

# Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2024

4 October 2024

## Recommendations

This submission recommends that the Government:

- > Adopt the proposed expansion and modernisation of the powers of the Australian Communications and Media Authority (ACMA) to allow them to establish minimum internal complaints and dispute resolution processes.
- > Require an external dispute resolution (EDR) process in conjunction with mandatory internal dispute resolution processes.
- > Require the ACMA to publish information on measures taken by digital communications platforms in response to misinformation codes.
- > Include further examples of possible misinformation codes that relate to consumer harms on digital communications platforms.
- > Include provisions for consumer education about communications issues.

## About this submission

The Australian Communications Consumer Action Network (ACCAN) is pleased to provide this submission to Environment and Communications Legislation Committee (**the Committee**) for the opportunity to comment on the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2024 (**the Bill**).

In ACCAN's view the Bill provides a foundation for tackling misinformation and disinformation on digital communications platforms. However, it should be expanded to explicitly include measures to address harms for consumers, such as minimum dispute resolution standards, which could be expanded to ensure appropriate complaints do not fall through the gaps.

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**Australian Communications  
Consumer Action Network**

### **Australian Communications Consumer Action Network**

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services.

ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

## Introduction

Misinformation and disinformation can undermine trust in experts and public institutions, threatening democratic processes and shared truths.<sup>1</sup> Misinformation and disinformation can also undermine consumers' confidence in communications services and online platforms. Further, they also increase the cost and complexity for consumers navigating online platforms and markets.

In addition to raising the costs to consumers engaging online, misinformation and disinformation can facilitate online harms from scams, harmful apps and fake reviews, and confuse consumers seeking to make informed decisions and participate in the market. As a result, the Australian Competition and Consumer Commission (ACCC) has called for further protections for consumers on digital platforms to supplement existing economy-wide protections through the Australian Consumer Law.<sup>2</sup>

## Key Recommendations

### Minimum internal dispute resolution processes should be broadened

Section 25 of the Bill provides the ACMA with powers to make rules for minimum complaints and dispute handling processes for misinformation. Digital communications platforms may be required to implement, maintain and report to the ACMA on complaints and dispute handling processes for misinformation complaints. In ACCAN's view, restricting minimum complaints and dispute handling processes to misinformation complaints alone risks undermining the efficacy of the Bill.

At present there are limited avenues for consumers to make complaints about digital communications services, and those processes are often unclear and opaque. Misinformation and disinformation are just one harm that consumers may experience and complain about, but they also experience a wide array of consumer harms on digital platforms, including spam, fake reviews, hacking and fake accounts, content or account removal and ad-related issues.<sup>3</sup>

Therefore, restricting minimum standards to one category of harm risks missing complaints that are miscategorised or that involve more than one type of harm (for example: misinformation may be disseminated through fake accounts). To remedy this gap, ACCAN recommends that section 25 be amended to empower the ACMA to set minimum complaints and dispute handling processes for all complaints on digital communications platforms.

Minimum complaints and dispute handling processes may also require an EDR body to mediate. ACCAN recommends that the Bill contain a provision to allow complaints and disputes to be elevated to an independent third-party body such as the Telecommunications Industry Ombudsman (TIO).

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<sup>1</sup> Nadler A, Crain M, Donovan J. 'Weaponizing the digital influence machine' (2018) *Data & Society*. Oct 17. Available at: [https://www.datasociety.net/wp-content/uploads/2018/10/DS\\_Digital\\_Influence\\_Machine.pdf](https://www.datasociety.net/wp-content/uploads/2018/10/DS_Digital_Influence_Machine.pdf)

<sup>2</sup> ACCC, *Digital platform services inquiry - September 2022 interim report - Regulatory reform* (Report, 2022) 72. Available at: <https://www.accc.gov.au/about-us/publications/serial-publications/digital-platform-services-inquiry-2020-25-reports/digital-platform-services-inquiry-september-2022-interim-report-regulatory-reform>

<sup>3</sup> Accenture, *Mapping dispute resolution on digital platforms* (Report, 2023). Available at: <https://www.infrastructure.gov.au/sites/default/files/documents/foi--23-037.pdf>

### **The ACMA should report on the effectiveness of measures publicly**

Section 38(1) of the Bill states that the ACMA ‘may’ publish information on its website relating to misinformation and disinformation on digital communications platforms, measures implemented by digital communications platform providers to prevent or respond to misinformation or disinformation including the effectiveness of the measures.

Public reporting of regulatory measures, such as complaints processes, can help improve business practices, inform other public bodies and consumer groups and facilitate consumer choice.<sup>4</sup> ACCAN recommends that section 38(1) be changed from ‘may’ to ‘shall’, with appropriate caveats for withholding details in the case of overriding public interest.

### **The Bill should include further examples of consumer harm in relation to markets**

Section 44(3) of the Bill provides a list of examples on which the ACMA may deal with using misinformation codes and standards. ACCAN suggests adding a further example of ‘preventing or responding to misinformation or disinformation on digital communications platforms that is likely to cause consumer harms or undermine consumer trust in the digital economy’.

### **The Bill should include provisions for consumer education around consumer rights and safety**

Section 22 sets out that the ACMA may make rules regarding digital platforms literacy plans. Digital communications platforms may be required to update media literacy plans and report the effectiveness of those media literacy plans to the ACMA.

ACCAN recommends that section 22 should include provisions for consumer education around communications issues such as false advertising and harmful products. These consumer harms can be related to misinformation and would allow the ACMA flexibility to provide for media literacy about navigating e-commerce, the digital economy and other essential consumers issues.

## **Conclusion**

This is an important piece of legislation that has the potential to address outstanding issues in digital communications. It would benefit from expanding baseline consumer protections to ensure that consumer issues and market information are considered part of misinformation and disinformation.

We thank the Committee for the opportunity to comment on the Bill. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact Samuel Kininmonth, Senior Policy Adviser, at [Samuel.kininmonth@accan.org.au](mailto:Samuel.kininmonth@accan.org.au).

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*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.](#)*

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<sup>4</sup> Consumer Policy Research Centre, *Am I the only one? How regulators can use complaints data to help consumers, businesses and themselves* (Report, 2024). Available at: [https://cprc.org.au/wp-content/uploads/2024/09/CPRC\\_Am-I-the-only-one\\_Report\\_FINAL.pdf](https://cprc.org.au/wp-content/uploads/2024/09/CPRC_Am-I-the-only-one_Report_FINAL.pdf)