



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

Select Committee on Foreign Interference through Social Media

Department of Infrastructure, Transport, Regional Development, Communications and the Arts Submission

February 2023

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) welcomes the opportunity to make a submission to the Senate Select Committee on Foreign Interference through Social Media's inquiry into the risk posed to Australia's democracy by foreign interference through social media.

The Communications Portfolio

The Communications Portfolio, including regulators the Australian Communications and Media Authority (ACMA) and the eSafety Commissioner (eSafety), has a range of levers that are used to counter the effects of dis- and misinformation and contribute to a more trusted information environment. These levers include:

- support for high quality public interest journalism, e.g. through funding of ABC and SBS;
- education programs to improve media and digital literacy in the community;
- provision of reliable information including in languages other than English, e.g. SBS provided critical COVID-19 health information in 63 languages;
- the ACMA under the *Broadcasting Services Act 1992* regulating news and journalism content on traditional radio and television broadcasting services; and
- providing the ACMA with new powers to combat online dis- and misinformation.

The Department is responsible for providing advice to the Government on a broad range of issues, and leads the development of policy and regulatory responses to ensure all Australians can connect to media and online services safely. This includes providing advice to the Government on disinformation, misinformation, and holding digital platforms accountable for harmful content on their services. The Department represents the Communications portfolio on the Electoral Integrity Assurance Taskforce and has policy oversight of the Australian Code of Practice on Disinformation and Misinformation (the Code).

The scale, complexity and impact of online harms requires coordinated responses and partnerships. The Department engages extensively with other government agencies, digital platforms, industry bodies such as the Digital Industry Group Inc. (DIGI), non-government organisations and community groups to address these harms.

eSafety and the ACMA contribute to user safety on social media, among other functions. The role of eSafety is described in this submission but the ACMA's role is described in its submission to the Select Committee.

eSafety is Australia's independent regulator for online safety which includes the following functions:

- coordinating activities of Commonwealth Departments, authorities and agencies relating to online safety for Australians;
- supporting and conducting educational, promotional and community awareness programs; and
- administering four regulatory complaints and investigations schemes which facilitate removal of harmful material and provide support to complainants.

eSafety's four regulatory complaints and investigations schemes cover adult cyber abuse, cyberbullying for Australian children, image-based abuse and illegal and restricted online content. Depending on the context and circumstances, these schemes could be of relevance to the types of graphic and threatening online content targeting women that has been evident in some disinformation campaigns. eSafety also provides [information](#) and [social media self-defence](#) training as part of its Women in the Spotlight program, which seeks to elevate and protect women's voices online. Online safety resources are available in a [variety of languages](#).

Digital platform action to combat dis- and misinformation

Major digital platforms in Australia have committed to combat dis- and misinformation as part of the voluntary code. Adobe, Apple, Facebook, Google, Microsoft, Redbubble, TikTok and Twitter have all adopted the Code. The previous Select Committee on Foreign Interference through Social Media considered the Code after its February 2021 launch.

Signatories to the Code released transparency reports in May 2022, reporting on measures taken in 2021. Key measures highlighted in these reports include updated or new policies; action to enforce policies; the use of technology and human teams to identify and act against dis- and misinformation; the promotion of authoritative sources of information; partnering with fact checking organisations; and collaborating with the Australian Electoral Commission in the lead up to the 2022 federal election.

The transparency reports provided relevant data about platform measures and were of a higher quality than initial reporting in May 2021. While there were some improvements, reporting lacked consistency across signatories and it was unclear how signatories and DIGI intended to measure performance over time. Transparency reports from 2021 and 2022 can be accessed on the DIGI website.

DIGI reviewed the operation of the Code in 2022 and released an updated code on 22 December 2022. The key changes to the Code include revised definitions of dis- and misinformation so there is no longer a requirement that the threat of resultant harm is 'imminent', new commitments on providing users with information about algorithmic content prioritisation, and a two-tiered reporting framework to encourage smaller platforms to adopt the Code. The updated code is available on the DIGI website.

The Department encourages other digital platforms to sign up to the Code and to take stronger measures to combat dis- and misinformation.

Regulatory reform to hold digital platforms accountable

On 20 January 2023, the Hon Michelle Rowland MP, Minister for Communications, announced the Government's plan to provide the ACMA with new information gathering, record keeping, and reserve code registration and standard making powers to combat dis- and misinformation on digital platforms. These powers are consistent with the key recommendations in the ACMA's June 2021 *Report to government on the adequacy of digital platforms' disinformation and news quality measures*.

The new powers will complement the voluntary industry framework and provide a safety net should platform efforts be insufficient or ineffective in addressing identified harms. The information gathering and record keeping powers will allow the ACMA to gather Australia-specific information from platforms that will provide insights into the extent of dis- and misinformation online and the effectiveness of platforms' measures to combat it.

The ACMA's assessment of platforms' measures would inform any decision to escalate to the next level of the regulatory framework. If industry self-regulatory measures prove insufficient, the ACMA could use its powers to register an enforceable digital platform industry code or, to make a standard to compel digital platforms to do more to address the threat posed by online dis- and misinformation.

The Government will consult publicly on an exposure draft of the ACMA powers legislation in 2023 to understand community expectations, including views on striking an appropriate balance between the public interest in combatting harmful content online, with freedom of expression.

Major international developments

Governments around the world are grappling with how best to respond to dis- and misinformation and foreign interference through social media. There have been a number of important developments, particularly in the European Union (EU), since the previous Select Committee considered these issues.

The European Commission updated its voluntary Code of Practice on Disinformation in June 2022 (originally launched in 2018). The EU Code now has 34 signatories, an increase from the previous 16 signatories, and includes more specific commitments and measures. Signatories commit to action in several domains, including; demonetising the dissemination of disinformation; ensuring the transparency of political advertising; empowering users; enhancing cooperation with fact-checkers; and providing researchers with better access to data. A key revision in 2022 was introducing misinformation into the EU Code's scope.

The EU Code will exist alongside the *Digital Services Act*, passed by the European Commission in July 2022 and set to come into effect in 2024. This establishes a co-regulatory approach, with varying obligations for platforms depending on their size. Very large online platforms (VLOPs) will be obligated to mitigate risks relating to the spread of illegal content, including disinformation. Following the commencement of the *Digital Services Act*, the EU Code will have different purposes and enforcement remedies, depending on whether an organisation is a VLOP or another category of organisation.

Emerging issue – job cuts impacting user safety

Job cuts across a number of digital platforms is an emerging issue that is likely to impact the ability of these companies to respond to and counter foreign interference. This interference can occur through information operations that can include dis- and misinformation.

Twitter, Meta, Google, TikTok, Snap, Microsoft and Amazon have all announced significant job cuts, with Apple pausing almost all new hiring. This raises questions about the impact of job cuts on Australian based staff, and moderation, safety, policy and government engagement teams globally. Media reporting indicates that these cuts have impacted moderation and safety teams at some platforms, e.g. job cuts at Twitter have affected about 15 percent of its Trust and Safety Group globally and most of its Australian staff working on public policy and safety issues.

Despite recent job cuts, the Government expects digital platforms to fulfil their commitments under the Australian Code of Practice on Disinformation and Misinformation. All of the Code's signatories have committed to take steps to reduce the risk of harms that may arise from dis- and misinformation on their services.