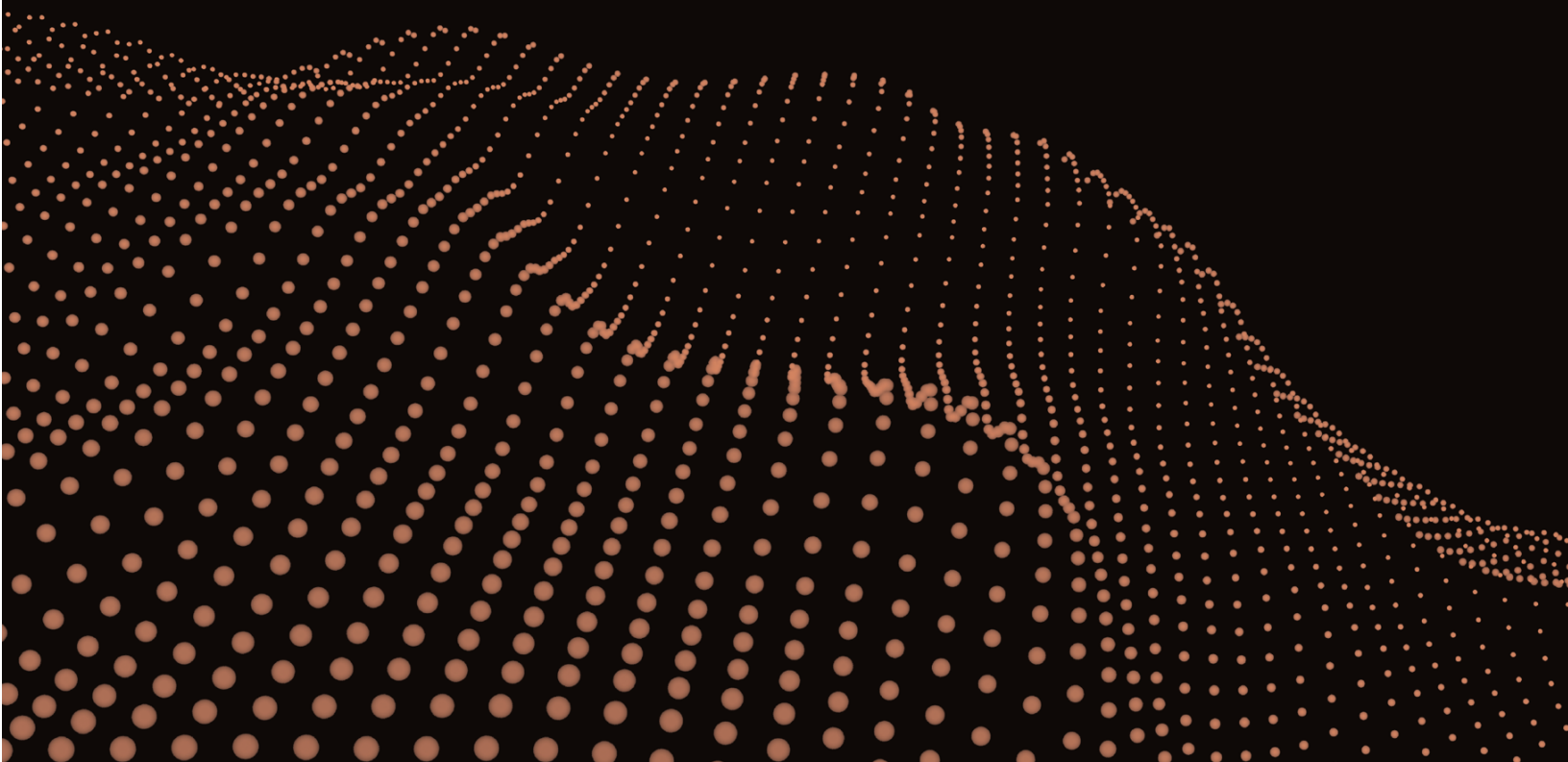




Submission report: Australian Code of Practice on Disinformation and Misinformation

A report prepared by the Digital Industry Group Inc. (DIGI) in relation to submissions received during the Code's public consultation.

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A report prepared by the Digital Industry Group Inc (DIGI) in relation to submissions received during the public consultation on the Australian Code of Practice on Disinformation and Misinformation.

Background

Disinformation and misinformation are aspects of a complex social problem which involves offline and online conduct by a variety of actors, who disseminate false, misleading, or deceptive information at scales that threaten to undermine established democratic processes or public goods such as public health.

The Australian Code of Practice on Disinformation and Misinformation (“the Code”), released in February 2021, 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. DIGI’s vision is a thriving Australian digitally-enabled economy that fosters innovation, a growing selection of digital products and services, and where online safety and privacy are protected.

The Code is the result of collaborative effort amongst a diverse set of digital platforms operating within Australia, Government, academia, and the many stakeholders who contributed to DIGI’s public consultation process, conducted from October to December 2020. This report explains how the final Code has been enhanced by DIGI’s review of feedback received from the public consultation.

The Code was developed in response to Government policy as set out in *Regulating in the Digital Age: Government Response and Implementation Roadmap for the Digital Platforms Inquiry*, which was released following the ACCC’s Digital Platforms Inquiry. The Roadmap states:

The Government will ask the major digital platforms to develop a voluntary code (or codes) of conduct for disinformation and news quality. The Australian Communications and Media Authority (ACMA) will have oversight of the codes and report to Government on the adequacy of platforms' measures and the broader impacts of disinformation.

The codes will address concerns regarding disinformation and credibility signaling for news content and outline what the platforms will do to tackle disinformation on their services and support the ability of Australians to discern the quality of news and information. The codes will be informed by learnings of international examples, such as the European Union Code of Practice on Disinformation. The Government will assess the success of the codes and consider the need for any further reform in 2021.

Executive Summary

Incorporating seven key objectives and nine outcomes, the Code provides a principled and innovative solution to an incredibly complex and contentious issue. Signatories to the Code have committed to implementing specific and achievable measures which will be implemented in a manner that is graduated and proportionate to the risk and severity of the potential harm resulting from the propagation of disinformation and misinformation on their services. Additionally, Signatories commit to providing greater public transparency into their initiatives through annual reporting.

In summary, these are the key improvements we have made to the Code, following the public consultation:

1. The scope has been expanded to cover both disinformation and misinformation.
2. Human rights are now a key consideration that Signatories should consider in implementing the Code;
3. The Code provides explicit protection for vulnerable or marginalised groups;
4. All Signatories agree to adopt Objective 1 of the Code (safeguarding against harms that may arise from disinformation and misinformation);
5. All Signatories agree to report annually about the efforts they have made to implement the Code, supported by appropriate qualitative and/or quantitative data;
6. The Code includes commitments by Signatories to inform users about the source of Political Advertising carried on their platforms; and

7. To strengthen our enforcement of the Code, the facility will be set up for addressing non-compliance with the Code. We will also set up a sub-committee to administer the Code comprising representatives from Signatories and independent members who will meet at six monthly intervals to review the actions of Signatories and monitor how they are meeting their commitments under the Code.

DIGI's consultation processes

DIGI has been undertaking development of this Code in a way that is open and consultative, to ensure we are drawing from the latest expert views about combatting misinformation and disinformation. The ACMA also indicated this was their expectation in their position paper, *Misinformation and News Quality on Digital Platforms in Australia: A Position Paper to Guide Code Development*.

In its position paper, the ACMA stated that platforms should undertake an open, public consultation process when developing the Code, noting that the industry should seek input from experts across academia, relevant government agencies, and impacted stakeholders including consumer groups and users of the platform.

DIGI contracted University of Technology Sydney's Centre for Media Transition (UTS CMT) and First Draft as key academic and civil society partners to support the development of the Code. UTS CMT is an interdisciplinary research centre that investigates key areas of media evolution and digital transition. First Draft is a global organisation that empowers societies with the knowledge, understanding and tools needed to outsmart false and misleading information. DIGI also convened a wider industry committee of potential signatories, outside of DIGI's current membership, to support the development of the Code.

UTS and First Draft interviewed members of the industry committee and conducted research into disinformation and misinformation in Australia. They also conducted a review of regulatory responses in different jurisdictions, and industry responses to the challenges. This research was released publicly as a discussion paper titled *Discussion Paper on An Australian Voluntary Code of Practice for Disinformation* (the "Discussion Paper").

The findings of the Discussion Paper make clear that disinformation and misinformation are extraordinarily complex issues that require a concerted and cooperative effort by all stakeholders in the information ecosystem including government agencies, news media, academics, and civil society. With this in mind, we thought it was important that our consultation process included opportunities to engage directly with UTS and First Draft and with the code drafters at DIGI.

On October 19, DIGI opened a six-week public consultation on the draft Code ending on November 24, 2020. During this consultation, DIGI, UTS and First Draft proactively identified interested civil society, consumer and academic stakeholders, who were emailed the draft Code and invited to comment.

To provide an avenue for dialogue between academia and representatives of civil society, a smaller subset of this group was also invited to offer their views on the Code at a virtual roundtable meeting on 30 October 2020, facilitated by UTS and First Draft. The draft Code was made publicly available on the DIGI website, and was open for submissions from the public. Input was also sought from the ACMA, and over the course of December and January, the draft Code was updated to reflect all stakeholder input.

Prior to launching the final Code, DIGI reconvened attendees of the October 30, 2020 roundtable with all submission authors for an additional roundtable meeting. This final roundtable meeting, held on 19 February 2021, aimed to report back to the people and organisations that contributed a submission, as well as other identified experts in academia and civil society. This meeting enabled participants to hear from DIGI about our response to their submissions before the Code's public launch, and to gather input the next stage of the Code's development in relation to the Code's administration.

The submissions we received from participants in DIGI's public consultation process were thoughtful, constructive, and detailed. Many submissions welcomed the drafting of an Australian Code of Practice in this area and appreciated the invitation to comment, providing a variety of suggestions to enhance or clarify its operation. Importantly, almost all of those who contributed expressed a wish to be involved in the process of finalising the Code and generously offered their time for consultation with DIGI and the proposed Signatories. We wish to thank those participants, recognising the goodwill and expertise that they have brought to the project.

Submissions received

DIGI's public consultation process generated 17 submissions from a range of academic institutions, think-tanks, news, professional and civil society organizations. They are:

1. Katharine Gelber, Head of School, Professor of Politics and Public Policy, School of Political Science and International Studies, University of Queensland (30 October).
2. Rita Jabri Markwell, Policy Advisor, Australian Muslim Advocacy Network (AMAN) (24 November).
3. Croakey Health Media (24 November)
4. Professor Nicolas Suzor, Lucinda Nelson, Professor Jean Burgess, Acting Professor Daniel Angus, Dr Kylie Pappalardo, Digital Media Research Centre, Queensland University of Technology (24 November).
5. Royal Melbourne Institute of Technology (RMIT) Australian Broadcasting Corporation (ABC) Fact Check (24 November).
6. Professor Sora Park, Associate Professor Caroline Fisher, Professor Kerry McCallum, Dr Jee Young Lee, News and Media Research Centre, University of Canberra (24 November).
7. Digital Rights Watch (25 November).
8. Public Interest Journalism Initiative (25 November).
9. Australian Communications Consumer Action Network (ACCAN) (27 November).
10. The Law Society of New South Wales Young Lawyers (30 November).
11. Australian Broadcasting Corporation (ABC) (November).
12. Australian Press Council (APC) (November).
13. Special Broadcasting Service (SBS) (November).
14. Jordan Guiao, Associate Fellow, Centre for Responsible Technology, The Australia Institute (November).
15. Australian Associated Press Ltd (AAP) (undated).
16. Dr Jacob Wallis, Senior Analyst, International Cyber Policy Centre, Australian Strategic Policy Institute (undated).
17. Matt Nguyen, Policy Lead, Reset Australia (undated).

These submissions both informed DIGI's revisions to the draft Code and facilitated our engagement with the Australian Communications and Media Authority and participants in the Round Tables.

Feedback from submissions

Expansion to cover misinformation

Almost all submissions recommended broadening the scope of the Code to include some, if not all forms, of misinformation. DIGI has expanded the scope of the Code to cover both misinformation and disinformation.

While there are different definitional understandings of 'misinformation' in relevant literature and across the various submissions, DIGI defined misinformation for the purposes of the Code as that which "is reasonably likely (but may not be clearly intended to) cause Harm." This threshold is important, as the Code seeks to adopt a principled approach to the issues of disinformation and misinformation which balances citizens' rights to freedom of speech and expression. As well as academic literature, this definition is aligned with the ACMA's view that measures to combat misinformation should be proportionate and based on an assessment of the risk of harm.

Consideration of Human Rights (Particularly freedom of expression)

Professor Gelber and DRMC both recommended changes to the Code to ensure that human rights are a central consideration when implementing any strategy to limit disinformation. The Preamble of the Code, now explicitly acknowledges the importance of international human rights as articulated within the Universal Declaration on Human Rights, including but not limited to freedom of speech. The need to protect freedom of expression in balance with other human rights is also identified as a factor that is relevant to Signatories implementation of the Code commitments (section 6.1).

Definitions on Disinformation and Misinformation

There was a lack of common ground on many key issues and definitions. This lack of clarity about the terminology was also apparent in the roundtable discussions.

In its position paper, the ACMA suggested that ‘misinformation’ is an umbrella term to cover all kinds of potentially harmful false, misleading, or deceptive information, with deliberate disinformation campaigns considered a subset of misinformation. This definition was preferred by NRMC.

Several submissions noted that the draft Code did not adopt the ACMA definition of disinformation, though one submission recognised that the Code definition complied with the Australian Government’s prior definition in their response to the Digital Platforms Inquiry and another recognised the challenge inherent in a broad definition when balanced with freedom of expression. Jacob Wallis suggests that disinformation involves “inauthentic behaviours that are coordinated, persistent and at scale as disinformation when they are deployed to achieve geo-strategic gains”. Reset Australia refers to “the propagation of information both online and offline intended to manipulate, coerce and deceive others for economic or political gain”. In other submissions, the terms disinformation and misinformation were conflated. Other submissions conflated the terms ‘disinformation’ and ‘misinformation’.

A research report subsequently released by one of the roundtable participants, Dr Andrea Carson, has highlighted that precisely defining ‘disinformation’ and ‘misinformation’ is one of the most significant challenges in this debate¹

The approach DIGI has adopted in the Code draws on the academic literature and the industry committee’s experience of the EU Code. Under the Code “disinformation” refers to false, misleading, or deceptive content propagated by campaign type behaviors, termed “Inauthentic behavior” which includes behaviors which are intended to artificially influence users’ online conversations and/or to encourage users of digital platforms to share content. Disinformation is distinguished from “misinformation” which can be unintentionally shared by users. In both cases, the content is covered by the Code where it is reasonably likely to cause “harm”.

Harms

The Code has been modified to include protection for vulnerable and marginalised groups, in response to suggestions by AMAN, Gelber and DMRC.

¹ available at https://www.latrobe.edu.au/__data/assets/pdf_file/0019/1203553/carson-fake-news.pdf

The submissions DIGI received show that within the community there are diverse viewpoints on the extent to which digital services should regulate content which is ‘harmful.’ A number of submissions suggested that the definition of Harms in the Code should not be restricted to ‘imminent threats’ and allow for ‘creeping threat’ (particularly of conspiracy theories and leading to inaction on crises like climate change) or ‘slow degradation.’ While the Code has retained the requirement that the harm be a “serious and imminent threat”, it does not preclude action in situations where harms of a chronic nature reach a tipping point that creates an imminent threat. Further, this approach does not limit Signatories from taking action to address chronic harms where appropriate. We note the Code acknowledges that Signatories may go above and beyond these commitments where this is appropriate for their platforms’ circumstances (see section 1.3, section 4.3, and Section 5.2 of the Code).

Exclusions

The exclusions to the Code have been modified in the final draft, though we note that there were different views in the submissions on this issue. Three submissions recommended that the wording of the initial exclusion from the code of educational/entertainment (books, videos, film, podcast) be clarified so that intentionally misleading content is not unduly excluded. We have tightened the scope of this exclusion to apply only to content produced in good faith for entertainment (including satire and parody) or for educational purposes.

Some submissions argued that private messaging and email services should not be excluded from the Code. We are of the view this exclusion is appropriate at this time, consistent with user expectations of the privacy of these conversations. It is important to note that the relationship between users on these services and the content they chose to share is private and does not attract the same risks of mass distribution that social media platforms attract. We do not think it is appropriate for platforms to intervene in those conversations on the basis of the truthfulness or otherwise of a conversation.

We note that some Signatories are undertaking measures to combat misinformation in private messaging. They can continue doing so, and to report these measures in their reporting under the Code. But, given the divergence of views around private messaging, we do not think it is appropriate to apply a minimum standard across all private services at this stage.

Several submissions asserted that disinformation was often carried in video format (with reference to YouTube) and should be within scope (particularly if user-generated). The Code has been clarified so that it is clear it applies to all forms of digital content (see Glossary).

Treatment of news

The Code contains an exclusion for “news content that is the subject of a published editorial code which sets out content standards and or/complaints mechanisms” (section 4.4). We consider that the role of news organisations in combating misinformation and disinformation is best dealt with by that industry by promoting adherence to journalistic standards, providing transparent, published editorial policies and through their own self-regulatory complaints mechanisms such as the Press Council. This approach is consistent with the view of SBS that such content *should* be excluded from the Code.

PIJI argued in its submission that the Code should consider how platforms can assess and prioritise high-quality news. They argue “The production and distribution of high-quality, public interest journalism is essential to the functioning of a democratic society, and as an antidote to the spread of mis- and disinformation harmful to that goal. The news media industry is an essential service with its production of timely, independent information that is held accountable to professional standards, regulation, and public scrutiny. Therefore, the news industry is an essential part of any effort to improve the quality of digital information ecosystems.” NMRC pointed to the importance of news media in the overall landscape, if only because the public expects that media, as well as platforms and governments, should take action to address the problem.

Unfortunately, as outlined in the Discussion Paper that informed the Code’s development, digital platforms’ experience also shows that news organisations can contribute to the amplification of disinformation and misinformation online. PIJI’s submission invites “DIGI, its members, ACMA and other relevant government bodies to discuss the role and value of news media within the next stage development of the code” and “to participate in further consultation with news media producers, their peak bodies and the research sector to help inform code design”. The current approach in the Code to the issue of news quality allows for the possibility of future collaboration between news organisations and digital platforms. DIGI is open to discussions with news organisations about how we can enable such collaboration.

We note that some Signatories are undertaking measures to combat misinformation in news content. They are able to continue doing so, and to report these measures in their reporting under the Code. But, given the divergence of views around news content, we do not think it is appropriate to apply a minimum standard across these services at this stage.

Sponsored Content and User Shared Content

Some submissions thought it was unclear how sponsored posts and user shared posts which include disinformation/misinformation will be treated under the Code. We have clarified that sponsored content and shared content is covered by the Code (section 4.1).

Treatment of Advertising and Political Advertising

The Code now contains a specific objective for platforms to disrupt advertising and monetisation incentives for disinformation (Objective 2). This is backed by a specific outcome that “Advertising and/or monetisation incentives for Disinformation are reduced” (Outcome2). This amendment makes clear that platforms are committed to dealing with the risk that they and their advertising partners will profit from disinformation and misinformation, a concern in several submissions such as Reset and DRW.

There are two issues about how the Code should treat political advertising. They concern (i) transparency about the source of ads, and (ii) the truth of ads. In its submission, NMRC argued that improving the transparency of political advertising is a critical matter for digital platforms to consider. This view is consistent with that of the ACMA in its position paper. In contrast, Reset Australia was more concerned that the Code must deal with false political advertising.

We have added a new set of objectives and commitments concerning transparency in political advertising, to accommodate the view of ACMA outlined in its position paper (see *Objective 5 and Outcome 5*). We have adopted DRW’s suggestion that digital platforms might deal with this issue by considering measures like restricting access to microtargeting. Indeed, some signatories do not target ads based on inferred political affiliations as a matter of policy and we have included an acknowledgement of this in the Code. Signatories may discuss these matters in more detail within their annual reports.

We consider that a discussion on representations made in political ads is best discussed in a review of electoral legislation that encompasses all media, not only digital media. Current electoral laws do not prohibit political parties or candidates from engaging in false, misleading, or deceptive advertising practices online or offline. The Code has therefore been clarified so that “political advertising” receives a more specific set of obligations than the broader requirements relating to misinformation and disinformation.

Measures

Several submissions made recommendations about the transparency of measures adopted by Signatories to counter disinformation. These are addressed by the addition of a requirement on Signatories to provide a baseline report within three months of signing on to the Code. This will be supplemented by future annual reports, which we hope will improve on the initial template when we review the Code, after its first year of operation (see section 7.1, 7.5 and 7.6).

Metrics

Most submissions cited concern over the absence of metrics or the opacity of platforms' actions under the Code. For example, suggestions were made that consistent metrics of harm be transparently developed and that a baseline of disinformation is needed to understand the effectiveness of the Code. The question of measuring disinformation and misinformation is a challenging one, in part because the lack of a uniform terminology for these phenomena. The first step towards the development of uniform metrics for the industry is to gain clarity about how platforms measure their response to these issues.

The Code has been amended to require Signatories to provide specific data about the way they evaluate their performance under the Code in a baseline report which will be published by DIGI (See section 7.1 and Appendix 2). This report and subsequent reports will assist researchers and civil society bodies to evaluate whether the Code has been successful (or not) in achieving the desired goal of combating disinformation. This in turn will feed-in to the development of improvements to the reporting templates in future.

Empower consumers to make better informed choices of digital content

There were a variety of approaches in submissions about how platforms should increase user engagement with trustworthy information sources. The Code is based on the principle that users should have the right to choose the content they retrieve online. For example, it is noticeably clear from the research of NMRC, that individuals' perceptions about the quality of different news choices is connected to their political views.² Interfering with individuals' choice of news online risk interfering with their democratic right to hold diverse political views. The approach of the Code is to provide for a range of measures that assist users to make informed choices about digital content and to access alternative sources of information on these matters.

Several submissions noted that there was a need for the Code to focus on the take up of tools and awareness programs, including research on the extent to which tools had effectively increased user engagement with trustworthy information sources, enhanced critical thinking, and promoted civic behaviour online. We agree that this issue requires further research and is best progressed by researchers engaging with platforms in accordance with Objective 6 of the code (Strengthen public understanding of Disinformation and Misinformation through support of strategic research). Finally, several submissions argued for the inclusion of digital literacy as a means to help users identify and manage disinformation. NMRC described a "2-step" approach: "consumers need media literacy to critically assess content which assists them to also recognise material which is reportable." Media literacy is amongst the measures provided for in Section 5.20 of the Code.

Self-regulatory nature of Code

The submissions of Reset and CRT criticised the self-regulatory approach of the Code. Reset describes its response to the draft Code as a "rallying call to the ACMA to consider more innovative progressive and world leading approaches that incorporate transparent monitoring, enforceable measures and proper public oversight." Similarly, CRT is of the view that "Self-regulation and self-reporting are not sufficient to ensure technology companies act on disinformation." These criticisms were unable to be addressed in the updated Code as they do not take account of the Government's policy that the Code should be a self-regulatory response to disinformation.

² S Park et al., *Digital News Report: Australia 2020*, News and Media Research Centre, University of Canberra, 2020 40-44.

The self-regulatory approach to the Code is supported by the need to devise a solution that can encompass the diversity of platforms and the speed with which these issues are evolving, as well as the emerging range of technologies to combat them. As pointed out by UTS and First draft in the Discussion Paper:

Given the challenges of dis- and misinformation, and the potential silencing of freedom of expression and political speech, strategic partnerships and initiatives in conjunction with the digital industry may be the most scalable solutions in such a complex area.

They go on to say, “Our consultations indicate platforms and providers recognise this period as an opportunity to progress their combined efforts in countering disinformation.[5]” We expect that the Code will be updated regularly as these efforts evolve and more research and data is available to guide approaches to these issues.

We also believe these submissions have not properly considered the significant concerns that can be incurred by “hard regulatory” approaches to misinformation. International laws that allow government regulators to direct platforms to remove or demote specific types of misinformation have demonstrated that regulations in this area require special care to ensure these directions are not used in ways that stifle political dissent. Much academic literature has highlighted concerns with laws such as these in jurisdictions like Singapore and Indonesia, and that models like the EU Disinformation Code are a better approach for ensuring accountability of platforms while balancing the risks of intervention by a government regulator.

Opt-in nature of Code

As requested by the Government, DIGI’s approach to the Code has been informed by *“international examples, such as the European Union Code of Practice on Disinformation”*. In common with the EU Code, the Australian Code is based on an opt-in model, which enables platforms to choose those commitments which are relevant to the context of their products and services.

Various criticisms were made in submissions including by Reset, CRT and AMAN, and by ABC and AAP, suggesting that the draft Code provided too much flexibility for Signatories, potentially allowing platforms to avoid some commitments. These criticisms do not take into account the vast differences between the products and services delivered via digital platforms, nor the different scales of their business operations.

As the NMRC submission points out:

Consumers use multiple platforms to access information. However, the experiences differ based on the algorithm, user motivation, influence of other users and the context. Therefore, a broad Code that encompasses different types of services should be considered.

NMRC goes on to explain key differences in the models for operating a digital platform, arguing that for the purposes of the code:

the impact of digital platforms that generate network effects are greater. While the capacity to upload and spread information may be available to most types of digital platforms, some are more pronounced than others.

The Discussion paper produced by UTS and First Draft sheds further light on the different kinds of products and services offered by platforms.

The view of NMRC that the Code should be inclusive is also consistent with the objective of the ACMA to “encourage all digital platforms with a presence in Australia, regardless of their size, to sign up to an industry-wide code to demonstrate their commitment to addressing misinformation.[7]” In drafting the Code, DIGI has aimed to ensure that it can be adopted by a diversity of companies offering digital products and services, of varying sizes, with a significant Australian presence. To achieve that goal, it was important to provide flexibility for platforms to select commitments and a scalable range of measures as well as to tailor those measures to different kinds of harms in different contexts. For example, the commitment on Objective 2 (Disrupt advertising and monetisation incentives for Disinformation) and Objective 5 (Improve public awareness of the source of Political Advertising carried on digital platforms) will not be relevant to ecommerce platforms that do not carry advertising, nor those sustained by a subscription model.

That said, DIGI has adopted AAP’s suggestion for some common commitments that apply to all Signatories. Under the final Code, all Signatories must commit to Objective 1 (safeguards against harms which may arise from Disinformation and Misinformation) and provide an annual report to DIGI on their efforts under the Code that will be published on the DIGI website. DIGI has also required Signatories to explain in their reports and opt-in forms why some commitments will not apply to their products and services. This additional transparency requirement is intended to incentivise platforms to sign on to all applicable commitments under the Code.

Complaints

Some submissions were critical of the lack of a mechanism for complaints under the Code. The Code includes a commitment by Signatories to establish a facility which will hear appeals of complaints of Code breaches that have not been acted upon by Signatories and a policy describing circumstances in which a non-compliant Signatory may be removed (section 7.4). The development of this facility will involve additional consultation with interested stakeholders over the coming months. We will also consider helpful recommendations made in the submissions that:

- a complaint mechanism should include details of the remedies that complainants can achieve.
- the Code should detail the key features expected in such a process such as: broad timelines, domestic contact points and transparency to the regulator. It should also ensure that it is not open to misuse or frivolous complaints.
- Relevant elements of the Digital Millennium Copyright Act (DMCA) could provide useful guidance.
- the complaint handling process is properly resourced, and benchmarks set on response and resolution times.

Research

Some concerns were raised in submissions by academics about the basis upon which platforms would support and encourage “good faith independent efforts” to research disinformation and misinformation. Section 5.4 clarifies that “Good faith research includes research that is conducted in accordance with the ethics policies of an accredited Australian University provided such policies require that data collected by the researcher is used solely for research purposes and is stored securely on a university IT system or any research which is conducted in accordance with the prior written agreement of the digital platform”.

Many submissions noted it was unclear how Objective 6 (Strengthen public understanding of Disinformation and Misinformation through support of strategic research) would be implemented meaningfully and in a non-discriminatory way. Submissions recommended a robust plan in the code to engage the research community, including making necessary (non-personal) data available to enable effective research. There were also recommendations that each Signatory commit to developing data sharing arrangements to empower academic researchers, civil society actors, think tanks, regulators to undertake research on disinformation, while preserving privacy.

DIGI will be giving further consideration in coming months to the ways platforms and researchers can best support this objective, and the role that DIGI might play in publicising relevant research.

Oversight Committee

A general question was posed in many submissions as to who should be responsible for oversight of the Code. There appeared to be some discomfort expressly or implicitly by submissions (that addressed administration) to having DIGI as the administrator. Various recommendations were made that:

- the third-party organisation selected as Administrator of the code be independent, objective and prioritise the public interest.
- the sub-committee established by the Administrator is made up of a diverse range of stakeholders comprised of key impacted representatives and respected experts.
- ACMA play a key role in leading oversight of the Code's implementation and operation.
- there is an independently developed framework to monitor and report on the code's impact.
- a complete and up-to-date list of signatories to be published by DIGI as a part of Code administration.

The Code has been amended to make clear that DIGI will be the Administrator through a sub-committee comprising representatives from Signatories and *independent members* who will meet at six monthly intervals to review the actions of Signatories and monitor how they are meeting their commitments under the Code. This Committee will develop a framework to report and monitor on the Code. We will also publish a list of Signatories on DIGI's website as part of the Code administration.

Ongoing consultation & Annual Event

On the Code's commitment to "convene an annual event" (5.21) some Signatories asked that the term "relevant signatories" be clarified, and that DIGI provide details on how this event would be promoted and publicised to stakeholders. One submission recommended that the event should include a range of relevant stakeholders and include analysis and evaluation of the impact of the Code's provisions on the management of disinformation. Another provided an outline of possible content for the event such as analysis of trends, impact of measures undertaken, participation of platforms, news media businesses, academics, civil society and regulatory actors, review of research on community expectations and recommendations to platforms. DIGI will be giving consideration to these ideas over the next ten months and will publicise the event through its newsletters.

Concluding comments

We are confident that the Code in its current form provides a clear set of principles to guide future action by the industry to tackle these challenging issues. We note that even the most critical submission made by Rest Australia supported the six-objectives included within the draft Code: "The Commitments laid out under these Objectives lay out clear and agreeable goals that, if actioned, will begin to address the disinformation phenomenon."

Many submissions called for an ongoing consultation process in the operation of the Code. DIGI will give further consideration as to how it can build upon its engagement with participants in the consultation process in future reviews of the Code.