

# Submission to Digital Industry Group Inc (DIGI)

- consultation on Disinformation Industry Code  
from Croakey Health Media

24 November, 2020

**CROAKEY HEALTH MEDIA**

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## 1. Croakey Health Media

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Croakey Health Media is a non-profit public interest journalism organisation with a vision that: “A vigorous and sustainable public interest journalism sector contributes to the health and wellbeing of people, families, communities, policies, societies and the environment.”

Our purpose is to provide a range of social journalism and professional services to help enable communities, policy-makers and practitioners to improve health and wellbeing, with a determined focus on improving health equity. We take a local, regional, national and global focus.

“Creating a sustainable environment for public interest journalism” is listed as a strategic priority in our strategic plan for 2019-2022, where we state:

*“Croakey Health Media is part of a news ecosystem. To thrive, we need to also support and contribute to the development of a more sustainable environment for public interest journalism generally. This is also in line with our mission, given the importance of public interest journalism as a determinant of health.”*

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We report regularly on the importance of public interest journalism as a determinant of health, and also upon the impact of digital platforms upon the health and wellbeing of communities. Our archive of related stories can be seen [here](#).

## 2. The discussion paper

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The discussion paper provides background research relevant to the development of a voluntary code of practice for disinformation and is a companion document to the draft Australian Code of Practice on Disinformation ('the Code') being released for public consultation.

Croakey Health Media believes the most effective way to approach the global tide of disinformation and misinformation is through using public health frameworks and methodologies, as have been so effective in tackling other public health concerns, such as tobacco, road safety and air pollution. We note, however, the almost complete absence from the discussion paper of the public health literature that would be useful to help inform development of this code, especially during a time of global public health crises, including the COVID-19 pandemic and climate change. We note that global efforts to control COVID have been undermined by the spread of conspiracy theories and disinformation on social media. We also note that the World Health Assembly has called on Member States (including Australia) to take measures to counter misinformation and disinformation, and that the World Health Organization and other agencies issued [a joint statement](#) in September stating that "the technology we rely on to keep connected and informed is enabling and amplifying an infodemic that continues to undermine the global response and jeopardizes measures to control the pandemic".

We know from so many other areas in public health (for example, tobacco control, nutrition, alcohol control, air pollution, occupational health and safety) that industries under regulatory pressure often promote self-regulation as a mechanism for delaying or avoiding regulation that is in the public interest. We also note that many important public health concerns related to disinformation and misinformation are not addressed in the discussion paper; for example, the spread of racism, hate-speech, and white supremacy. Climate denialism and related misinformation receive only cursory mention.

The discussion paper notes that the Code's development has been driven by the Digital Industry Group Inc (DIGI). DIGI is a non-profit industry association that advocates for the interests of the digital industry in Australia, with Google, Facebook, Twitter and Verizon Media as its founding members. It is therefore not surprising that the discussion paper is essentially putting forward an argument by the industry for self-regulation whilst also promoting the actions now being taken by various companies.

We do not believe this discussion paper takes a sufficiently rigorous approach to reviewing the public health impacts of the current tide of misinformation and disinformation, and investigating a full range of options for tackling this massive problem.

We therefore recommend:

**2.1. The Federal Government appoint an independent committee of appropriately qualified public health experts to report on the public health impacts of disinformation and misinformation and to make evidence-based recommendations for policy reform, drawing upon the public health literature. This committee should include Aboriginal and Torres Strait Islander researchers and organisations. It should include specific consideration of policies and strategies for addressing the spread of racism, hate speech and white supremacy as part of the tide of disinformation. The Federal Government should fund its work, to ensure independence and also to recompense organisations and individuals for their time, noting that the sector is under great pressure.**

**2.2. The capacity of the public interest journalism sector to investigate disinformation and misinformation should be strengthened through policy reform. This should be done independently of the digital platforms to avoid conflicts of interest. The potential of regulation of the digital platforms to generate funding for public interest journalism should be explored [beyond the Mandatory Code now being developed to govern commercial relationships between media publishers and the digital platforms].**

### 3. The proposed code

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The code is clear about whose interests are represented: “This Code of Practice has been developed by the Digital Industry Group Inc. (DIGI), a non-profit industry association that advocates for the interests of the digital industry in Australia.”

We recommend that the code be designed to centre the public interest. This would require representatives of the public interest to have the dominant voice in its development and on all related governance structures. The public interest in relation to the code is not defined or made explicit. It should be.

The code lacks teeth. It is opt-in and members can withdraw at any time. There are no sanctions. There is a lack of clarity around the reporting and complaints arrangements.

We note the findings of the recent inquiry by a United States House of Representatives committee, “Investigation of competition in digital markets. Majority staff report and recommendations”, which investigated the market power of Amazon, Apple, Facebook, and Google and outlined potential benefits of systemic reform and regulation of the digital platforms that are important for both public interest journalism and public health. The inquiry found companies were using their dominant market power in ways that weaken democracy; erode diversity, entrepreneurship and innovation; degrade privacy online; and undermine the vibrancy of the free and diverse press (Available from: [judiciary.house.gov/uploadedfiles/competition\\_in\\_digital\\_markets.pdf](https://www.judiciary.house.gov/uploadedfiles/competition_in_digital_markets.pdf)) In such an environment, it is unrealistic to expect that an opt-in, self-regulatory code will have any significant impact upon the tide of disinformation and misinformation.

We therefore recommend that:

**3.1. Our preferred option would be for a mandatory code to be developed independently of industry, with public interest and public health expertise informing the process.**

**3.2. If this outlined code is to proceed, there should be an independently developed framework to monitor and report on its impact, with the digital platforms facing a range of sanctions for breaches. Sanctions should be sizeable for companies that sell advertising to sites spreading disinformation or that benefit in other ways from such sites. The code should be independently reviewed after its first year of operations. The committee that administers the code should include representatives of civil society, the public health sector, and the public interest journalism sector. Industry representatives should be in the minority. Likewise, the committee responding to complaints should be independent of industry.**

For further information about this submission, please contact Dr Melissa Sweet, Managing Editor of Croakey Health Media.

*Croakey Health Media thanks public health consultant Kristy Schirmer, of ZockMelon Health Promotion and Social Media Consulting, for her contributions to this submission.*