

Election Working Arrangements

between:

the Australian Electoral

Commission

and

Online Platforms

Statement of Intent for the
Australian Federal Election
2022

Election Working Arrangements between the Australian Electoral Commission and Online Platforms

1. Context for this Statement of Intent

- 1.1. The Australian Electoral Commission (AEC) is responsible for the delivery of elections at the federal level of Australian government.
- 1.2. The social media platforms that adopt this Statement of Intent (Online Platforms) are amongst the companies that provide online social media services in Australia.
- 1.3. The AEC has responsibility for enforcing Commonwealth electoral law, including in relation to content posted on Online Platforms. In some instances, this law enforcement function is undertaken in conjunction with the Australian Federal Police, and other Commonwealth security, enforcement and public prosecution agencies. The AEC is also responsible for promoting public awareness about federal electoral matters.
- 1.4. Conduct on the Online Platforms is also subject to the terms and conditions of use of the specific platform.
- 1.5. 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.
- 1.6. This transformation of electoral campaigning has created additional challenges for the AEC 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.
- 1.7. In February 2021, several Online Platforms signed up to the voluntary industry code of practice called The Australian Code of Practice on

Statement of Intent for the Australian Federal Election 2022

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.

- 1.8. 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.
- 1.9. This Statement of Intent is intended to complement the Code by setting out the intended working arrangements between Online Platforms and the AEC in the specific context of the Australian federal election to be held on 21 May 2022. This agreement will conclude on 30 June 2022.
- 1.10. The Online Platforms that have adopted these working arrangements are Google, Meta, Microsoft, TikTok, and Twitter. The Online Platforms and the AEC have already had in place bi-lateral processes to collaborate for some time. All 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 Australian federal election.
- 1.11. This Statement of Intent is being published with the goal that other social media companies, in addition to the Online Platforms, may also adopt these working arrangements to further support the work of the AEC and the public interest in maintaining the integrity of Australian elections.

2. Scope

- 2.1. This Statement of Intent sets out how the AEC and Online Platforms intend to work together to address issues concerning:
 - 2.1.1. breaches of Commonwealth 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 Australian federal election, 21 May 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 Australian federal election and provide clarity and transparency about the existing working relationships between the AEC 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 AEC.
- 2.6. Other social media platforms may adopt these arrangements by making a request in writing to the AEC.

3. Overarching intent

- 3.1. The AEC and Online Platforms intend to work together to promote and support the integrity of the Australian federal election on 21 May 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 AEC. 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 AEC and each Online Platform may cover:
 - i. the points of contact that should be used by the AEC 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;
 - ii. the form of referrals of potentially problematic content (for example, an Online Platform may require the AEC 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);
 - iii. the estimated time frames for platforms to respond to the AEC about the outcomes in non-critical and critical cases;

Statement of Intent for the Australian Federal Election 2022

- iv. the set-up of allow-list email addresses, trusted flagger status, portal access, and direct phone and email contact points for appropriate AEC staff - as is appropriate for the particular Online Platform;
 - v. how Online Platforms will respond to valid legal requests by the AEC for data disclosure and/or preservation of evidence;
 - vi. the types of actions Online Platforms may take in the event content referred to them by the AEC violates their terms of service or is unlawful under Australian electoral laws (or related laws); and
 - vii. 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 AEC 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 AEC 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 AEC, the type of action requested, the actual or potential impact of the matter on the Australian federal election and the time sensitivity of the requested response.
- 4.3. The AEC's primary points of contact will be the Deputy Commissioner and the Chief Legal Officer. 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 AEC staff, where appropriate. The AEC'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 AEC 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 AEC 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 AEC for action, noting the importance of dealing with harmful content during election periods quickly and correctly. Online Platforms will provide status updates to the AEC 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 AEC, 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 AEC current information about any individual platform efforts to combat harmful content that may arise during the 2022 Australian federal election period.

5. Evaluation and future action

- 5.1. The AEC and Online Platforms intend to work together to assess proposals for refining and improving these working arrangements for future elections, including exploring an extension of the arrangements to support the electoral integrity of State and Territory events, following the 2022 Australian federal election.
- 5.2. The participants note that the AEC may include assessments of the effectiveness of these working arrangements, including references to individual platforms, in its post-election reporting. The AEC 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.
- 5.3. Participants note that the AEC, and other Australian electoral authorities, may participate in the review of the Code in 2022.

Tom Rogers
Electoral Commissioner
Australian Electoral Commission
6 May 2022

Brett Armstrong
General Manager
TikTok Australia Pty Ltd
19 May 2022

Mia Garlick
Director of Public Policy, Australia, New
Zealand and Pacific Islands
Meta
12 May 2022

Kara Hinesley
Director of Public Policy
Twitter Australia
17 May 2022

Lucinda Longcroft
Director of Government Affairs and Public
Policy, Google Australia and New Zealand
16 May 2022

Gael McLennan
Senior Finance Director
ANZ, Microsoft
20 May 2022