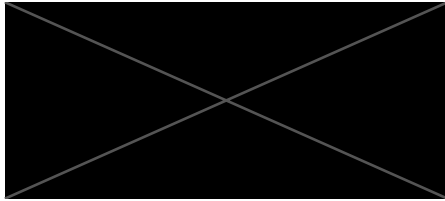


03 November 2025



2025 Review of the Australian Code of Practice on Disinformation and Misinformation

I am writing on behalf of the Australian Human Rights Commission (**Commission**) in response to the 2025 Review of the Australian Code of Practice on Disinformation and Misinformation (**Code**).

The Commission welcomes this opportunity to contribute to the review and commends Digital Industry Group Inc. (**DIGI**) for its continued leadership in promoting transparency, accountability and human rights in the digital environment. The Commission supports the continuation of the Code and considers it a foundational part of Australia's broader response to misinformation and disinformation.

The Commission's work on misinformation and disinformation

The Commission has consistently advocated for a rights-respecting approach to digital regulation of misinformation and disinformation. Over the past three years, we have made several contributions to national and international policy discussions on the topic, including submissions to the:

- [2023](#) and [2024](#) versions of the *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill*.
- [UN Human Rights Council Advisory Committee](#)
- [Senate Select Committee on Information Integrity on Climate Change and Energy](#)

I have also penned two opinion pieces in The Australian in [2023](#) and [2025](#) and another in [The Conversation](#).

These contributions reflect the Commission's longstanding position that responses to misinformation and disinformation must be multifaceted, proportionate and grounded in human rights principles.





Protecting freedom of expression

Freedom of expression is a cornerstone of democratic society and a fundamental human right protected under international law. Regulation of misinformation and disinformation must be approached with caution. The UN Special Rapporteur on Freedom of Expression has previously warned that such laws may ‘... lead to the suppression of legitimate online expressions with limited or no due process...’¹

The Commission has consistently emphasised that any response to misinformation and disinformation must:

- avoid making platforms or governments the sole arbiters of truth
- include safeguards to prevent the misuse of content moderation powers
- ensure that legitimate differences of opinion are not censored under the guise of combating falsehoods.

Retaining misinformation within scope

The Discussion Paper questions whether the Code should narrow its scope to focus solely on disinformation. The Commission strongly recommends that the Code continue to address both misinformation and disinformation.

While misinformation is a complex and politically sensitive issue, this should not be a reason for the Code to retreat from addressing it. Rather, these challenges underscore the importance of a careful, consistent and rights-respecting approach being taken. Misinformation can cause serious harm, and the Code provides a flexible framework for platforms to respond in a way that is transparent, proportionate and consistent with human rights. Backing away from this issue would leave a significant gap in Australia’s digital landscape.

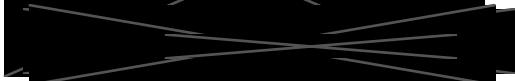
Importantly, the assumption that disinformation is easier to regulate than misinformation is not necessarily borne out in practice. Disinformation requires proof of intent, which is inherently difficult to establish online. Determining whether a person or entity deliberately sought to deceive others often involves complex assessments of motive and context – factors that are rarely obvious in digital environments. In contrast, misinformation can be identified based on the content itself and its potential to cause harm, without needing to infer intent.

Both misinformation and disinformation pose risks to democratic discourse and human rights. The Commission urges DIGI to retain both within the scope of the Code and to continue promoting a multifaceted, rights-respecting approach to regulation.



Transparency and public accountability

Transparency is essential to ensuring that responses to misinformation and [redacted] are effective. The Code's requirement for annual transparency reporting [redacted] should be strengthened. The Commission supports consistency and accessibility of transparency reports.



[redacted] on measures taken to protect freedom of rights

- providing accessible trended data relevant to the Australian market
- ensuring consistency in reported metrics year-on-year
- including specific reporting on AI-generated misinformation and disinformation.

Improved transparency will support public trust and help ensure that content moderation practices do not unduly restrict legitimate expression. It also provides a safeguard against misuse, and a mechanism for civil society and government to assess the effectiveness of platform responses.

A multifaceted ecosystem

The Commission agrees with the Discussion Paper's recognition that the Code is only one part of a broader ecosystem needed to address misinformation and disinformation. No single actor (whether government, industry or civil society) should be the sole arbiter of truth. An effective response requires complementary action across multiple sectors, including:

- government support for digital media literacy and civics education
- regulation of high-risk technologies (e.g. deepfakes)
- strengthened safeguards in traditional media and advertising
- partnerships with fact-checkers, researchers and community organisations.

The Code's outcomes-based structure and opt-in commitments already reflect elements of this ecosystem approach. The Commission encourages DIGI to continue fostering collaboration across sectors and to explore ways to expand the Code's reach and impact.

The Commission would welcome the opportunity to engage further with DIGI on these matters and to support the development of a framework that is both effective and rights-respecting.



Thank you for your consideration of this letter.

Yours sincerely



Endnotes

¹ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Disinformation and freedom of opinion and expression* (UN Doc No. A/HRC/47/25, 13 April 2021) 12 [57].