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Digital Industry Group Inc.

Via email: [hello@digi.org.au](mailto:hello@digi.org.au)

# AUSTRALIAN CODE OF PRACTICE ON DISINFORMATION

ACCAN thanks DIGI for the opportunity to comment on its Draft Disinformation Code.

ACCAN is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards communications services that are trusted, inclusive and available for all. ACCAN is keen to ensure that the voices and experiences of consumers are appropriately protected from potential harms resulting from disinformation and misinformation propagated across digital platforms.

As such our comments reflect the interests of consumers, in the context of communications services and more broadly as consumers and users of digital platform services.

This submission will first address some general concerns and then comment more specifically on the Code content.

## General Comments

It is disappointing to ACCAN that the scope of the Code is restricted to the narrow definition of ‘disinformation’. This limited focus is a lost opportunity for the Code to consider the broader issue of the inadvertent dissemination of potentially harmful misinformation – the spreading of misinformation without the intention to cause harm. A current example of this in the context of the communications sector is the end-user dissemination of unverified claims that 5G networks are responsible for harmful health outcomes.[[1]](#footnote-1)

It is ACCAN’s understanding that the Government’s intent is for the Code to address the issues of both disinformation and misinformation.[[2]](#footnote-2)

Without this broader remit it is unlikely that Australian consumers and end-users of digital platforms will be provided with the protections necessary to allow the safe and confident use of digital platform services.

## Code Comments

There are several specific concerns ACCAN has with the draft Code.

*1.3 Role of Digital Platforms. The Digital Platforms who have signed this Code recognise their role as important actors within the Australian information ecosystem and have already implemented a range of measures to tackle the propagation of Disinformation amongst users of their Services and Products. This Code is principally designed to express the commitments made by Digital Platforms to address the propagation of Disinformation.*

ACCAN believes it would be beneficial for consumers and end users of digital platforms to know what range of measures to tackle the propagation of Disinformation have already been implemented and what additional measures will result from the adoption of the Code. Transparency is essential if there is to be adequate public understanding and oversight of actions taken and the efficacy of these actions in terms of consumer protection.

*3.2 The aspect of Disinformation that this Code focuses on is cumulatively:*

*A)  Inauthentic Behaviour by users of a Digital Platform;*

*B)  that propagates digital content via that platform;*

*C)  for the purpose of economic gain or to mislead or deceive the public;*

*D)  that may cause Harm; and*

*E)  is not otherwise unlawful.*

While understanding the limited scope of the Code, ACCAN questions whether the inadvertent propagation of harmful disinformation via general use of a digital platform service is encapsulated within the term ‘inauthentic behaviour’?

*5.6  Restrictions on lawful content or users access: In seeking to comply with the requirements of this Code, Signatories are not required to take measures that require them to delete or prevent access to otherwise lawful content solely on the basis that it is or may be misleading or deceptive or false. Nor will Signatories be required to signal the veracity of content uploaded and shared by their users.*

ACCAN questions whether this clause is actually counter to the purpose of the Code i.e. to limit the propagation of disinformation. Surely if content falls within the definition of disinformation as defined in the Code there is an obligation on Code signatories to identify the information as false or misleading.

***Objective 4: Empower consumers to make better informed choices of digital content***

ACCAN believes that this Objective, as written, is too vague to be meaningful. ACCAN suggests that reframing this objective to enable users of digital platform services to easily identify disinformation would be more effective.

*5.21 Relevant Signatories commit to convene an annual event to foster discussions regarding Disinformation within academia and Civil Society.*

ACCAN suggests that this clause clarify what ‘relevant signatories’ means and how they will be identified. Additionally, there needs to be clarity on how this will be publicised and promoted to interested stakeholders.

*5.22 Signatories will make and provide annual reports or updates to government and/or the public detailing their progress in relation to their commitments under this Code.*

*5.23  Signatories may fulfill their commitment in 5.22 by supplementing and drawing on information Signatories voluntarily provide as part of their external communications efforts and which are contained within a variety of reports and/or public updates on areas such as content removals, open data initiatives, research reports, media announcements, user data requests and business transparency reports.*

ACCAN believes that these two clauses need to make more specific commitments on how Code signatories will report annually on the progress and efficacy of the measures they have undertaken to safeguard platform users against disinformation. This should be in a transparent and open reporting mechanism that is standardised across all Code signatories.

***7 Code administration***

The numbering of clauses within this section is inconsistent.

ACCAN recommends that there be an additional clause in this section, requiring DIGI to publish a complete and up-to-date list of all Code signatories.

ACCAN is happy to discuss any of the comments made in this submission.

Sincerely,

Wayne Hawkins  
Director of Inclusion

1. <https://www.health.gov.au/news/covid-19-and-the-new-generation-5g-mobile-phone-network> [↑](#footnote-ref-1)
2. See ACMA (2020). ‘Misinformation and news quality on digital platforms in Australia’ [↑](#footnote-ref-2)