

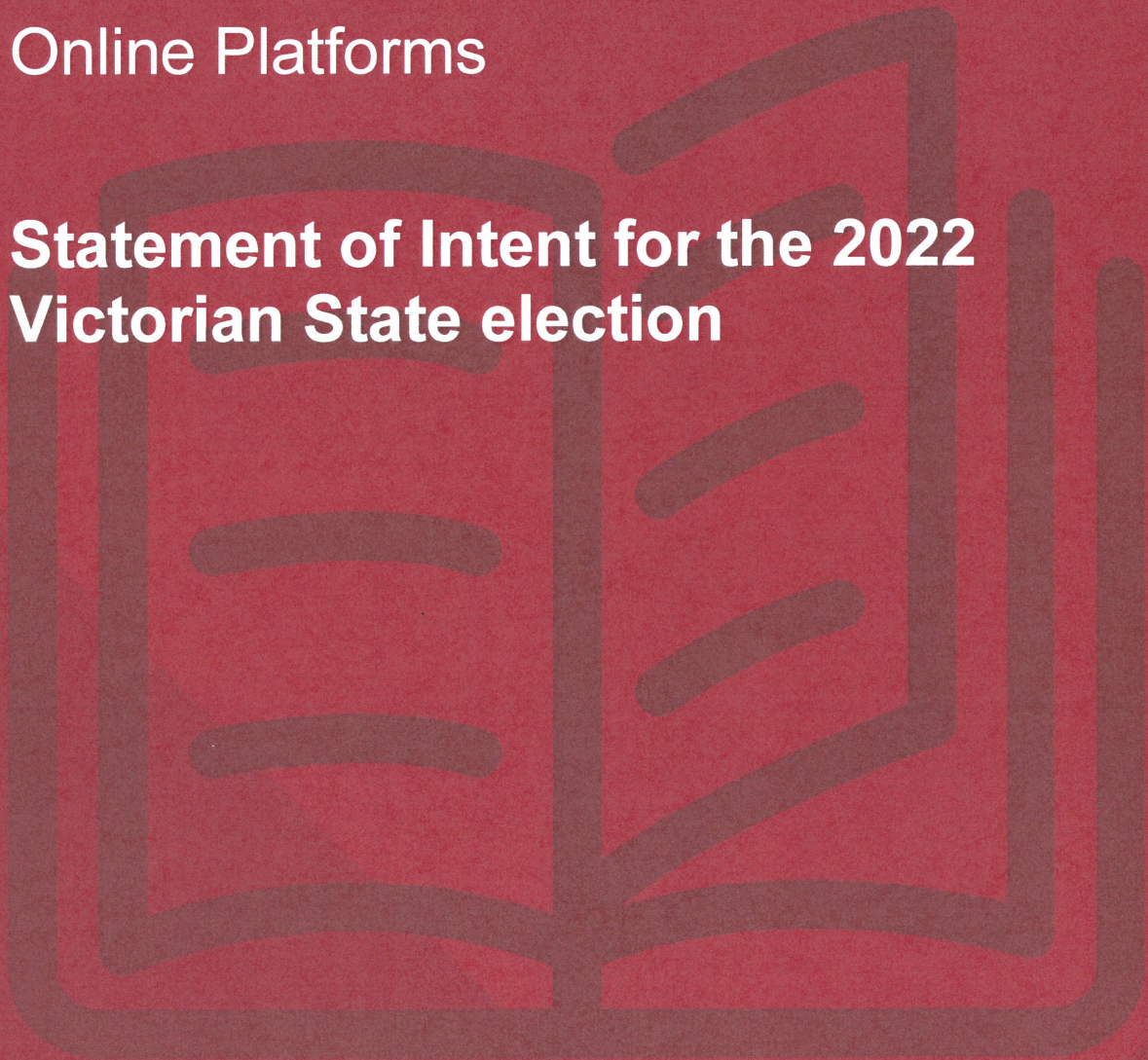
Election working arrangements
between:

the Victorian Electoral Commission

and

Online Platforms

**Statement of Intent for the 2022
Victorian State election**



1. Context for this Statement of Intent

- 1.1 The Victorian Electoral Commission (VEC) is responsible for the delivery of elections at the State and local council levels of Victorian government.
- 1.2 The VEC has responsibility for enforcing Victorian electoral law, including in relation to content posted on Online Platforms. In some instances, this law enforcement function is undertaken in conjunction with Victoria Police, and other State or Commonwealth security, enforcement and public prosecution agencies. The VEC is also responsible for promoting public awareness about State electoral matters.
- 1.3 Conduct on the Online Platforms is also subject to the terms and conditions of use of the specific platform.
- 1.4 Campaigning to influence the way people vote, and the expression of individual political views through open and transparent public debates, is a natural and important part of a democratic society. In a globally connected society, it is to be expected that both citizens and non-citizens participate in election debates. It is also now common practice for political parties, candidates and other election participants to engage with electors and local communities via social media platforms, to promote issues that are important to them and their electoral prospects.
- 1.5 This transformation of electoral campaigning has created additional challenges for the VEC and Online Platforms in the administration and regulation of elections. In particular, users of platforms may post content during an election period that undermines the integrity of the election by interfering in the electoral process - for example, by breaching transparency rules or by misleading voters about how to cast their vote. By making this Statement of Intent, Online Platforms recognise the importance of democracy to Australia and the impact content posted on online media platforms can have on the democratic process and public institutions.
- 1.6 In February 2021, several Online Platforms signed up to the voluntary industry code of practice called The Australian Code of Practice on Disinformation and Misinformation (the Code), which is administered by the industry association DIGI. Specifically, Online Platforms have committed to (among other things) contribute to reducing the risk of harms that may arise from the propagation of disinformation and misinformation on digital platforms by adopting a range of scalable measures.
- 1.7 Many Online Platforms publish information and reports, both under the Code and independently, that demonstrate and quantify actions taken to combat misinformation and disinformation under their own policies and community guidelines.
- 1.8 This Statement of Intent is intended to complement the Code by setting out the intended working arrangements between Online Platforms and the VEC in the specific context of the Victorian State election to be held on 26 November 2022. This agreement will conclude on 17 December 2022 or when a national Statement of Intent is adopted by Online Platforms with the Electoral Council of Australia and New Zealand (ECANZ), whichever comes first.
- 1.9 The participants appreciate the strong collaboration in good faith that has already occurred and are making this Statement of Intent to provide clarity and transparency on how these arrangements promote the integrity of the 2022 Victorian State election.

1.10 This Statement of Intent is being published with the goal that other online media companies, in addition to the Online Platforms, may also adopt these working arrangements to further support the work of the VEC and the public interest in maintaining the integrity of Victorian elections.

2. Scope

2.1 This Statement of Intent sets out how the VEC and Online Platforms intend to work together to address issues concerning:

2.1.1 breaches of Victorian electoral and related laws that apply to the online environment; and

2.1.2 breaches of the Online Platforms' own terms of service insofar as these relate to the integrity of electoral processes, including any terms of service that give effect to a platform's commitments under the Code.

2.2 This Statement of Intent is focused on supporting the integrity of the Victorian State election, 26 November 2022, in relation to the issues outlined in 2.1.

2.3 Online Platforms may already be taking additional steps that go beyond the working arrangements described in this document, as is relevant for their products and services. The Online Platforms that have made this Statement of Intent have done so voluntarily in good faith, to promote the integrity of the Victorian State election and provide clarity and transparency about the existing working relationships between the VEC and Online Platforms.

2.4 Nothing in this document will have the effect of limiting, varying or suspending the participants' legislative rights, powers, or legal obligations, or varying how participants may discharge those legal obligations. This document does not give rise to a legal relationship between the participants and does not create any new legally binding rights or obligations.

2.5 An Online Platform may withdraw from these arrangements at any time by giving ten (10) business days' notice to the VEC.

2.6 Other social media platforms may adopt these arrangements by making a request in writing to the VEC.

3. Overarching intent

3.1 The VEC and Online Platforms intend to work together to promote and support the integrity of the Victorian State election on 26 November 2022. They will be transparent with each other, and broader stakeholders, about the steps they are taking to protect the election and work in good faith to address risks.

4. Detailed operational arrangements

4.1 The detailed operational arrangements for promoting and supporting electoral integrity will be agreed between each Online Platform and the VEC. The details for each Online Platform may vary, depending on factors such as the nature of the platform, the platform's terms of service, the size of the platform and the resources available to it, and the timing and degree of notice provided to the platform of the relevant electoral events. As an

indication, the operational arrangements that may be agreed between the VEC and each Online Platform may cover:

- 4.1.1 the points of contact that should be used by the VEC to refer instances of potentially problematic content or accounts for an Online Platform's review under the platform's terms of service and/or applicable electoral laws
 - 4.1.2 the form of referrals of potentially problematic content (for example, an Online Platform may require the VEC to cite the legislative basis on which the requested action is based, and detail the specific URLs or identifiers of the problematic content so that the platform is provided with sufficient detail to identify and review the content)
 - 4.1.3 the estimated time frames for platforms to respond to the VEC about the outcomes in non-critical and critical cases
 - 4.1.4 the set-up of allow-list email addresses, trusted flagger status, portal access, and direct phone and email contact points for appropriate VEC staff - as is appropriate for the particular Online Platform
 - 4.1.5 how Online Platforms will respond to valid legal requests by the VEC for data disclosure and/or preservation of evidence
 - 4.1.6 the types of actions Online Platforms may take in the event content referred to them by the VEC violates their terms of service or is unlawful under Victorian electoral laws (or related laws)
 - 4.1.7 how public communications about any detected disinformation (as defined under the Code) campaigns on platforms will be handled.
- 4.2 Online Platforms will provide communication channels for the VEC to raise requests for action in accordance with the detailed operational arrangements agreed, such as access to an online portal for making requests or providing notices, as well as nominated individual staff contact details, particularly for use when the VEC considers escalation is necessary in urgent circumstances. The communication channels and resourcing of the Online Platforms during the election period will take into account the needs of the VEC, the type of action requested, the actual or potential impact of the matter on the Victorian State election and the time sensitivity of the requested response.
- 4.3 The VEC's primary points of contact will be the Deputy Electoral Commissioner and Manager, Communication. Upon establishing dialogue in relation to an identified issue, the primary points of contact may delegate day to day communications to other nominated and qualified members of VEC staff, where appropriate. The VEC's contacts will remain available and responsive to resolving open referrals to Online Platforms within the relevant time periods.
- 4.4 The referral of an issue by the VEC to a platform for action in accordance with agreed working arrangements should generally be made via any communication channels that the Online Platforms specify. An Online Platform may request the VEC provide the referral in an agreed form, but it is not intended that in an urgent case assistance will be refused or delayed for formal reasons only.
- 4.5 Online Platforms will respond expeditiously and diligently to all reasonable requests from the VEC for action, noting the importance of dealing with harmful content during election

periods quickly and correctly. Online Platforms will provide status updates to the VEC about specific actions, as requested.

4.6 Online Platforms intend to continue promoting the safety and security of their services and election integrity through their own initiatives, for example, by promotion of civic participation and media literacy and by publishing information about the steps they will be taking to address the issues set out in 2.1 (noting that this may involve less detail than in correspondence with the VEC, to preserve confidentiality of Online Platforms' enforcement approaches). The arrangements that are put in place in accordance with this Statement of Intent are in addition to, and will complement, any other proactive work Online Platforms already do around elections.

4.7 Online Platforms will make available to the VEC current information about any individual platform efforts to combat harmful content that may arise during the 2022 Victorian State election period.

5. Evaluation and future action

5.1 The participants note that the VEC may include assessments of the effectiveness of these working arrangements, including references to individual platforms, in its post-election reporting. The VEC notes that Online Platforms would prefer that any feedback or assessment of the effectiveness of these working arrangements is shared with the relevant Online Platform concerned in the first instance, if practicable and appropriate.

5.2 Participants note that the VEC, and other Australian electoral authorities, may participate in the review of the Code in 2022.

Signed by Warwick Gately AM of the **Victorian Electoral Commission**


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Brett Armstrong

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Signed by **Twitter Australia**

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