hi everyone. First of all, thanks to the committee for the opportunity to present today. As the Chair said, I do so on behalf of the Victorian Labor Women's Caucus. I guess to start with I will really be talking about broadly online and social media connectivity and its power to influence. It is a powerful platform for people to raise ideas, and obviously for political candidates in particular and members of Parliament it is a really important forum for them to tell their stories, to share their values and policies and to connect with voters. Equally, however, the extensive reach of social media, its relative anonymity and a general absence of control and regulation mean that its power to manipulate, to exploit, to misrepresent, to abuse, to vilify, to stalk, to intimidate, to harass, to defame and disparage and to incite with impunity is really almost limitless. And I think if we look at this year, we have seen that conspiracy theories and fake news about the coronavirus have run rife and we have seen that obviously technology companies and platforms like Twitter and Facebook have tried to respond. They have removed content, slapped a misinformation label on content that appeared to be fake. But often this was not before it was shared thousands, sometimes millions, of times. Each week I know some of my colleagues as well as me receive an email from RMIT ABC Fact Check, which is a member of the International Fact-Checking Network, and it has been a really powerful tool. I know obviously not everyone receives it, and obviously they have been very busy this year with the US election as well. I thought it was interesting just to flag that with Facebook during the US election, they refused to accept any new electoral, political or social issue ads during the final week of the campaign or allow the content of existing ads to be edited.

I think it is fair to say that we know social media is used to distort the facts and spread misrepresentations, often with the singular aim of discrediting or silencing a person, a politician, even a government. These users seek to exclude or suppress opposing political viewpoints through assaults on the facts—so, misrepresentations—but also assaults on the individual, and I think this is important. When you combine this with misogyny, with derogatory and demeaning views of women, a whole other layer is added to all of this. In the political sphere—what we are talking about today—I think this can have a really significant impact on elections, on the political participation of women, on representation and ultimately on our democracy.

I am here today speaking on behalf of the Labor Women's Caucus, and we know that social media is used to try to denigrate, intimidate and attack us because we are women. We know this because we receive it. I included in our written submission just some examples of the online abuse. There is so much more. In fact most of it is deleted as soon as it reaches our social media pages, but I know, having spoken with colleagues and also from what I have received myself, that a lot of it includes explicit sexual acts, threats of rape to ourselves,

threats of rape to our children and other things. One I read said, ‘You should be thrown into a mobile rape dungeon’. I’ll fix you up and then get my mates to fix you up as well. You’ve only got to this position because of the men you’ve sucked off or the men you’ve slept with’. If we do not hide or delete these comments in time, what happens? We get those little thumbs up or the happy laughing faces start appearing next to the message as others join in as well, thinking it is absolutely hilarious or that it is okay to speak like that.

I think the main point is that this is not politics as usual. These are systematic and repeated attempts to silence women and to put women in their place. I think these attacks against female politicians and female candidates are often driven by policy differences, and all politicians and all political candidates receive them. But I think what makes these different, what makes these more sinister and what makes this more problematic, particularly for our electoral process, is the sexist nature of the attacks, revealing that culture of misogyny and bad attitudes towards women and ultimately calling into question women’s rights to participate in the political process at all.

I think too the other thing to note here is that rather than call it out, we women tend to just remove it. We quietly remove it from our pages and we do this not because we do not want to speak out but because we do not want to antagonise, to inflame, to bring attention to it—and we all do this, we weigh up. We weigh it up because we know that we are representing diverse communities. So in a sense we have been silenced, but I think what is more is that efforts to silence women as political candidates through social media attacks that might be sexist, from abusive and threatening posts to manipulating images, spreading misinformation about candidates, undermining their standing and qualifications by suggesting that they are a candidate only because of the person they have slept with, attacking them emotionally—saying things like, ‘You’re a bad mother for running for Parliament because you’re deserting your children’—all of this is ultimately bad for democracy. And I think if the path for politics is harder for women because of things like sexualised and sexist attacks via social media, when we know that social media is absolutely critical as a part of everyone’s candidacy, as a part of their campaign in every single election across every electoral process, then it is incumbent upon us to do something about it. So I commend the Electoral Matters Committee for the inquiry, and I submit on behalf of the Victorian Labor Women’s Caucus that this inquiry must include or extend to include and consider the impact of social media on the participation by women in the Victorian electoral process.

Just in closing, I think when you look at election campaigns, they are about choices—choices between candidates and their policies—but if members or proponents or supporters of one political party attempt to suppress opposing policies and viewpoints by intimidating female candidates via social media with sexist and sexualised attacks in an attempt even to sabotage the campaigns of female candidates and undermine their character and capacity to run because they are women, then I think that strikes at the very integrity of our electoral process. So thanks for that opportunity. I am more than happy to take any questions.

The CHAIR: Thank you for your submission and your impassioned words. I will throw straight to Ms Hall for the first question.

Ms HALL: Thank you, Sonya. I am really pleased that the Labor Women’s Caucus have provided this submission. I know many women, including on this committee, were in attendance at the Commonwealth Women Parliamentarians conference last year, where this was a discussion point. Ginger Gorman spoke in her book *Troll Hunting* about how the impact of gendered trolling on women was a threat to democracy because it was not just threatening the existing candidates or members but it acted as a way to discourage other women from putting their hands up. We just spoke to Facebook—you may have heard some of the discussion—and one of the issues that was raised was that it took months for Facebook to respond to a Nationals MP’s trolling where someone had accused her of being involved in a paedophile ring. What recommendations would you make in terms of perhaps regulatory proposals or recommendations for the committee to put forward to improve that responsiveness?

Ms KILKENNY: That is such a good point, and I think if you talked to any member who has received threats or abusive messages via social media, you would know that the quickest course is often just to remove it yourself and to block the person. I think many of us have tried to reach out to Facebook, and it is sometimes a matter of days before any action takes place, or there is none at all. Just even personally, I have had my address posted and threats to come around with a shovel to my house to attack me and my family, and Facebook did not act on that. It was through an external site—it was through a community forum where this was posted—so it was up to me to go to the forum’s administrator to talk to them to get them to remove it before Facebook did, and they removed it before I had any interaction with Facebook. I think it is absolutely incumbent upon

platforms and tech organisations like Facebook and Twitter that they have a much closer collaboration—whether it is a memorandum of understanding, whether it is through legislation—to act much more quickly in this kind of sphere, particularly around elections as well. I cited what happened in the US; there they were stopping misrepresentation by political advertising, but there is so much more that Facebook can probably do in this sphere rather than putting the onus back on the person who is being harmed or defamed or damaged. There needs to be faster action and greater accountability by Facebook, who benefit so extraordinarily from the transfer and communication of the messaging.

Ms HALL: Thank you, and my apologies—I am on day-care run today so I am leaving the committee now. But thank you so much for speaking on behalf of the women’s caucus.

Ms KILKENNY: Thanks, Katie.

The CHAIR: Deputy Chair Mrs McArthur.

Mrs McARTHUR: Thank you, Chair, and thank you, Sonya. Sonya, I would not like anybody listening to think that this was a very one-sided problem that only affects Labor women. I have certainly had some very interesting comments placed on my social media platforms by the ‘I stand with Dan’ brigade and others and friends. So I think it crosses all political persuasions, this sort of poor behaviour. I also take issue with them because I am interested in the English language, and I find so often the language is appalling as well as being abusive and derogatory and everything else. It is an appalling abuse of language. So I think it crosses all political spectrums, but I also think men are affected as well. I would not like everybody to think that only women are targeted. I think men in many public spaces are targeted as well. It is just generally appalling behaviour from people who behave in such a way, especially anonymously—well, that is how they do it. So do you think we can really rule out appalling behaviour?

Ms KILKENNY: Bev, you are absolutely right that first of all this crosses all political parties, all spectrums, and I hope that more and more women come forward to speak about this. And, yes, of course appalling conduct occurs that impacts men as well. The difference that I was talking about was that there is still an underlying behavioural and cultural view of women as in some lower position in society and that oftentimes the attack is because people feel that women should not be holding particular positions of power, of influence, in our communities, and it is an attack on that which is an attack on our democracy. So when you have attacks that are attacking candidates or Members of Parliament based on their gender, then that is the affront to democracy, and that is the issue that I am focusing on.

Mrs McARTHUR: Thanks.

The CHAIR: Dr Read.

Dr READ: Thanks. Sonya, it seems often that this happens as a kind of a pile on—a whole lot of people jump on one after the other like a swarm of bees. Do you think that Facebook and other platforms need to start to respond rapidly—that the speed of their response, if they do anything, is important? Also, would it be appropriate for the response to be to basically ban the culprits for either a period of time or, for worse offences, for life?

Ms KILKENNY: I think first of all, Tim, the point you make about people piling on is really accurate, and I think that is the problem—that the longer that something is left on there it gives it some sort of credibility and then licence for others to come on as well. You also see what happens then—it actually stops others who might have been inclined to come in to oppose that view. They actually hold back because they see this kind of pile-on effect happening. The only course of action that is left then is for the person whose page it is to actually remove that comment themselves and then look to ban those people. I think it is a hard call to say, ‘Is that up to Facebook, to ban those people?’. I guess they have to themselves set their policy indicators to determine when you ban someone and for what do you ban them. So I sympathise a little bit with Facebook and Twitter in terms of when are they going to be called upon to actually take that step. I think that is very challenging in itself.

One thing I was thinking about when I was putting this submission together was also that, in terms of the political process and an electoral process, we have registered political parties, and I think it also needs to start with them, so codes of conduct where you have perhaps members who sign up to principles saying there is zero tolerance for any behaviour that demeans or undermines women or other groups in the community. So you start

with that as well. I mean, that has to be a position—the role-model position, if you like—so certainly establishing those kinds of code of conduct, those principles. I do not think we have got a code of conduct in Parliament for MPs—is that correct?—that addresses this. I certainly know that when I went to speak on this matter with the CWP I met with women from Canada, where they have a code of conduct in their Parliament which goes to this very issue of zero tolerance and there is training for MPs about behaviour and about treatment of women and treatment of minorities as well.

But coming back to Facebook, I believe that there needs to be greater collaboration with these organisations. Particularly when we have got our own VEC and AEC, which are recognised independent bodies who regulate and administer our elections, there needs to be a greater collaboration between them and the social media platforms like Facebook and Twitter.

Dr READ: Great, thanks.

The CHAIR: Mr Meddick.

Mr MEDDICK: Thank you, Chair. Look, thanks so much for this submission, Sonya. I will just start out with, I suppose, a little bit of a statement. It will not take very long, Chair; I hope you will bear with me.

I am so sorry that any woman who has stood for public office, be it at state Parliament—it does not matter what level it is at—who has either been successful or not, has been subjected to any of this type of disgusting behaviour. Reading through your submission there and looking at some of those comments, it is absolutely reprehensible. I know for a fact that every woman on this committee, for instance, has been at some point subjected to this vile behaviour. I would like to think that the men in these parties have the guts to call out their colleagues when this type of behaviour occurs and that some sort of disciplinary principles are put in place to correct that.

In terms of the reporting into the Parliament, I suppose, of what is going on, not just from people who are within the parliamentary structure but from outside, I think personally it would be great to have a better resource available for MPs to report these scenarios about external abuse coming in. I know parl sec do a great job, but something perhaps a little bit better might be in order.

But then I want to also broaden this conversation out in terms of the broader community. We have just seen the horrible murder of another woman this year who was cyberstalked by a fellow employee. Now, given that Facebook, for instance, as an example, have a yearly income that is greater than the yearly GDP of some countries, they would have the resources and the money to instigate, for instance, a 24 hours a day, seven days a week hotline where someone who is subject to these types of abuses can actually call in and speak to somebody and identify a message that they might have received or a post that might have been directed at them, and for them to immediately get on and check that and, if there is a moral reprehensibility about that post, remove it immediately. Is that something that you think is within their capacity and certainly should be employed?

Ms KILKENNY: Thanks for the words before too. Look, I think that there should be a greater responsibility placed on Facebook. As you mentioned, they derive an enormous income. It is not good enough for people who are concerned with material and content onsite for them to be faced with—I mean, I have done it when I have gone to report; you are given a drop-down menu and you have got to try to fit within the box, and then if you do not, there is nowhere to go. If you do, you still do not know what time frame you are going to even be contacted in, let alone whether any action is going to be taken. So I think it is the most cursory of responses that they have put in place. I would suggest it probably does not meet any minimum standard in terms of any duty of care that they may have to their users, their members, if you like. That is something that definitely needs to be explored. What kind of duty do they take on when they sign up members? We all sign up and agree to sign up to certain things, but with Facebook, or Twitter even, what responsibility do they take on? That is something that definitely needs to be explored.

Mr MEDDICK: Thank you so much.

Ms LOVELL: Thanks, Chair, and thanks, Sonya. Thanks for coming and presenting and putting forward a woman's point of view as an MP. I am just going to reiterate what Mrs McArthur said, because there was a line that you used in your presentation that did give the impression that this only happens to Labor MPs—and, believe me, it does not, as we discussed at the women's conference in Adelaide. It knows no boundaries and it

is not an issue that just silences Labor women—it is bullies using this as a tactic to silence all women in Parliament.

In fact some of the worst-case scenarios that I have had of it have been when I have strongly opposed a government position on a bill. There was in fact one bill where after the debate I contemplated whether I would come home or stay in Melbourne, because where I live is a little bit isolated. My four closest neighbours were all going to be away—it was a long weekend—and I knew the people who were supportive of that bill that I had opposed knew where I lived. So it was the only time that I have actually contemplated ‘Will I come home?’. I did come home because I am determined not to let them dictate my life. But I do agree with you that women tend not to call this out. We tend to not want to be seen as being precious, and we also do not want to give the perpetrators of this the satisfaction of knowing that they may have upset us. So in some ways we are responsible ourselves for not speaking out enough. But it should not happen. We should not have to speak out on it.

I usually never ban a person from my social media. In fact I had not banned anyone until the last six months. Usually if something is distasteful, swearing or something, I might delete it. That is rare. I usually just hide it. But in the last six months I have actually banned more people than ever before—I had never banned anyone before. I still could count on my 10 fingers how many I have banned, but I have banned people, and they have been from both sides of the debate. They have either been the ‘I stand with Dan’ people who have been absolutely abusing me or, as a centre-right moderate MP, they have been people from the extreme right whose opinions I disagree with as well, who have said I am not doing enough. So they have come from the extreme right or the extreme left, and it is just not good enough.

I really do not have a question for you. I am just agreeing with you—that is, women from all sides of Parliament need to stand up to this and say this is just not good enough. It would not be permitted in the workplace, so why is it permitted in the social media space?

Ms KILKENNY: Thanks, Wendy. Look, I did not mean to say that this only happens to Labor women MPs; I am here today just presenting a submission on behalf of the Labor Women’s Caucus. I think that the work of the CWP has a really important role in this as well. In fact we are now doing some work with United Nations Women as well on this very point, and I would like to see more resources provided to organisations like CWP that are bipartisan and are there to support more women into Parliament, because obviously the more women we can get in there, the better that representation is going to be. It is going to assist and support in this as well, and obviously aid in gender equality. Wendy, thank you for sharing that, and thank you for always participating in the CWP as well.

Ms LOVELL: No, it is a pleasure. It is something that we should all do as women. We should join together to say that this is not acceptable, and your own predecessor in your seat, Donna Bauer, was, when she was going through her bout with bowel cancer, subject to some dreadful comments by men in the Parliament. So it is just not acceptable at all.

Mrs McARTHUR: Chair, I wonder if I might ask Sonya just a couple of follow-up questions?

The CHAIR: Quickly, because we are well over time.

Mrs McARTHUR: Sonya mentioned, ‘Do we have a code of conduct for parliamentarians?’, and I think that is a very good question, because the government imposes on local government that they must have a code of conduct operating at local government level for their councils and staff. So it would be extraordinary that we impose that on local government but do not have it ourselves.

The CHAIR: We do.

Mrs McARTHUR: We do have a code of conduct?

The CHAIR: There is a code of conduct.

Mrs McARTHUR: We have got one?

The CHAIR: Yes.

Mrs McARTHUR: Good. The second thing is, I am wondering whether the social media platforms should not be subject to the industrial manslaughter laws if an event occurs as a result of social media activity which people have signed up to—is it a safe workplace or is it not? I do not know if Sonya wants to comment.

Ms KILKENNY: I do not think that is a matter for me to comment on, Bev. I think that might be something you might want to flag with Facebook.

The CHAIR: Thank you, Sonya, for both your submission but also your presentation today. I think we are all in agreement that this sort of behaviour is appalling and should never be tolerated or accepted, that basically no-one should be subjected to this sort of behaviour, that we all have a responsibility to call it out when it occurs and that there is clearly a lot more that needs to be done in this space. We thank you for your time today and your insights in this area, and I am sure we will be having a lot more to say in this space. Thank you.

Mr MELHEM: Thank you, and well done.

Ms KILKENNY: Thanks, all. Bye now.

The CHAIR: Thanks. That ends this session.

Witness withdrew.