

## **BP 1.11 ACMA role - Sky News complaints**

### **TALKING POINTS**

#### ***Complaints about COVID-related Sky news reports since the beginning of 2020***

- Since the beginning of 2020 until the end of September, the ACMA received 42 complaints about COVID-related Sky News reports and 34 of these were received in the last 3 months.
- Of the 42 complaints, 7 were about the broadcast of *Alan Jones* on 12 July 2021 during which Mr Jones interviewed Craig Kelly, MP.
- It is common for complainants not to identify whether they saw *Sky News* content on *Foxtel* or on *Sky News Regional* broadcast by WIN and more recently Southern Cross Austereo. Complainants may also state they were prompted to complain following a media report about a *Sky News* broadcast or online report.

#### ***Suspension of Sky News YouTube account***

- On 29 July 2021, YouTube temporarily suspended Sky News Australia for 7 days after violating its medical misinformation policies. YouTube's COVID-19 medical misinformation policy does not allow content about COVID-19 that poses a serious risk of egregious harm.
- Google has advised the ACMA that this action was taken in accordance with its community guidelines and its policies align with its obligations under the Australian Code of Practice for Disinformation and Misinformation (the Code).
- The ACMA is currently not aware of the specific videos or commentary posted by Sky News that were found to be in breach of YouTube's policies.
- Individual content moderation decisions are a matter for each platform. The ACMA was tasked with overseeing the development of the Code but has no formal powers to regulate digital platforms.
- It is not the role of the ACMA to comment on the steps taken by a platform with respect to an individual piece of content or speculate how platforms should address individual posts or pieces of content in the future.

- Broadcasters, as distinct from digital platforms, have direct editorial control of the content they distribute. This allows them to have greater oversight of the content delivered on their platforms, and to implement policies, systems, and guidance to prevent the broadcast of problematic content.
- Broadcasters are also subject to an established co-regulatory code of practice which contemplates audience complaints and an opportunity for broadcasters to respond to those complaints and, if appropriate, take steps to prevent any future non-compliance or otherwise address the complaint before the regulator becomes involved.
- While some platforms do create their own content, they largely disseminate content uploaded and generated by their users. The scale of content generated on these platforms means that they need to rely on a mix of algorithms, manual moderation, and user reports to identify problematic content.

## **BACKGROUND**

### ***Sky News broadcasting arrangements***

- Sky News is broadcast via subscription television on Foxtel and is regulated under the Australian Subscription Television and Radio Codes of Practice, 2013 (the **ASTRA Code**).
- Sky News has been broadcasting on WIN for some time and, since 1 August 2021, has been broadcasting as *Sky News Regional* on both WIN (in northern NSW, Griffith and South Australia) and Southern Cross Austereo (in Victoria, Southern NSW and Queensland).
- When Sky news is broadcast on WIN and Southern Cross it is regulated under the *Commercial Television Industry Code of Practice 2015* (the **Free TV Code**).

### *12 July Alan Jones, Craig Kelly interview*

- On 12 July 2021, Sky News included an interview with Alan Jones and Craig Kelly MP, which included assertions that the death rate for the Delta variant of Covid-19 was 'on par with the average flu season' and '10 to 20 times lower' than the original variant. The program also claimed that Covid-19 vaccines did not work, and that those who had been vaccinated were at a greater risk of death than those who were unvaccinated.
- The broadcast attracted a high level of negative media coverage. A Media Watch broadcast on 19 July 2021 was critical of the broadcast, stating it was inaccurate and misleading.
- On 19 July 2021 Sky News broadcast an on-air correction by Mr Jones, which was posted online and removed the original broadcast from its online platforms.

### ***COVID-related complaints received about Sky News***

- Details of the 42 complaints received about COVID-related Sky News reports are at **Attachment A**.
- Of the 42 complaints, the ACMA took the following action:
  - 27 referred to broadcast material (including the 12 July interview) and provided contact details, and we were able to refer these to the broadcasters (both Foxtel and WIN) in the first instance and, to date, none have returned to the ACMA dissatisfied with responses received.
  - 9 complaints either referred to online content or were enquiries and we were able to provide these with information about the ACMA's jurisdiction, while others had insufficient information but lacked contact details so we were unable to pursue.
  - 5 anonymous complaints are pending assessment waiting to see if any complainants come to the ACMA dissatisfied with the broadcaster's response (as per standard practice).
  - 1 complaint was investigated about the *Alan Jones* program broadcast on 5 August 2020. The complainant had seen the broadcast on WIN news and it was investigated under the Commercial Television Industry Code of Practice.

- Since the beginning of 2020 until 30 September 2021, the ACMA's Customer Service Centre has also had a number of people contact them about COVID-related Sky News content. In most instances these people were provided information or referred to the broadcaster in the first instance.
- On 2 August the ACMA provided a statement to several media outlets, in response to questions about YouTube banning Sky News (**Attachment B**).
- On 2 August 2021, the ACMA wrote to Sky News Australia following the most recent complaints to the ACMA and YouTube's recent temporary suspension of Sky News (**Attachment C**).
- On 3 August 2021 the ACMA received a response from Sky News Australia (**Attachment D**).

### ***Suspension of Sky News YouTube account***

- On 4 August 2021, the ACMA wrote to Google seeking further information about the specific content removed, the basis for its removal and the application of the Disinformation and Misinformation code (**Attachment E**).
- On 12 August 2021, Google advised the ACMA that it conducted a manual human review of a number of flagged videos uploaded within Sky News' YouTube channel (**Attachment F**). It found that about 20 videos violated its policies and removed, under its COVID-19 medical misinformation policy and the election misinformation policy (**Attachment G**).

### ***YouTube's COVID-19 medical misinformation policy***

- The ACMA understands that YouTube's COVID-19 medical misinformation policy does not permit content that spreads medical misinformation that contradicts local health authorities or the World Health Organization (WHO), including treatment, prevention, diagnosis, transmission, social distancing and self-isolation guidelines, and the existence of COVID-19. This policy was published in May 2020.
- The policy also outlines its approach to enforcing compliance with the policy. If content violates the policy, YouTube will remove the content and let the user know. On the first occasion, a user is likely to be a warning. Continued violations may result in receiving a strike. A strike has a range of implications including not allowing videos or live streams to be uploaded to the channel for a week. If 3 strikes are received within 90 days, a channel will be terminated.
- On 29 September 2021, YouTube announced that it was expanding its medical misinformation policies with new guidelines on vaccines (**Attachment G**). On 1 October 2021, Google confirmed to the ACMA that it considers the policy falls within its commitments under the Australian code.

## **ATTACHMENTS**

- Attachment A – Complaints received
- Attachment B – ACMA statement 2 August 2021

- Attachment C – ACMA letter to Sky News
- Attachment D – Response letter from Sky News
- Attachment E – ACMA letter to Google
- Attachment F – Response letter from Google
- Attachment G – YouTube’s medical misinformation vaccine and elections misinformation policies

## ATTACHMENT A

### All Complaints received about Covid-related coverage on Sky

Key: Blue (complaints about 12 July broadcast with Alan Jones and Craig Kelly)

**Bold indicates an investigation was conducted**

Program	ACMA response	Nature of complaint	Date received
Outsiders (Foxtel)	Anonymous – insufficient information to proceed with assessment as broadcast date was not identified	Allegation that Cory Bernardi opposed government Covid restrictions, which could lead to people ignoring restrictions and spreading the virus. BM-6390	5/04/20
Peta Credlin (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Peta Credlin and Sky News claimed that a Covid outbreak in Victoria was caused by 'end-of-Ramadan' gatherings and 'poor adaptation of particular migrant groups to the English-speaking Australian culture'. BM-6850	29/6/20
Peta Credlin (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Peta Credlin claimed that a Covid outbreak in Victoria was caused by the South Sudanese community and 'triggered by the end-of-Ramadan'. BM-6859	30/06/20
Alan Jones (not stated WIN or Foxtel)	Anonymous – insufficient information to proceed with assessment as not known whether seen on WIN or Foxtel	Allegation that Alan Jones provided misinformation. Campaigning against expert opinion on the use of masks and lockdown to curtail the current outbreak of Covid. BM-7113	20/7/20
Alan Jones (online)	Provided information about the ACMA not having jurisdiction over the Sky News website	Allegation that Alan Jones made offensive statements that Covid would only affect the elderly and reduce current life expectancy by a few months and that these comments were insensitive and 'ageist'. BM-7185	4/8/20
<b>Alan Jones (WIN)</b>	<b>Anonymous – complaint investigated BI-568</b>	<b>Allegation that Alan Jones inaccurately stated that children do not spread Covid, that masks were useless, that shutdowns don't work, and insinuated that covid is a hoax. BM-7197</b>	<b>6/8/20</b>
Alan Jones (online)	Provided information about the ACMA not having jurisdiction over the Sky News website	The ACMA should take down 'incorrect and offensive information' presented by Alan Jones and Sky News on Sky News website and YouTube. BM-8271	1/2/21
Alan Jones (not stated WIN or Foxtel)	Provided information about the Commercial TV Code - in particular a licensee will not be breach of accuracy provisions if it publishes an appropriate correction within 30 days of the broadcast	Dissatisfaction that Alan Jones was forced to 'retract comments made in relation to the Victorian Premier' but suffered no further consequences. BM-8272	1/2/21

Program	ACMA response	Nature of complaint	Date received
Andrew Bolt (Foxtel)	Referred complainant to broadcaster/s	Allegation that Andrew Bolt 'downplayed' the danger of Covid and the Delta variant of Covid comparing it to Flu. BM-9138	12/07/21
Alan Jones and Andrew Bolt (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Sky News is spreading dangerous misinformation about Covid. BM-9169	14/07/21
Media Watch broadcast about the Alan Jones/Craig Kelly interview broadcast 19/07/21			
Alan Jones (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Alan Jones provided disinformation about Covid and vaccination (also asked why we can't suspend him). BM-9205	20/7/21
Not specified (by reference to Media watch so likely Alan Jones /Craig Kelly)	Referred complainant to broadcaster/s	Allegation that Sky News provides false information regarding Covid and avoids consequences by posting corrections on the website. BM-9208	20/7/21
Alan Jones /Craig Kelly (online)	Anonymous so unable to provide information about the ACMA not having jurisdiction over the Sky News website	Allegation that an Alan Jones interview with Craig Kelly shared misinterpreted data and dangerous health advice regarding the Delta variant of Covid. BM-9210	20/7/21
Alan Jones (not stated WIN or Foxtel)	Anonymous (assessment pending – waiting 60 days for named complainants)	Allegation that information regarding the symptoms and strains of Covid were incorrect and not consistent with health advice. BM-9211	20/7/21
Alan Jones/ Craig Kelly (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Alan Jones and Craig Kelly broadcast misleading information about Covid. Also request 'their license to broadcast should be stripped'. BM-9212	21/7/21
Alan Jones/Craig Kelly (not stated WIN or Foxtel)	No contact details (assessment pending – waiting 60 days for named complainants)	Allegation that Alan Jones and Craig Kelly misconstrued Covid information and deceived the public. BM-9213	21/7/21
Alan Jones (WIN or Foxtel)	Anonymous (assessment pending – waiting 60 days for named complainants)	Allegation that Alan Jones broadcast dangerous misinformation about Delta strain. BM-9214	21/7/21
Alan Jones (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Alan Jones is spreading misinformation. BM-9216	21/7/21
Alan Jones (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Alan Jones is inciting anti-lockdown riots and request to take him off the air. BM-9260	27/7/21
Alan Jones (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Alan Jones presented hate speech towards the PM and Dr Chant, supporting anti-lockdown riots and stating inaccurate information. BM-9261	27/7/21

Program	ACMA response	Nature of complaint	Date received
Alan Jones (WIN)	Referred complainant to broadcaster	Allegation that Alan Jones is 'peddling conspiracy theories that are harmful to the Australian people', Sky News should not be on Free to air TV. BM-9268	28/7/21
Alan Jones (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Alan Jones and other Sky News presenters broadcast false information resulting in vaccine hesitancy. Disappointment that YouTube banned Sky News, but the ACMA has not taken action. BM-9301	2/8/21
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News is presenting misinformation about Covid. Question what the ACMA is doing about it. BM-9304	2/8/21
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News is spreading misinformation and why does the ACMA not act. BM-9305	2/8/21
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News has been making 'false claims about Covid treatments' and that 'Sky News has been promoting conspiracy theories. Request for the ACMA to take action. BM-9306	2/8/21
Alan Jones and Craig Kelly (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Alan Jones interview with Craig Kelly provided incorrect information. BM-9307	2/8/21
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News is known for misinformation regarding Covid, vaccination, lockdowns, and Public Health Order. ACMA should act like YouTube has. BM-9310	3/8/21
Not specified (but referred to online)	Provided information about the ACMA not having jurisdiction over Sky News online	Allegation that Sky News online presents selectively inaccurate information, and the YouTube ban should be for longer. BM-9326	5/8/21
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News has been broadcasting misinformation regarding mask wearing, vaccines and treatments for Covid. Also, concerned the ACMA has not taken action. BM-9346	6/8/21
Multiple Sky News programs	Referred complainant to broadcaster/s	Allegation that Sky News has been broadcasting misinformation. Also, concerned the ACMA has not taken action. BM-9351	9/8/21
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News has been broadcasting misinformation. Also, concerned the ACMA has not taken action. BM-9360	9/8/21
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News has been broadcasting misinformation. BM-9341	9/8/21
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News has been broadcasting misinformation. Also, concerned the ACMA has not taken action. BM-9401	16/8/21
Not specified	No response	Request for the PM to intervene. BM-9421	17/8/21

Program	ACMA response	Nature of complaint	Date received
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News has been broadcasting misinformation and request for information about fines and penalties. BM-9429	18/8/21
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News has been broadcasting misinformation and disappointment that YouTube banned Sky News, but the ACMA has not taken action. BM-9432	18/8/21
Not specified	Provided general information about licencing and the co-regulatory complaints process	Allegation that Sky News has been broadcasting misinformation and a request for information about licensing, monitoring and complaints handling. BM-9436	19/8/21
Paul Murray Live (Foxtel)	Anonymous (assessment pending – waiting 60 days for named complainants)	Allegation that the program broadcast misinformation because a guest on the program (Pauline Hanson) insinuated various state governments were falsifying data. BM-9538	1/9/21
Not specified	Referred complainant to broadcaster/s	Allegation that the program broadcast misinformation regarding vaccines, government recommendations and Covid treatments. BM-9597	10/9/21
Paul Murray Live (not stated WIN or Foxtel)	Anonymous (assessment pending – waiting 60 days for named complainants)	Allegation that a guest (Mark Latham) incited and encouraged 'illegal protests' by stating that if he lived in Victoria, he would have joined the protests. BM-9674	22/9/21
Not specified	Referred complainant to broadcaster/s	Allegation that Sky News did not condemn the minority in the Melbourne protests and spread 'far-right wing propaganda'. BM-9683	23/9/21
Paul Murray Live (not stated WIN or Foxtel)	Referred complainant to broadcaster/s	Allegation that Sky News provided misinformation about Covid by 'mis-using statistics' and encourage protests. BM-9695	24/9/21

**ACMA statement 2 August**

Australia's legislated co-regulatory scheme for commercial broadcasting requires licensees to have mechanisms in place to comply with industry codes of practice covering matters such as accuracy and impartiality in news and current affairs.

The scheme also anticipates that broadcasters have the initial opportunity to respond to audience complaints and take action when they identify they have breached their code of practice.

The co-regulatory scheme is designed to put responsibilities directly on media to balance protection from harmful content with Australians' implied right to freedom of speech in news and current affairs.

Since the beginning of 2020, the ACMA has received 23 complaints about Sky's coverage of the Covid pandemic. Most recently, the ACMA received seven complaints relating to a broadcast on 12 July 2021 of a segment on the *Alan Jones* program featuring Mr Jones and Craig Kelly MP.

The complainants were referred to Sky in the first instance and the ACMA will consider the matter and take the broadcaster's actions to correct and remove the segment into account if any of the complainants refer the matter back to the ACMA.

Consistent with the co-regulatory scheme, the ACMA is monitoring Sky's response to ongoing community concerns about its coverage, as well as whether the current code provisions and the way they are managed by broadcasters are adequate.

Digital platforms such as YouTube are not currently subject to the same co-regulatory arrangements as Australia's traditional broadcast media. In this case YouTube has made its decision to suspend Sky News according to its own policies for its platform. The ACMA is not aware of the content on which YouTube based its decision.

Letter to Sky News



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Deputy Chair and CEO

Mr Paul Whittaker  
Chief Executive Officer  
Sky News Australia

Dear Mr Whittaker,

**Complaints about COVID-19 information on Sky News Australia**

The ACMA has received a number of complaints regarding the *Alan Jones* program, broadcast by Sky News Australia. We are also aware of related community disquiet about these broadcasts as expressed in media reporting and online commentary.

Concerns relate to comments made by the programs' presenter and interviewees about COVID-19 and the various public health measures implemented by Australian governments in response. Complaints allege that the broadcasts contain inaccurate information that undermine the effectiveness of public health measures at a critical time for Australia's recovery from the pandemic.

At present, we are directing such complaints to the relevant licensee for action under the co-regulatory framework.

The ACMA acknowledges the importance of expression of opinion and the value of debate on matters of public significance. In giving effect to this, licencees have an obligation to comply with the relevant industry-developed codes, in this case, the Subscription Broadcast Television Codes of Practice 2013 and the Commercial Television Industry Code of Practice 2015 (revised in 2018).

Each of these Codes deal with correcting factual errors after a broadcast. I note that Sky News has taken such action recently in regard to the *Alan Jones* program.

Timely correction of errors is important. However, they do not stand instead of effective editorial control over programming before it goes to air where reasonable steps could have been taken to identify an error prior to broadcast.

Arguably, this is even more important at a time where accurate public health messaging is vital and where latter corrective action can create more confusion about the facts for audiences.

The ACMA is monitoring how broadcasters are using the option to correct under the Code given these concerns. Our findings will inform consideration of whether the current code provisions, and the way they are used by broadcasters, are adequate as part of the broader co-regulatory framework.

In the meantime, I am seeking reassurance from you about measures Sky is taking to prevent recurrence of recent issues prior to broadcast. I would welcome a discussion on the matters raised and can be contacted on [REDACTED]

Yours sincerely

Creina Chapman

2 August 2021

Response letter from Sky News



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Australian News Channel Pty Ltd

Creina Chapman  
Deputy Chair and CEO  
Australian Communications and Media Authority

By email: [REDACTED]

3 August 2021

Dear Ms Chapman,

Complaints about COVID-19 information on Sky News Australia

Thank you for your letter of 2 August.

We understand that you have received complaints concerning a segment on the *Alan Jones* program broadcast on 12 July 2021, which was the subject of a correction broadcast and published on the Sky News website corrections page on 19 July 2021. Please let us know if this is not correct. We note your advice that the complaints have been referred by the ACMA to licensees for response in accordance with the provisions of the Subscription Broadcast Television Codes of Practice 2013 and the Commercial Television Industry Code of Practice 2015 (revised in 2018) (the Codes of Practice).

ANC is committed to delivery of quality public interest journalism. *Sky News Live* and *Sky News Extra* publish 17,520 hours of news and current affairs coverage each year, much of which is carried live.

ANC is also aware of and takes steps to ensure compliance with its obligations in the Codes of Practice. In this regard it is important to note that ANC has not been found to be in breach of the Codes of Practice for a period in excess of ten years. This record is particularly significant given the amount and breadth of ANC's news and current affairs coverage and taking into account the particular challenges presented by the range of formats produced, including live interviews, panel discussions and investigative documentaries.

In these circumstances there is no evidence that ANC breaches existing regulations or that the current regulatory framework is failing, or that further regulatory intervention is required at this time.

We note your observations concerning 'accurate public health messaging' and draw the following matters to your attention.

From March 2020, ANC has endeavoured to cover every news conference of the Prime Minister, State Premiers and Territory Chief Ministers related to COVID-19. Where possible these news conferences are carried live. Where live carriage is not possible (for instance when one news

conference clashed with another live news conference) ANC will publish the relevant news conference at a later point in time.

In addition, ANC has covered live news conferences on COVID 19 of state and federal government ministers – distinct from the Prime Minister, premiers and chief ministers' news conferences. It is not possible to give an exact number of hours of such coverage, although a conservative estimate would be at least two hours a day since the first lock down began in March 2020 and at least one hour per day Saturdays and Sundays. It should be noted on some days, ANC has covered up to 5 hours of news conferences live.

We would also draw to your attention that the *Sky News Extra* channel was dedicated to priority coverage of the pandemic under the banner *Sky News COVID-19* for the period from Monday the 23rd of March 2020 to Tuesday the 1st of June 2021. *Sky News Extra* continues the function of carrying live news conferences and replays of significant news conferences.

The following is a list of guests with relevant expertise who appear regularly on Sky News Australia to provide context, commentary and analysis. It is not an exhaustive list.

1. AMA President Dr Omar Korshid
2. AMA Vice President Dr Chris Moy
3. AMA WA President Dr Andrew Miller
4. Professor Catherine Bennett
5. Professor Sanjaya Senanayake
6. Professor Peter Collignon
7. Professor Marylouise McLaws
8. Health Minister Greg Hunt
9. Chief Nursing Officer Alison McMillan
10. Chief Medical Officer Paul Kelly
11. Deputy Chief Medical Officer Michael Kidd
12. Former Deputy CMO and Canberra Hospital Head Nick Coatsworth
13. Grattan Institute's Stephen Duckett
14. Health Department Secretary Brendan Murphy
15. Infectious Diseases Physician Professor Paul Griffin
16. Infectious Disease Physician Dr Clay Golledge
17. Infectious diseases specialist Professor and Association of Australian Medical Institute Professor Jonathan Carapetis
18. COVID Vaccination Taskforce Head Lieutenant General John Frewen

Management of the pandemic response by governments, health departments and regulators including for example the World Health Organisation, has changed with some frequency in response to data emerging both in Australia and internationally, and in response to the prevalence of any one COVID-19 outbreak. It is evident from extensive coverage of the pandemic in all media that not all governments and not all expert commentators agree on strategic policy direction, implementation, and delivery of desired policy outcomes, and weighing competing policy interests, by governments

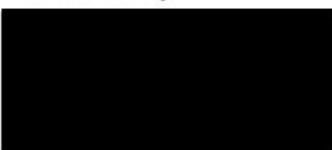
and regulators. Such matters, including such differences of approach, are unquestionably subjects of public interest.

There has been criticism and robust debate on these matters of public interest published widely, including on Sky News Australia.

We agree that timely correction of factual errors is important and note the obligation to do so under both Codes of Practice. Any suggestion that corrections create more confusion for audiences, or that they are published for a collateral purpose is expressly rejected.

We trust that we have assured you that your concerns have been and will continue to be addressed, and we are happy to discuss these matters with you at your convenience.

Yours sincerely,



Paul Whittaker  
**Chief Executive Officer – Sky News Australia**  
**Australian News Channel Pty Ltd**

Letter to Google



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Deputy Chair and CEO

4 August 2021

Ms Lucinda Longcroft  
Director, Government Affairs and Public Policy  
Google Australia  
48 Pirrama Road  
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Dear Ms Longcroft

**YouTube's recent decision to suspend Sky News content**

I am writing to seek additional information about Google's decision to temporarily suspend Sky News from uploading content to YouTube.

The Australian Communications and Media Authority (ACMA) has received a number of complaints about recent broadcasts, all of which have been referred to Sky for initial response in accordance with the co-regulatory complaints scheme established under the *Broadcasting Services Act 1992* (the BSA).

In addition, as you would be aware, we have received a number of related media enquiries and are likely, shortly, to be called to give evidence to the Senate Environment and Communications current Media Diversity inquiry.

Given this and our related role in overseeing the development of the Australian Code of Practice on Disinformation and Misinformation, the ACMA would like to understand:

- What particular content breached YouTube's policies and what prompted the removal of the content (i.e. user reports, Youtube monitoring activities or automated detection)?
- To your knowledge, was any of the same content also delivered via a terrestrial broadcasting platform (either on Sky or one of its affiliated commercial television partners)?
- Was the decision to suspend the content taken under Google's understanding of its obligations under the Australian Code of Practice on Disinformation and Misinformation?
- Has Google updated its COVID-19 misinformation policy since its report to DIGI in May 2021?

It would be appreciated if you could provide responses to my questions August 2021. Please don't hesitate to contact me or Cathy Rainsford, General Manager of the Content and Consumer Division on 

Yours sincerely,



Creina Chapman



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Thursday 12 August 2021

Creina Chapman  
Deputy Chair and CEO  
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BY EMAIL: [REDACTED]

Dear Ms Chapman,

Thank you for your letter dated 4 August requesting information relating to the decision to impose a seven day suspension on Sky News from uploading any new content onto YouTube.

In response to your questions:

1. What particular content breached YouTube's policies and what prompted the removal of the content (i.e. user reports, YouTube monitoring activities or automated detection)?

*A piece of content can be flagged for review either by our community of users or by our machine learning technology. Our review teams then perform a manual review of the content in question to decide whether this is violative or not. In this instance, a Sky News video was elevated for human review, which then prompted a manual human review of a number of flagged videos uploaded within Sky News' YouTube channel. In reviewing this set of flagged videos, it was confirmed that about 20 videos were violative of our policies and removed, under the [COVID-19 medical misinformation policy](#) and the [election misinformation policy](#).*

2. To your knowledge, was any of the same content also delivered via a terrestrial broadcasting platform (either on Sky or one of its affiliated commercial television partners)?

***We would not be able to speak to any alternative delivery channels used by YouTube partners, however we understand that Sky News' most common practice is to upload videos onto YouTube that had been broadcast on their owned and operated broadcasting channels.***

3. Was the decision to suspend the content taken under Google's understanding of its obligations under the Australian Code of Practice on Digi?

***The decision to issue a strike against the Sky News YouTube channel was taken in accordance with YouTube's [Community Guidelines](#), specifically the [COVID-19 medical misinformation policy](#). These policies align with Google's obligations under the Australian Code of Practice on Misinformation and Disinformation. We apply these policies consistently, transparently and equally across all content creators on YouTube.***

4. Has Google updated its COVID-19 misinformation policy since its report to DIGI in May 2021?

***The only update since May 2021 was an expansion to our exceptions for Education, Documentary, Scientific or Artistic content as follows: "We may also make exceptions for content showing an open public forum, like a protest or public hearing, provided the content does not aim to promote misinformation that violates our policies."***

Please don't hesitate to contact us if we can provide any further information to assist.

Yours sincerely,



**Lucinda Longcroft**  
Director  
Government Affairs and Public Policy  
Google Australia

## COVID-19 medical misinformation policy

The safety of our creators, viewers, and partners is our highest priority. We look to each of you to help us protect this unique and vibrant community. It's important you understand our Community Guidelines, and the role they play in our shared responsibility to keep YouTube safe. **Take the time to carefully read the policy below.** You can also check out [this page](#) for a full list of our guidelines.

YouTube doesn't allow content about COVID-19 that poses a serious risk of egregious harm.

YouTube doesn't allow content that spreads medical misinformation that contradicts local health authorities' or the World Health Organization's (WHO) medical information about COVID-19. This is limited to content that contradicts WHO or local health authorities' guidance on:

- Treatment
- Prevention
- Diagnosis
- Transmission
- Social distancing and self-isolation guidelines
- The existence of COVID-19

**Note:** YouTube's policies on COVID-19 are subject to change in response to changes to global or local health authorities' guidance on the virus. This policy was published on May 20, 2020.

### What this policy means for you

If you're posting content

Don't post content on YouTube if it includes any of the following:

#### Treatment misinformation:

- Content that encourages the use of home remedies, prayer, or rituals in place of medical treatment such as consulting a doctor or going to the hospital
- Content that claims that there's a guaranteed cure for COVID-19
- Content that recommends use of Ivermectin or Hydroxychloroquine for the treatment of COVID-19
- Claims that Hydroxychloroquine is an effective treatment for COVID-19
- Categorical claims that Ivermectin is an effective treatment for COVID-19
- Other content that discourages people from consulting a medical professional or seeking medical advice

**Prevention misinformation:** Content that promotes prevention methods that contradict local health authorities or WHO.

- Claims that there is a guaranteed prevention method for COVID-19
- Claims that any medication or vaccination is a guaranteed prevention method for COVID-19
- Content that recommends use of Ivermectin or Hydroxychloroquine for the prevention of COVID-19

- Claims that wearing a mask is dangerous or causes negative physical health effects
- Claims that masks do not play a role in preventing the contraction or transmission of COVID-19
- Claims about COVID-19 vaccinations that contradict expert consensus from local health authorities or WHO
  - Claims that an approved COVID-19 vaccine will cause death, infertility, miscarriage, autism, or contraction of other infectious diseases
  - Claims that an approved COVID-19 vaccine will contain substances that are not on the vaccine ingredient list, such as biological matter from fetuses (e.g. fetal tissue, fetal cell lines) or animal products
  - Claims that an approved COVID-19 vaccine will contain substances or devices meant to track or identify those who've received it
  - Claims that COVID-19 vaccines will make people who receive them magnetic
  - Claims that an approved COVID-19 vaccine will alter a person's genetic makeup
  - Claims that COVID-19 vaccines do not reduce risk of contracting COVID-19
  - Claims that any vaccine causes contraction of COVID-19
  - Claims that a specific population will be required (by any entity except for a government) to take part in vaccine trials or receive the vaccine first
  - Content that promotes the use of unapproved or homemade COVID-19 vaccines
  - Instructions to counterfeit vaccine certificates, or offers of sale for such documents

**Diagnostic misinformation:** Content that promotes diagnostic methods that contradict local health authorities or WHO.

- Claims that approved COVID-19 tests are dangerous or causes negative physical health effects
- Claims that approved COVID-19 tests cannot diagnose COVID-19

**Transmission misinformation:** Content that promotes transmission information that contradicts local health authorities or WHO.

- Content that claims that COVID-19 is not caused by a viral infection
- Content that claims COVID-19 is not contagious
- Content that claims that COVID-19 cannot spread in certain climates or geographies
- Content that claims that any group or individual has immunity to the virus or cannot transmit the virus

**Social distancing and self-isolation misinformation:** Content that disputes the efficacy of local health authorities' or WHO's guidance on physical distancing or self-isolation measures to reduce transmission of COVID-19.

**Content that denies the existence of COVID-19:**

- Denial that COVID-19 exists
- Claims that people have not died or gotten sick from COVID-19
- Claims that the virus no longer exists or that the pandemic is over
- Claims that the symptoms, death rates, or contagiousness of COVID-19 are less severe or equally as severe as the common cold or seasonal flu
- Claims that the symptoms of COVID-19 are never severe

**Examples**

Here are some examples of content that's not allowed on YouTube:

- Denial that COVID-19 exists
- Claims that people have not died from COVID-19
- Claims that any vaccine is a guaranteed prevention method for COVID-19
- Claims that a specific treatment or medicine is a guaranteed cure for COVID-19
- Claims that hydroxychloroquine saves people from COVID-19
- Promotion of MMS (Miracle Mineral Solution) for the treatment of COVID-19
- Claims that certain people have immunity to COVID-19 due to their race or nationality
- Encouraging taking home remedies instead of getting medical treatment when sick
- Discouraging people from consulting a medical professional if they're sick
- Content that claims that holding your breath can be used as a diagnostic test for COVID-19
- Videos alleging that if you avoid Asian food, you won't get the coronavirus
- Videos alleging that setting off fireworks can clean the air of the virus and will prevent the spread of the virus
- Claims that COVID-19 is caused by radiation from 5G networks
- Videos alleging that the COVID-19 test is the cause of the virus
- Claims that countries with hot climates will not experience the spread of the virus
- Videos alleging that social distancing and self-isolation are not effective in reducing the spread of the virus
- Claims that wearing a mask causes oxygen levels to drop to dangerous levels
- Claims that masks cause lung cancer or brain damage
- Claims that wearing a mask gives you COVID-19
- Claims that the COVID-19 vaccine will kill people who receive it
- Claims that the COVID-19 vaccine will be used as a means of population reduction
- Videos claiming that the COVID-19 vaccine will contain foetal tissue
- Claims that the flu vaccine causes contraction of COVID-19
- Claims that COVID-19 vaccines are not effective in preventing the spread of COVID-19
- Claims that the COVID-19 vaccine causes contraction of other infectious diseases or makes people more vulnerable to contraction of other infectious diseases
- Claims that the COVID-19 vaccines contain a microchip or tracking device
- Claims that achieving herd immunity through natural infection is safer than vaccinating the population
- Claims that COVID-19 never causes serious symptoms or hospitalization
- Claims that the death rate from the seasonal flu is higher than the death rate of COVID-19
- Claims that people are immune to the virus based on their race
- Claims that children cannot or do not contract COVID-19
- Claims that there have not been cases or deaths in countries where cases or deaths have been confirmed by local health authorities or the WHO

### **Educational, documentary, scientific or artistic content**

We may allow content that violates the misinformation policies noted on this page if that content includes additional context in the video, audio, title, or description. This is not a free pass to promote misinformation. Additional context may include countervailing views from local health authorities or medical experts. We may also make exceptions if the purpose of the content is to condemn, dispute, or satirize misinformation that violates our policies. We may also make exceptions for content showing an open public forum, like a protest or public hearing, provided the content does not aim to promote misinformation that violates our policies.

### **What happens if content violates this policy**

If your content violates this policy, we'll remove the content and send you an email to let you know. If this is your first time violating our Community Guidelines, you'll likely get a warning with no penalty to your channel. If it's not, we may issue a strike against your channel. If you get 3 strikes within 90 days, your channel will be terminated. You can learn more about our strikes system [here](#).

We may terminate your channel or account for repeated violations of the Community Guidelines or Terms of Service. We may also terminate your channel or account after a single case of severe abuse, or when the channel is dedicated to a policy violation. You can learn more about channel or account terminations [here](#).

## **Vaccine misinformation policy**

YouTube doesn't allow content that poses a serious risk of egregious harm by spreading medical misinformation about currently administered vaccines that are approved and confirmed to be safe and effective by local health authorities and by the World Health Organization (WHO). This is limited to content that contradicts local health authorities' or the WHO's guidance on vaccine safety, efficacy, and ingredients.

### **What this policy means for you**

Don't post content on YouTube if it includes harmful misinformation about currently approved and administered vaccines on any of the following:

- Vaccine safety: content alleging that vaccines cause chronic side effects, outside of rare side effects that are recognized by health authorities
- Efficacy of vaccines: content claiming that vaccines do not reduce transmission or contraction of disease
- Ingredients in vaccines: content misrepresenting the substances contained in vaccines

### **Examples**

Here are some examples of content that's not allowed on YouTube:

- Claims that vaccines cause chronic side effects such as:
  - Cancer
  - Diabetes
  - Other chronic side effects
- Claims that vaccines do not reduce risk of contracting illness
- Claims that vaccines contain substances that are not on the vaccine ingredient list, such as biological matter from fetuses (e.g. fetal tissue, fetal cell lines) or animal byproducts
- Claims that vaccines contain substances or devices meant to track or identify those who've received them
- Claims that vaccines alter a person's genetic makeup
- Claims that the MMR vaccine causes autism
- Claims that vaccines are part of a depopulation agenda
- Claims that the flu vaccine causes chronic side effects such as infertility
- Claims that the HPV vaccine causes chronic side effects such as paralysis

### **Educational, scientific, artistic, or testimonial content**

YouTube may allow content that violates the misinformation policies noted on this page if that content includes additional context in the video, audio, title, or description. This is not a free pass to promote misinformation. Additional context may include countervailing views from local health authorities or medical experts. We may also make exceptions if the purpose of the content is to condemn, dispute, or satirize misinformation that violates our policies. We may

also make exceptions for content showing an open public forum, like a protest or public hearing, provided the content does not aim to promote misinformation that violates our policies.

YouTube also believes people should be able to share their own experiences, including personal experiences with vaccinations. This means we may make exceptions for content in which creators describe firsthand experiences from themselves or their family. At the same time, we recognize there is a difference between sharing personal experiences and promoting misinformation about vaccines. To address this balance, we will still remove content or channels if they include other policy violations or demonstrate a pattern of promoting vaccine misinformation.

### **What happens if content violates this policy**

If your content violates this policy, we'll remove the content and send you an email to let you know. If this is your first time violating our Community Guidelines, you'll likely get a warning with no penalty to your channel. If it's not, we may issue a strike against your channel. If you get 3 strikes within 90 days, your channel will be terminated. You can learn more about [our strikes system here](#).

We may terminate your channel or account for repeated violations of the Community Guidelines or Terms of Service. We may also terminate your channel or account after a single case of severe abuse, or when the channel is dedicated to a policy violation. You can learn more about [channel or account terminations here](#).

## Elections misinformation policy

Certain types of misleading or deceptive content with serious risk of egregious harm are not allowed on YouTube. This includes certain types of misinformation that can cause real-world harm, like certain types of technically manipulated content, and content interfering with democratic processes.

If you find content that violates this policy, report it. Instructions for reporting violations of our Community Guidelines are available [here](#). If you've found multiple videos or comments that you would like to report, you can report the channel.

### What these policies mean for you

#### *If you're posting content*

Don't post elections-related content on YouTube if it fits any of the descriptions noted below.

- **Voter suppression:** Content aiming to mislead voters about the time, place, means, or eligibility requirements for voting, or false claims that could materially discourage voting.
- **Candidate eligibility:** Content that advances false claims related to the technical eligibility requirements for current political candidates and sitting elected government officials to serve in office. Eligibility requirements considered are based on applicable national law, and include age, citizenship, or vital status.
- **Incitement to interfere with democratic processes:** Content encouraging others to interfere with democratic processes. This includes obstructing or interrupting voting procedures.
- **Distribution of hacked materials:** Content that contains hacked info, the disclosure of which may interfere with democratic processes.
- **U.S. presidential election integrity:** Content that advances false claims that widespread fraud, errors, or glitches changed the outcome of any past U.S. presidential election (Note: This applies to elections in the United States only). For the U.S. 2020 presidential election, this applies to content uploaded on or after December 9, 2020.

Keep in mind that this isn't a complete list.