
Submission

15 August 2023

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
Platforms and News Branch
Online Safety, Media and Platforms Division
Information Integrity Section
Via email: information.integrity@infrastructure.gov.au

Re: Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023

ACCAN thanks the Department of Industry, Transport, Regional Development, Communications and the Arts (the Department) for the opportunity to comment on the draft Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (the Bill).

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 users of digital platform services.

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

General Comments

ACCAN supports the Government's commitment to increase consumer protections against the propagation of disinformation and misinformation via digital platform services in Australia. The development and implementation of the voluntary industry *Australian Code of Practice on Disinformation and Misinformation* (the Code) has been a good first step.¹

ACCAN has previously engaged in the Digital Industry Group Inc. (**DIGI**) consultations on the Code. Our comments to the first review of the Code in 2022 made a number of recommendations to improve the code's efficacy in providing greater transparency about the mechanisms which the Code signatories have implemented to improve consumer protection against disinformation and misinformation.²

¹ DIGI. 2021. *Australian Code of Practice on Disinformation and Misinformation*. Available at: <https://digi.org.au/wp-content/uploads/2021/10/Australian-Code-of-Practice-on-Disinformation-and-Misinformation-FINAL-WORD-UPDATED-OCTOBER-11-2021.pdf>

² ACCAN. 2022. *Misinformation and Disinformation Review*. Available at: <https://accan.org.au/accans-work/submissions/2000-mis-and-disinformation-2022-review>.

Our submission endorsed the following recommendations from the Australian Communications and Media Authority (ACMA) 2021 report to government on the adequacy of digital platforms' disinformation and news quality measures.

Recommendation 3: To incentivise greater transparency, the ACMA should be provided with formal information-gathering powers (including powers to make record keeping rules) to oversee digital platforms, including the ability to request Australia-specific data on the effectiveness of measures to address disinformation and misinformation.³

Recommendation 4: The government should provide the ACMA with reserve powers to register industry codes, enforce industry code compliance, and make standards relating to the activities of digital platforms' corporations. These powers would provide a mechanism for further intervention if code administration arrangements prove inadequate, or the voluntary industry code fails.⁴

We are pleased to see that these recommendations have been included in the draft Bill.⁵

Draft Bill Comments

In principle ACCAN does not have any significant concerns with the draft Bill. ACCAN supports the intent of the Bill to allow the ACMA and DIGI to ensure continuous improvement to the voluntary code and only implement the ACMA's powers should the voluntary code fail to produce the required protections. As such, ACCAN supports the Bill's inclusion of the proposed reserve powers to:

- Enable the ACMA to gather information from or require digital platform providers to keep certain records about matters regarding misinformation and disinformation.
- Enable the ACMA to request industry develop a code of practice covering measures to combat misinformation and disinformation on digital platforms, which the ACMA could register and enforce.
- Allow the ACMA to create and enforce an industry standard (a stronger form of regulation), should a code of practice be deemed ineffective in combatting misinformation and disinformation on digital platforms.

We are pleased to see that the registered code and standard making procedure requires a broad and open consultation process with the requirement that at least one consumer organisation has been consulted.

However, we do believe that there is scope to clarify the process of code deregistration.

The Bill would benefit from the inclusion of an explanation of when and under what circumstances codes are to be de-registered. Should a code be considered for de-registration without it being superseded by an updated code or standard, ACCAN recommends that a formalised public consultation be undertaken with adequate time allocated for community responses. This consultation process needs to outline the reasons the code is being considered for de-registration and include meaningful consultation with all interested stakeholders, including at least one relevant consumer representative organisation.

³ ACMA. 2021. Report to government on the adequacy of digital platforms' disinformation and news quality measures. p.9. Available at: <https://www.acma.gov.au/report-government-adequacy-digital-platforms-disinformation-and-news-quality-measures>.

⁴ Ibid.

⁵ DITRDCA. 2023. Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023. Available at: <https://www.infrastructure.gov.au/department/media/publications/communications-legislation-amendment-combatting-misinformation-and-disinformation-bill-2023>.

ACCAN thanks the department for the opportunity to comment on this consultation. ACCAN is happy to discuss any of the comments made in this submission.

Sincerely,

Wayne Hawkins
Director of Inclusion

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers.

ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP](#)
