



To: References Committee Chair, Senator Andrew Bragg
Senate Standing Committees on Economics
By email: economics.sen@aph.gov.au

March 13, 2023

Dear Senator Bragg,

The Digital Industry Group Inc. (DIGI) thanks you for the extended opportunity to provide our views on the Senate Economics References Committee Inquiry into international digital platforms operated by Big Tech companies (the Inquiry), as advanced in the Issues Paper.

By way of background, DIGI is a non-profit industry association that advocates for the interests of the digital industry in Australia. DIGI's members are Apple, eBay, Google, Linktree, Meta, TikTok, Twitter, Snap, Spotify and Yahoo. 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.

We understand that the Inquiry is focused on five companies, three of which are DIGI's members, however, we consider that the terms of reference, Issues Paper and its consultation questions concern issues that are relevant to the digital industry more broadly. These include areas where DIGI has engaged extensively in our advocacy for effective regulatory proposals, as well as through our development of self-regulatory and co-regulatory industry codes for the wider digital industry in order to improve protections for Australians.

In this submission, we provide the Committee with a range of resources produced by DIGI in order to assist further exploration on identified issues of interest. As an industry body, we focus our engagement with Government policy proposals on issues where there are shared public policy interests across our membership as a whole. For example, DIGI's members include companies of varying sizes and market status, which is why we do not engage with policy questions relating to competition issues.

Disinformation

- DIGI developed and oversees [The Australian Code of Practice on Disinformation and Misinformation](#) (ACPDM) which has been adopted by eight major digital service providers that have adopted commitments to safeguard Australians from harmful mis- and disinformation. The code was developed in response to former Government policy whereby the digital industry was asked to develop a voluntary code of practice on disinformation.
- [DIGI has publicly indicated its support of the January 2023](#) announcement by the Government to grant the ACMA with formal oversight of the ACPDM and mis- and disinformation more broadly, and understands that there will be a public consultation on these powers in 2023.
- As the Issues Paper notes, DIGI launched a review of the ACPDM which was concluded in December 2022 and we publicly released [a report that indicated how we strengthened the code in response to stakeholder input](#).

Data privacy

- DIGI has been engaging with the open review of The Privacy Act and will be completing a submission in response to *The Privacy Act Report 2022*, released on February 16, 2023. DIGI believes that reform of the Privacy Act is needed and the current open consultation is a key moment to level-up Australians' privacy protections economy wide, by increasing organisational accountability and consumer rights, including

giving people the right to erase their data, and better protections for minors online. We provide a link to [DIGI's January 2022 submission in response to The Privacy Act Discussion Paper](#), and would be happy to make our forthcoming submission available to the Committee, with the permission of the Attorney-General's Department.

- As the Issues Paper poses a question in relation to penalties, we point to [DIGI's December 2022 submission to the Senate Legal and Constitutional Affairs Committee](#) on *The Privacy Legislation Amendment (Enforcement and Other Measures) Bill 2022*, where we indicated our support for the Bill's strengthened penalties for serious breaches, which has now passed parliament.

Children's safety

- DIGI has co-led, with Communications Alliance and a steering group of other industry associations, the development of the draft [Consolidated Industry Codes of Practice for the Online Industry, Phase 1 \(class 1A and class 1B material\)](#) to help protect Australians from harmful content on the internet, under the Online Safety Act 2021. These codes propose to regulate certain types of harmful online material, known as Class 1A and 1B material with reference to Australia's classification scheme, including material promoting child sexual abuse, terrorism, extreme crime and violence, crime and violence, and drug-related content.
- On March 9, 2023, [we launched a second round of public consultation](#) on updated drafts of the codes, as part of [wider efforts](#) to ensure that the final versions re-submitted to eSafety Commissioner meet community standards.
- We recognise that there are wider children's safety issues that go beyond the scope of these codes, which has been set by The Online Safety Act. [DIGI's December 2021 submission to the Select Committee on Social Media and Online Safety Inquiry](#) may provide the committee with other information relevant members' work and views in relation to other children's safety matters.

Algorithm transparency

- DIGI agrees with the need for risk-based frameworks to prevent and address issues related to the use of Artificial Intelligence (AI) and Automated Decision Making (ADM), such as preventing discrimination. Our recommended approach to this issue is detailed in [DIGI's April 2022 submission to the Department of the Prime Minister and Cabinet](#) on its *Australia as a Leader in Digital Economy Regulation: Automated Decision Making and AI Regulation Issues Paper*. DIGI also notes that proposals relating to algorithmic transparency are contemplated in the *The Privacy Act Report 2022*, which indicated that these proposals should be contemplated in the context of the aforementioned departmental workstream on AI and ADM.
- We also offer information that may be of interest in relation to the algorithms and online harms in [DIGI's December 2021 submission to the Select Committee on Social Media and Online Safety Inquiry](#).

We hope DIGI's resources, along with the Government materials associated with each of these reform processes, provide the Committee with useful information as you further explore these complex issues relating to digital policy. Should you find it useful, my team and I would be happy to meet with you to discuss any of these areas further.

Best regards,

A handwritten signature in black ink, appearing to read 'Sunita Bose'.

Sunita Bose
Managing Director, DIGI
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