



CENTRE FOR MEDIA TRANSITION

Review of the Australian Code of Practice on Disinformation and Misinformation

November 2025

Submission from UTS Centre for Media Transition to DIGI

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About the Centre for Media Transition

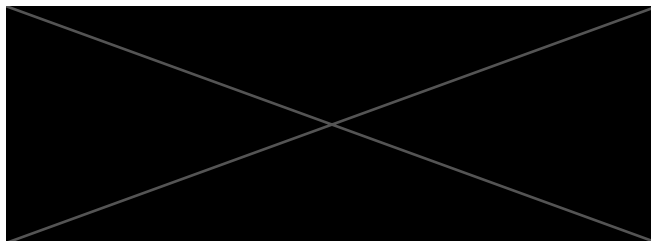
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Working with industry, academia, government and others, the CMT aims to understand media transition and digital disruption, with a view to recommending legal reform and other measures that promote the public interest. In addition, the CMT aims to assist news media to adapt for a digital environment, including by identifying potentially sustainable business models, develop suitable ethical and regulatory frameworks for a fast-changing digital ecosystem, foster quality journalism, and develop a diverse media environment that embraces local/regional, international and transnational issues and debate.

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Introduction

Thank you for the opportunity to contribute to the review of the Australian Code of Practice on Disinformation and Misinformation (ACPDM). Below we address all issues raised by the discussion paper, including (D) on removing misinformation from the code scope, and additional issues E1 – E4.

Should the scope of the ACPDM be re-considered?

It is our strong view that the ACPDM should continue to include misinformation within its scope. The following factors favour a broad scope that includes misinformation.

Maximising transparency and accountability

Platform content moderation and other policies, practices and design factors that affect the publication and dissemination of third-party content should be transparent and accountable.

The Santa Clara Principles on Transparency and Accountability in Content Moderation, endorsed by several signatories to the ACPDM, emphasise the need for content moderation policies and practices to be transparent and accountable to users. The existing commitment of major ACPDM signatories to the Santa Clara Principles means that they are already committed to being transparent about the full range of their content moderation activities.

Content moderation impinges on freedom of expression, whether or not it is required by law or state coercion.

The voluntary nature of the ACPDM also favours a broad scope, given that consequences for non-compliance are largely symbolic. Relatedly, the focus of the ACPDM on platform systems and the role platforms play in the broader information ecosystem also favours a broad scope for the code.

Where platforms implement measures relating to misinformation, these should be transparent and accountable. Given the difficulty of distinguishing misinformation and disinformation in practice, it is inevitable that measures addressing disinformation will also capture misinformation. Hence, platform actions will continue to encompass misinformation even if it is removed from scope.

Additionally, as the code establishes minimum requirements for platforms, and as platforms' terms of service provide them with broad scope to take action against content they themselves proscribe, some signatories may explicitly continue to take steps to combat misinformation even if it is removed from the code. The ACPDM provides formal transparency requirements and accountability via the complaints function and other administrative structures and processes. Removing misinformation from scope would reduce the transparency and accountability of platform measures relating to misinformation.

By way of comparison, the most-comprehensive legal framework globally is the European framework encompassing the Digital Services Act and the EU Disinformation Code. Reflecting the systems focus and transparency and accountability objectives of the EU framework, the latter includes misinformation within its scope.

Intent and risk of harm

As observed by the UN Special Rapporteur on Freedom of Expression and Opinion, Irene Khan, it is impossible to draw “clear lines between fact and falsehood and between the absence and presence of intent to cause harm.” Furthermore, “false content that is spread online with the intent to cause harm (disinformation) can be picked up and shared by innocent third parties with no such intent (misinformation), the innocent vector boosting

dissemination and adding credibility to the malicious campaigner. *Intentionally or not, the harm occurs*” (Kahn, 2021, para.9, our emphasis).

The discussion paper refers to recent research suggesting that evidence for the prevalence and harm of misinformation has been overstated; however, there is a great deal of other research that documents significant harm. Harms from misinformation include serious impacts on human rights, such as the rights to life and security of the person, the right to free and fair elections and the right to participate in public affairs, vote and be elected, the right to health, the right to freedom from unlawful attacks upon reputation, and the right to be protected against discrimination (Davis & Molitorisz, 2024, p. 259). They also include broader societal harms to democratic institutions. The fact that misinformation can cause harm even where there is no intent places an ethical obligation on platforms to implement measures to mitigate the risk of harm, as well as formal obligations under the UN Guiding Principles on Business and Human Rights.

The difficulty of distinguishing misinformation and disinformation is most consequential when there are legal or regulatory obligations to distinguish them. Broad-based, systems-focused regulation, including the ACPDM, renders this less pressing. It is also worth observing that removing misinformation from the ACPDM, thereby reducing its scope, could provide a more pressing case for regulatory intervention.

This is not to equate the harms – or the remedies required – for disinformation and misinformation. Clear evidence of manipulative or coordinated behaviour may justify stronger action, such as content removal or account closure, than otherwise. The principle of proportionality in the code (1.7, 6.1) accommodates these differences within a broad scope that includes misinformation.

Community views on misinformation

Notwithstanding DIGI’s commissioned research that suggests a lack of clarity in the public understanding of misinformation, other research shows clear evidence of concern about misinformation amongst Australians, and a strong desire for platforms to do more, rather than less, to address it. The *Digital News Report Australia 2025* found that 74% of Australians are concerned about misinformation, with several digital platforms, including code signatories, seen as key propagators of misinformation (Park et al., 2025, p.17).

Recommendations

1. Misinformation should be retained within the scope of the ACPDM.
2. Platforms should continue to move towards a consistent industry approach to addressing misinformation, including by developing graduated measures that respond to risk of harm and are informed by consideration of human rights, including freedom of expression.

Issue 1: The transparency reporting process as a means of informing the public and a framework for the review of activities by signatories under the Code

The experience from the EU Code of Practice on Disinformation (an official code of conduct under the Digital Services Act as of 1 July 2025) demonstrates uneven progress of self-regulatory transparency. Evaluations by the European Digital Media Observatory (EDMO, 2025), European Fact-Checking Standards Network (2025), BENEDMO (2024), and TrustLab (2023) reveal inconsistent and partial reporting by Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSs), most notably fragmented data focusing on activities rather than measurable evidence of impact and uneven cooperation with independent fact-checkers.

To ensure that reporting reflects not only compliance but the real-world impact of accountability tools to evaluate progress in reducing dis- and misinformation, this process requires refining and adopting consistent metrics, independent verification, and collaborative monitoring. Responding to the difficulties in transparency reporting by abandoning attempts to promote standardisation may be in the best interests of service providers but it does not serve the public interest objectives of a code that functions as an alternative to government regulation.

To strengthen reporting, DIGI could adopt a standardised set of key performance indicators similar to those proposed in the EU's emerging Structural Indicators framework (Robert Schuman Centre, 2023, pp. 14-18) against which to gauge achievements:

1. Prevalence of disinformation (tracking the extent of disinformation and harmful misinformation on each platform as well as reach and engagement)
2. Sources of disinformation (identifying the origins and superspreaders of disinformation receiving the biggest reach/visibility)
3. Audiences of disinformation (measuring the reach and demographics of disinformation in an aggregated and anonymised way)
4. Demonetisation of disinformation (evaluating strategies used and revenues gained by purveyors of disinformation)
5. Collaboration and investments in fact-checking (assessing platforms' investments in fact-checking and partnerships with fact-checking organisations)
6. Investments in the overall implementation of the Code (measuring total financial and human resources invested to meet the commitments and objectives set under the Code).
7. Additionally, both European reviews and ACMA's fourth report (2025) highlight the need for more granular, nation-specific data and trended results over time.

Recommendations

1. Expand and contextualise data reporting
2. Strengthen fact-checking transparency
3. Improve research access and collaboration.

Below we expand on these recommendations.

Expand and contextualise data reporting

- Require year-on-year data to show trends over time, more granular breakdowns of systems and measures that detect and remove mis- and disinformation content, and contextual commentary to make transparent the reason of actions taken (ACMA, p. 19-20, 24).
- Include a standardised appendix with metrics on structural indicators to enable cross-platform comparability (BENEDMO, p. 4).
- Provide numeric information on the prevalence, sources, audience or demonetisation of disinformation on platforms in proportion to other information that is not disinformation (BENEDMO, p. 4)
- Include AI transparency metrics, such as uptake of AI detection tools and the behavioural impact of AI policy interventions on users (ACMA, p. 13).
- Increase transparency about the size of signatories' active Australian user bases (ACMA, p. 28).

Strengthen fact-checking transparency

- Encourage use of transparent labels such as “unverified” (European Fact-Checking Standards Network, pp. 9–10) and pointers to fact-check articles rather than removals of content to preserve visibility while informing users (TrustLab, p. 58).
- Ensure users receive clear explanations about moderation or labelling decisions, including reasons and context for removals or warnings (European Fact-Checking Standards Network, p. 8).
- Mandate access for fact-checking partners to relevant repositories and tools (European Fact-Checking Standards Network, p. 8).
- Require formal, structured agreements with independent fact-checking organisations at the national level and the release of anonymised datasets and aggregated fact-checking performance metrics to show organisations’ impact and improve visibility of fact-checked content (EDMO, p. 41).

Improve research access and collaboration

- Increase transparency around how collaborations with researchers are established, how research findings are used, and how they inform platform policy (EDMO, p. 40).
- Provide anonymised, aggregated datasets and publish clear application procedures for API access and dashboard use (EDMO, p. 40).
- Expand API access to allow verification of platform metrics by independent third parties for external insights that complement the platforms’ self-reported measurements (TrustLab, p. 58).
- Include the number of API access requests from researchers, the number of approvals and denials, with contextual explanations (ACMA, p. 15).
- Support collaborations with universities, educators, and civil society organisations as well as integrate media literacy tools, contextual information boxes, and in-platform educational content directly into user experiences (EDMO, p. 40).

Adopting these practices, drawn from the EU and ACMA recommendations, would help establish a collaborative monitoring framework to evaluate progress in addressing dis- and misinformation, combining a standardised KPI set with county-level granular reporting, contextual year-on-year comparisons, transparent explanations of observed trends, and structured, anonymised data access for researchers.

Issue 2: What role (if any) can the Code play in facilitating an ecosystem approach to combatting misinformation and disinformation?

The discussion paper rightly observes that there has been insufficient focus from policymakers on the contributions of other actors to the degradation of the information ecosystem, and that “regulation of digital platforms, whether by this Code or another means, is only one piece of the disinformation puzzle and regulation should focus on improving the online information ecosystem, rather than on misinformation narrowly conceived.”

The role that the code can play in facilitating an ecosystem approach is limited by its membership, and the narrowness of its focus on disinformation and misinformation, rather than the broader online information environment. This is another reason why misinformation should not be removed from the scope of the code. Assuming that the scope is unlikely to be expanded as a result of this review, other means of taking a broader, ecosystem approach might include:

- expanding the membership of the code to include advertising bodies or ad-tech companies (as in the EU)
- expanding data access to researchers
- expanding media-literacy programs and investing or participating in research efforts
- increasing formal collaboration with news media, fact checkers, researchers and other organisations in the development of best practice decision-making frameworks, risk assessments, and other policies and procedures
- expanding independent fact-checking programs.
- expanding access to and distribution of news and high-quality information.

However, the biggest contribution that platforms can make to the health of the information ecosystem is to address problems of system design, including algorithms, and platform policies and processes. The contribution of platform design to the propagation of misinformation and disinformation is well documented (Jones, 2021). This contribution, as well as that of content moderation processes and platform policies, means that platforms are not neutral hosts of third party content. As such, they should be accountable for those contributions.

Above, we addressed the need for broad transparency and accountability over content moderation processes and policies. But, as argued by UN Special Rapporteur Irene Khan, “Reactive content moderation efforts are simply not enough to make a meaningful difference in the absence of a serious review of the business model that underpins much of the drivers of disinformation and misinformation” (Kahn, 2021, para. 65). Further, reactive content moderation is more likely to impinge on freedom of expression. The ACPDM could play an important role in increasing attention on the need to address systems design rather than ex-post moderation of content.

Another area of platform responsibility relating to the broader information environment is in providing access to and distributing news and other authoritative information. Increasing numbers of Australians access news through social media and other platforms (Park et al., 2025). Platforms in turn have substantial control over news distribution. Of course, platforms’ commercial imperatives mean that they cannot be expected to act as mere servants of the public interest. But this does not mean that they should ignore that interest.

Recommendations

1. Like the EU Code, the ACPDM should require signatories to form formal collaborative partnerships with experts, related industries and other stakeholders to develop best-practice systems.
2. The ACPDM should encourage platforms more strongly to promote access to news and other high-quality information.

Issue 3: The complaints handling process as a means of promoting accountability by signatories for compliance with their mandatory commitments under the Code

The three questions asked as part of this issue are:

- Eligibility: Can the eligibility criteria or complaints be better explained to users of the complaints portal
- Signatory Obligations: How can individual signatory’s obligations under the code be more easily and practically explained, so as to facilitate the making of complaints?
- User-friendly: Can the complaints portal be made easier to use?

These are all important questions and we acknowledge the work by DIGI in considering them. However, as the operation of a complaints facility is a core part of any code scheme, we think that DIGI should invest resources in properly investigating ways of enhancing the scheme, including through engagement of professional user experience design and testing.

In our submission in 2022 to the review of the previous DIGI code, we noted that the code would be improved by requiring a signatory to treat as a formal complaint a second contact from a user who has reported content via the established reporting tool. This was not addressed in the 2022 version of the code: Outcome 1c goes no further than requiring the implementation of procedures to enable users to report behaviours and content that violate policies established under clause 5.10, while Outcome 1d only requires signatories to publish “general information” about reports made under the previous clause. When combined with the very narrow scope of complaints under the DIGI code, we see a significant gap in the code which we again urge DIGI to address.

Beyond specific improvement to the operation of the complaints facility to make it easier for users to access, along with an expanded commitment from signatories in publicising the existence of the scheme and how it can be accessed, this review could be an opportunity to broaden the scope of complaints that can be made to the independent panel and to investigate how complaints about mis- and disinformation might become part of a larger alternative dispute resolution (ADR) scheme, as well as internal (IDR) schemes that meet common industry benchmarks. This is something we addressed in research on digital platform complaint handling published in 2022 (Raiche et al). In that work, we distinguished “transactional” complaints (such as those related to accounts, payments etc) from “social” complaints” (largely related to content, including its removal). We noted in a subsequent publication:

Consideration should also be given to how internal dispute resolution standards could be used to encourage platforms to provide effective means of resolving disputes between users (eg, online dispute resolution) over matters that arise as a result of the use of the platform, apart from the schemes administered by Ad Standards and the Australian Press Council which provide a forum for the resolution of complaints about the content of advertising and news. Social disputes are likely to increase [and] there is a strong public policy argument for encouraging social media providers to fund easily accessible and no-cost dispute mechanisms ... (Lee & Wilding, 2022).

We also positively note the role that is now played by independent complaints-review bodies in the EU under the Digital Services Act, such as the Appeals Centre Europe. Independent review bodies can usefully play a role in helping platforms to protect and promote user rights, including freedom of expression (Davis & Molitorisz, 2024, pp. 276-7).

Recommendations

1. Objective 1 of the ACPDM should include an outcome that requires signatories to implement systems that treat escalated user reports as formal complaints.
2. Clause 7 of the ACPDM should commit signatories to work towards the development of industry standard IDR procedures.
3. In the two-year period leading up to the next review of the ACPMD, DIGI should investigate options for an Australian ADR facility, taking into account developments in other jurisdictions.

Issue 4: Role, membership and remit of the Administration Committee

Before commenting on aspects such as the composition of the committee and whether it should be advisory in nature, we need to be clear about the purpose of this committee.

While its functions are set out in the Discussion Paper, its overall role is not clearly explained. A key design feature is, however, evident from the DIGI website: 'The Administration Sub-Committee brings together the independent representatives with signatories of the code'. This signals a legitimate and useful purpose for this forum as it gives signatories direct contact with the public members and potentially provides an opportunity for the public members to gain additional insight into the operating context of the platforms.

Whether this opportunity for feedback and exchange of information should also be the sole governance mechanism that provides independent input into the operation of the code is a different question. There may be value in maintaining this forum but separating it from the administration committee, which would continue to undertake the full suite of functions mentioned in the Discussion Paper. If that is the case, and DIGI recruits different independent members to constitute the administration committee, the recruitment should be conducted by way of a competitive public process with clear criteria for membership and transparency in the appointment process.

In either case, we strongly recommend against restricting this committee to an advisory role. An accountable self-regulatory scheme that functions as an alternative to government regulation should have adequate public involvement in its decision making. There is nothing preventing a body comprised of signatory representatives and public members from seeking input from academic experts on emerging trends and research – indeed, it should be encouraged to do so – and DIGI has demonstrated an admirable attention to research trends over the last four years. This should not, however, accompany a weakening of the role of public members in the scheme. If anything, the role of public members should be enhanced; for example, by including them in working committees established for code review. These public members should be remunerated for their time (for example, by way of sitting fees) and they should have their expenses covered by financial contributions to DIGI from signatories. Steps such as these would help move the level of consumer/public involvement in the scheme from 'input' to 'participation' (see Lee & Wilding, 2019).

Accordingly, we think reference to best practice for advisory boards, including reliance on the document cited in the Discussion Paper, is misplaced.

Recommendations

1. The Administration Committee should be a decision-making body overseeing the operation of the scheme; it should include remunerated public members as well as representatives from signatories, with public members directly contributing to code review as well as other functions.
2. If DIGI appoints new independent members to its Administration Committee, the recruitment of these members should be conducted by way of a transparent, public process.

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