

Digital Platform Regulators Forum (DP-REG)

Terms of Reference

1. Purpose and Scope

The Digital Platform Regulators Forum (DP-REG) is an avenue for Australian regulators to share information about, and collaborate on, cross-cutting issues and activities relating to the regulation of digital platforms. For the purposes of this forum, a 'digital platform' includes, but is not limited to, internet search engines, digital content aggregators, social media services, private messaging services, media referral services and electronic marketplaces.

There are a wide range of interventions underway across the Australian Government, including in response to the ACCC's 2019 Digital Platforms Inquiry Final Report and as part of recent legislative reforms to strengthen Australia's online safety regime.

Regulators working across these initiatives face many of the same challenges – addressing emerging consumer harms, encouraging innovation while balancing protections, and countering the market power of these large, complex and diverse multinational entities. A critical and overarching focus is considering how competition, consumer protection, privacy, online safety and data intersect in issues that the various regulators consider.

The DP-REG seeks to increase cooperation and information sharing between digital platform regulators on broad areas of intersection, including new and novel regulatory approaches. The DP-REG also provides members with an opportunity to promote proportionate, cohesive, well-designed and efficiently implemented digital platform regulation.

The DP-REG is not a decision-making body and has no bearing on members' existing regulatory powers, legislative functions or responsibilities. Collaboration under the DP-REG is intended to be flexible and recognise the limits of each member's respective regulatory frameworks. Members are not impeded or prevented from engaging bilaterally or outside of the DP-REG on issues related to digital platforms. Issues relating to cyber security or cybercrime are outside of the scope of this body. This Terms of Reference does not create any enforceable rights or impose any legally binding obligations on any member.

2. Membership

The heads of the Australian Competition and Consumer Commission (ACCC), Australian Communications and Media Authority (ACMA), Office of the Australian Information Commissioner (OAIC) and the Office of the eSafety Commissioner (eSafety) constitute DP-REG.

By agreement among all existing members, other relevant Australian regulators may be invited to join the DP-REG or attend meetings on an ad hoc basis.

3. Governance

The DP-REG is led by a rotating Chair, who is responsible for setting the forward agenda, presiding over meetings, and seeking agreement from members on DP-REG activities.

The Chair will be supported by a Secretariat, who is responsible for organising meetings, calling for items, compiling and circulating relevant papers, and taking minutes. The Chairing arrangements will be revisited annually and may be altered by agreement.

4. Meetings

Meetings between the heads of the relevant regulators will be held biannually. These meetings set the broad strategic direction of DP-REG including setting annual strategic priorities.

A senior-level steering committee will meet every 2 months, either virtually or in-person. The purpose of these meetings is to update members on relevant developments, share information on cross-cutting issues, and discuss DP-REG activities.

With the agreement of members, the Chair may invite relevant stakeholders to observe meetings or present on issues relating to the regulation of digital platforms. This may include officials from other Australian regulators, portfolio agencies and policy departments, international regulatory bodies, or digital platforms.

DP-REG may also establish permanent or ad hoc working groups to facilitate its activities.

The Chair may also seek to convene additional ad hoc meetings as considered necessary.

5. Scope of Activities and Outputs

The DP-REG provides opportunities for a wider range of collaboration between members. These include:

DP-REG contact list

Members agree to compile and maintain a contact list of relevant staff working on digital platform issues, to be shared across government and with key stakeholders. This is designed to improve linkages between members at the officer-level and provide greater clarity to digital platforms and other stakeholders on roles and responsibilities across the regulators.

Information and data sharing

Members agree, where permissible, to share data and information regarding their work on digital platform regulation that would be of value to the broader group. This may include sharing relevant proposals or information about upcoming initiatives, submissions made to members' consultations, submissions made to consultations by members, as well as key research or market analysis materials. Where permissible, the DP-REG could also help facilitate requests for data or information by members.

Enhancing regulatory capabilities

Members agree to seek opportunities to enhance regulatory capabilities across the DP-REG. This could include members sharing experiences, capabilities, resources or staff training opportunities in relation to code-making and, where appropriate, compliance matters or challenges. Other opportunities to enhance regulatory capabilities could include inviting relevant staff to attend conferences or speaking engagements and encouraging secondments between relevant areas.

Collaboration opportunities

Members agree, in principle, to work collectively on issues of shared interest or relating to a common challenge. Individual members can propose issues to collaborate on in DP-REG meetings for consideration by the broader group. Proposals should be targeted and account for resourcing constraints of each regulator. Each party agrees to bear its own costs in relation to the DP-REG.

6. Review

The DP-REG will review its Terms of Reference annually, or as necessary, such as upon changes to membership or new legislative or regulatory priorities relating to digital platforms. Any term of this Terms of Reference may be amended at any time with the written consent of each member.