

Digital platforms' efforts under the Australian Code of Practice on Disinformation and Misinformation Second report to government

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Executive summary

Australians are increasingly concerned about disinformation and misinformation

The impacts of disinformation and misinformation on digital platforms continue to evolve. COVID-19, the Russian invasion of Ukraine, climate change issues and elections around the world have provided focal points for the dissemination of disinformation and misinformation. The upcoming referendum in Australia may be similarly targeted. In response, digital platforms in Australia continue to refine their policies and practices, seeking to protect individuals and society from related harms and to strengthen their systems to combat the evolving tactics of bad actors.

Given the scale and impact of disinformation and misinformation, it is unsurprising that Australians remain concerned about misinformation. Recent data indicates that 69% of Australians are 'concerned' about misinformation (an increase of 5% from 2022).¹ Australians are now among the most concerned consumers globally about misinformation, with levels of concern similar to people in Brazil (69%), the UK (69%) and the US (64%), and second only to Portugal (71%).²

Digital platforms are responsible for the content on their services and for minimising disinformation and misinformation

In Australia, minimising the risk of harm from misinformation and disinformation on digital platforms has been the subject of self-regulation since 2021 through the Australian Code of Practice on Disinformation and Misinformation (the code). This approach recognises that digital platforms must be responsible and accountable for the content they allow to appear and spread on their platforms, while balancing freedom of expression and other important rights.

The code – developed by the Digital Industry Group (DIGI) with eight current signatories – requires that signatories identify, assess and address misinformation and disinformation on their services. Signatories must have robust systems and processes in place, and actively use a range of measures to address such content and the inauthentic behaviours that may sit behind it.

The impact of the code is that the signatories have committed to measures, including:

- > partnering and/or providing funding for fact checkers to review content
- > demoting the ranking of content that may expose users to misinformation and disinformation
- > prioritising credible and trusted news sources that are subject to a published editorial code
- > suspending or disabling accounts of users that engage in inauthentic behaviours.

The code envisages that signatory platforms will implement and use measures that are proportionate to the risk of potential harm and the nature of their service model. The code also stresses the need for platforms to balance interventions with the need to

¹ University of Canberra, [Digital News report: Australia 2023](#), APO website, 2022, accessed 7 July 2023.

² University of Canberra, [Digital News report: Australia 2023](#).

protect users' freedom of expression, privacy, and other rights. As a self-regulatory code, there are no consequences for non-participation or non-compliance.

The ACMA continues to monitor digital platforms' activities under current arrangements

The ACMA provided a report to the government on the working of the industry's code in June 2021. This included a recommendation that the ACMA continue to oversee the operation of the code and provide a further report on its effectiveness at the end of 2022–23, as well as continuing relevant research. This 2023 report is consistent with that recommendation.

In summary, there have been improvements to the code and supporting frameworks since June 2021. However, a range of actions should be taken by industry to bolster the current self-regulatory arrangements, particularly in relation to the scope of the code, the need to keep it up to date with technology and service changes, transparency, accountability and complaints handling.

Revisions to the code have addressed some pressing issues including administration arrangements

Since the ACMA's June 2021 report, there have been some improvements to the code through the 2022 review of the code by DIGI and the implementation of broader code governance and administration arrangements. The ACMA also supports the inclusion of a new outcome about the transparency of recommender systems (Outcome 1e) and new opt-in commitments to deter advertisers from repeatedly placing digital advertisements that consistently propagate mis- and disinformation.

Definition of harm

One of the ACMA's earliest key criticisms of the code was that the definition of 'harm' it contained did not adequately encapsulate the full range of harms that can be caused by disinformation and misinformation.³ The removal of 'imminent' from the definition of harm in the revised code is a positive step. This more closely aligns with the potential harms from disinformation and misinformation to be cumulative over time, and signatories' policies and procedures to combat disinformation and misinformation on their services.

Scaling of reporting requirements

The code's reduced reporting requirements for smaller services creates incentives for new types of services and business models to sign up to the code. This is also a positive development.

During the first half of 2023, the ACMA contacted and held discussions with a range of digital platforms about signing up to the code. While it is disappointing that there have been no new signatories since the code's commencement in February 2021, we remain optimistic that changes to the code, together with the new regulatory powers, may encourage more signatories.

Industry needs to take further steps to review the scope of the code and its ability to adapt quickly to technology and service changes

Messaging services – large-scale group messaging

The propagation of disinformation and misinformation on messaging services that facilitate large-scale group messaging is of ongoing concern. Several signatories

³ Australian Communications and Media Authority (ACMA), [ACMA report to government on the adequacy of digital platforms' disinformation and news quality measures](#), ACMA website, 2021, accessed 21 July 2023, p. 53; ACMA, [ACMA submission to the 2022 review of the Australian Code of Practice on Misinformation and Disinformation](#), ACMA website, 2021, accessed 21 July 2023, p. 11.

already implement a range of measures to mitigate risks of harm on their messaging services in a way that does not undermine technical encryption or user privacy. If the code is to operate to provide minimum standards across industry, these services should be covered within the scope of the code.

Artificial intelligence and responsiveness to change

Since the revised code commenced, the use of generative artificial intelligence (AI) technologies has grown exponentially. While having great potential to assist in combatting the spread of disinformation and misinformation, these technologies also have the potential to be misused, including to create and distribute disinformation and misinformation. Given the rapid growth and adoption of generative AI technologies across a range of digital platform services, consideration needs to be given to whether the current code adequately addresses the scope of the technology and its impacts. More broadly, consideration should also be given to the approach to emerging and fast-moving issues and whether additional processes need to be developed to address rapidly emerging issues outside the code's formal review process.

There also remains an urgent need to improve the level of transparency about what measures platforms are taking and their effectiveness

The code framework is not operating effectively to provide an appropriate level of public transparency about the measures signatories are taking under the code and the effectiveness of those measures. A broad outcomes-based approach has the advantage of creating flexibility for signatories to implement different measures to combat disinformation and misinformation in a way that suits their individual services and business models. However, without robust code administration arrangements and adequate and timely transparency about signatories' commitments and measures, it is impossible to assess whether the actions are delivering the intended outcomes for users and the Australian community.

The code's 'opt-in' framework relies on a robust process for signatories to regularly review their commitments, providing timely and transparent advice on their position on any new outcomes and there being sufficient information publicly available about their commitments and measures. After more than 2 years in operation, there is still no accessible way for a user to determine what a signatory's commitment is to each outcome of the code and the measures they have committed to achieving against those outcomes. This raises significant questions about the extent to which signatories are engaged meaningfully with commitments they made by signing up to the code.

The implementation of the code's new outcome (1e) has also exposed deficiencies in the process for recording and publishing commitments. Six months since the new code commenced, it is not clear which signatories have opted-in to this new outcome. Furthermore, signatories have not uniformly outlined measures against this outcome in their transparency reports.

The transparency reports are not working to provide transparency about signatories current and proposed measures under the code. The calendar-year reporting timeline, specified in the March 2022 guidelines⁴, has created a lag between the end of the reporting period and when the reports are published. This is a suboptimal outcome and diminishes the effectiveness of the code.

At a minimum, there needs to be a single place where a user can go to view the outcomes each signatory has signed up to, and the measures they have committed to under each outcome. The information about measures needs to be timely and this process should be separated from historical reporting on platform performance. Now

⁴ The guidelines written in March 22 and released in DIGI's annual report in June 22 moved the reporting period to calendar year.

the code has matured, we do not consider this would be a significant burden against the benefits it would provide to the overall operation of the code.

Better reporting by signatories is needed to enable an assessment of progress and impact

In the ACMA's June 2021 report and our submission to the 2022 code review, we emphasised the importance of a robust reporting framework to the success of the code. The development of reporting guidelines and the implementation of an independent review process for transparency reports are positive developments. While the latest set of transparency reports demonstrate some incremental improvements in reporting, our major concerns with the reporting framework remain.

In particular, signatories have not identified any key performance indicators (KPIs) they are using to track their progress to achieve the code's objectives and outcomes. Instead, they continue to provide isolated data points with limited meaningful analysis. Although some signatories have included more Australian trended data over time, others have not included previous data points from earlier reports.

While acknowledging measurement can be challenging, it is disappointing that minimal progress has been made in this area. As a first step, signatories need to set their own KPIs about how they are going to measure their effectiveness in meeting the code's outcomes. Further work is then required to develop consistent, core KPIs across platforms to allow the broader effectiveness of the code to be tracked. Once developed, signatories should publish their KPIs and include them in their transparency reports, providing appropriate quantitative information and accompanying commentary against each. Without this framework, the impact of the outcomes-based, self-regulatory code will remain unknown and unknowable. Further consideration is also required as to whether elements of the reporting framework need to be moved from guidelines into the code.

Complaints and code administration arrangements still need further development

There have been some welcome developments through the establishment of code governance arrangements. DIGI has also published annual reports containing information about its administration of the code.

However, the implementation of the code revisions has highlighted that code administration arrangements to support the operation of the code needs further development. This is an area DIGI and industry will need to focus on for the self-regulatory scheme to be successful.

The ability for users to make complaints is important, and a complaints facility has been established, as well as an independent committee to consider 'valid' code complaints. To date, there have been a limited number of complaints received via the code's complaints facility and none of those complaints have been valid. The ACMA considers that the operation of the complaints function is currently being hindered by the lack of awareness and some uncertainty about signatories' commitments under the code. The availability of transparent, public information in one place about platform commitments and measures may assist users in understanding what they can complain about under the code.

The government is consulting on providing the ACMA with formal powers to act where efforts by digital platforms to combat disinformation and misinformation are inadequate

On 25 June 2023, the government released its exposure draft legislation – the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 – for public feedback.⁵ This follows ACMA recommendations made to the government in 2021.

The exposure draft retains the current arrangement whereby digital platforms are responsible for the content on their platforms and must have systems, processes and measures in place to minimise misinformation and disinformation on their services.

It proposes a regulatory backstop that would allow the ACMA the ability to register mandatory codes or make industry standards if the industry does not have in place adequate systems, processes and measures, it fails to comply with them, or significant platforms do not sign up to them.

The legislation also proposes that the ACMA be given information-gathering and record-keeping rule powers to provide greater transparency of the actions platforms are taking and their effectiveness. Improved transparency would provide greater certainty to the Australian public of the effectiveness of the current code and self-regulatory arrangements. It would also improve the ability for the community to assess whether digital platforms are striking the right balance between minimising misinformation and protecting users' rights to freedom of expression and privacy.

This 2023 report by the ACMA provides insights and data that may be useful during consideration of the exposure draft legislation. While that consideration takes place, the ACMA will continue to work with digital platforms to improve the current self-regulatory arrangements to provide strong protections for Australians from the harms of misinformation and disinformation on these services.

⁵ Minister for Communications, [Consultation opens on new laws to tackle online misinformation and disinformation](#) [media release], Australian Government, 25 June 2023, accessed 21 July 2023.

Introduction

Disinformation and misinformation present a significant threat to Australia and Australians. Widespread belief in harmful disinformation and misinformation can have serious impacts on individuals and society, with the potential to cause a broad range of harms. These harms can be acute, such as posing an immediate and serious threat to an individual's health and safety, or chronic, such as the gradual undermining of trust in public institutions, democratic processes, and authoritative sources of information.

In 2023, concern about misinformation rose in Australia for the first time in 3 years, with 69% of Australians indicating that they were 'concerned' about misinformation (an increase of 5% from 2022). Globally, Australians are now among the most concerned consumers about misinformation, with levels of concern similar to consumers in the US, Brazil and the UK, and behind only Portugal.⁶

The Australian Code of Practice on Disinformation and Misinformation

In its response to the Australian Consumer and Competition Commission (ACCC)'s Digital Platforms Inquiry, the Australian Government requested that major digital platforms in Australia develop a voluntary code (or codes) of conduct for disinformation and news quality. In June 2020, the Australian Communications and Media Authority (ACMA) produced a [position paper](#) to guide the digital industry with its code development.

Following public consultation and roundtable discussions with targeted academics and subject-matter experts, the Australian Code of Practice on Disinformation and Misinformation (the code) was launched by the Digital Industry Group Inc. (DIGI) in February 2021. The latest iteration of the code commenced in December 2022, following its first formal review. The code currently has 8 signatories: Adobe, Apple, Google, Meta, Microsoft, Redbubble, TikTok and Twitter. The code requires signatories to develop and report annually on measures to address disinformation and misinformation in Australia. Appendix A summarises key events in the code to date.

The ACMA's existing role in relation to the code

The ACMA was tasked with overseeing the development of the code and to conduct an ongoing oversight role over the code. As part of our oversight, we were required to report on the [adequacy of platforms' measures and the broader impacts on disinformation](#) by June 2021 (the June 2021 report).⁷

The ACMA has continued to play an active role overseeing the operation of the code. Over the past 2 years, we have engaged with digital platforms, undertaken research and monitored both industry and regulatory efforts to reduce harms from online disinformation and misinformation. This work was identified as one of the ACMA's compliance priorities for 2022–23.

⁶ University of Canberra, *Digital News report: Australia 2023*.

⁷ The June 2021 report was published on the ACMA website in March 2022.



Compliance priority: Combating disinformation and misinformation on digital platforms

Concerns have grown about the spread of harmful disinformation and misinformation online. This type of content poses risks to the health and safety of individuals, and society, especially in the context of COVID-19, elections and geopolitical conflicts.

Our focus

- > We said that we would continue to review digital platforms' data and performance measures under its voluntary industry code and advise government on the code's effectiveness.

What we did

- > Examined ways to strengthen industry transparency reporting under the code.
- > Conducted research into digital platform reporting and complaints processes.
- > Engaged with a range of domestic and international government agencies.

Another key part of the ACMA's role in overseeing the code is to monitor international developments. As part of our monitoring, we engaged with a range of international agencies including the European Commission, the Organisation for Economic Co-operation and Development⁸, France's Regulatory Authority for Audiovisual and Digital Communication, the United Kingdom's regulator Ofcom and their Department for Digital, Culture, Media and Sport. These engagements have enabled the sharing of experiences on common approaches to hold platforms accountable to incentivise improvements in reporting activities and also to encourage collaboration with key external stakeholders such as academics and fact-checkers.

Ongoing role for the ACMA in relation to disinformation and misinformation

In our June 2021 report, the ACMA recommended that a set of regulatory powers are required to provide a mechanism to request Australian specific data from platforms and allow further intervention if code administration arrangements prove inadequate, or the voluntary industry code fails.

On 25 June 2023, the Minister for Communications, the Hon Michelle Rowland MP commenced consultation on draft legislation, the draft Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 to provide the ACMA with new regulatory powers to act where efforts by digital platforms to combat disinformation and misinformation are inadequate. If passed, the ACMA would be given new information-gathering and record-keeping powers to enhance transparency about efforts by digital platforms to respond to disinformation and misinformation on their services, while balancing the right to freedom of expression that is fundamental to democracy. The ACMA would also be empowered to register enforceable industry codes and to make standards, if industry self-regulation measures prove insufficient to address the threat posed by disinformation and misinformation.

⁸ The Expert Group was formed as part of the OECD's Action Plan on public governance for combatting disinformation and misinformation. More information about the group is available at [OECD Expert Group on Mis- and Disinformation - OECD](#).

Objectives of report

The completion of the code's first review, the current consultation process on new ACMA powers and the recent release of the third set of annual transparency reports is a timely point to share our current views on:

- > the effectiveness of the current self-regulatory scheme
- > the signatories' reporting activities
- > next steps.

We intend that this report will inform government policy considerations on regulatory powers to enable the ACMA to better assess the effectiveness of platform moderation activities while incentivising greater participation and performance by industry under the existing code.

Assessment of the revised code

This section provides an assessment of DIGI's code review process and the resulting changes to the code. A summary of the specific changes to the code can be found at Appendix B. Our analysis draws on ACMA and stakeholder feedback to the review and our views on the likely effectiveness of the code changes in reducing potential harm.

Code review process

The code was required to be reviewed after it had been in operation for 12 months (February 2022).⁹ Due to a range of considerations, including the May 2022 release of the second tranche of signatories' transparency reports and the 2022 federal election, DIGI delayed the commencement of the review to June 2022. DIGI also carved out governance and reporting arrangements (including the complaints mechanism) from the scope of the review, noting that they had been operating for less than 12 months. Instead, DIGI stated that it may examine governance arrangements as part of the next review scheduled to commence in 2024.

DIGI commenced the review with the publication of a discussion paper¹⁰ seeking stakeholder views on several questions and proposals to amend the code. These proposals were informed by a number of findings on the existing code made in the ACMA's June 2021 oversight report and included a 6-week consultation period. A revised code was published by DIGI in December 2022.

Alongside the revised code, DIGI released a report¹¹ summarising how the code addressed stakeholder feedback and all public submissions. Some of the changes to the revised code reflect that DIGI meaningfully engaged with concerns raised by stakeholders during the consultation process, as well as proactively engaging with commitments in the European Union (the EU) related to recommender systems and deterring advertisers from repeatedly placing digital advertisements containing misinformation.

Overall, DIGI conducted the 2022 code review with an appropriate level of transparency and consultation. However, the delayed commencement of the review should have provided an opportunity for DIGI to undertake a more holistic assessment of the code based on whether the code is meeting its original objectives, and the success of its associated governance and reporting frameworks. The decision to carve out the code's reporting and governance frameworks from the scope of review was a missed opportunity to assess whether the frameworks are functioning effectively, given their fundamental importance to the success of the code. This is discussed in further detail in later sections of this report.

⁹ 7.6 of the code (Feb 21 version) required a review to occur within 12 months and then at 2-year intervals.

¹⁰ Digital Industry Group Inc. (DIGI), [Australian Code of Practice on Misinformation and Disinformation 2022 Review Discussion Paper](#), DIGI website, 2022, accessed 7 July 2023.

¹¹ DIGI, [Review of The Australian Code of Practice on Disinformation and Misinformation: Response to submissions](#), DIGI website, 2022, accessed 7 July 2023.

Code review outcomes

Participation

The ACMA welcomes DIGI's expansion of the code's scope to include a broader range of potential signatories, including providers of advertising services or sponsored content, news aggregators and technology companies that offer solutions to combat misinformation.¹² The code's previous scope (which was limited to search engines and platforms that host user content) was too narrow and created inconsistencies within the code framework, given that products and services offered by existing signatories, which could be vectors for dissemination of disinformation and misinformation, were not covered. It was pleasing to see the final scope went further than DIGI's original proposal to add only news aggregators to the existing list of businesses in scope, and it also showed DIGI responded to stakeholder feedback.¹³

We also welcome DIGI's modification of the transparency requirements for signatories with services that have fewer than one million monthly active users in Australia, to provide transparency reports. Smaller platforms had previously indicated to the ACMA that the reporting arrangements were a barrier to signing up to the code. We hope the lowering of the threshold for participation will encourage more platforms to participate in the code.

While the changes, namely the inclusion of news aggregator services, bring *some* products within scope, they do not resolve the outstanding issue of the code not applying to the entire range of signatories' existing services, for example, WhatsApp and Messenger services, are not covered. We were particularly disappointed to see the continued exclusion of messaging services (that may be used in a public or semi-public way) from the scope despite feedback from the ACMA and most submitters that messaging services be brought into scope. Our rationale is two-fold: first, the exclusion maintains a complex framework of inclusions and exclusions related to a signatories' service. Second, 'semi-public'¹⁴ group messaging services play a significant role in the dissemination of harmful material to a wide and disparate audience. A range of platforms have already taken steps to minimise the harms arising from these services, and we also emphasise that the current EU's [2022 Code of Practice on Disinformation](#) (the EU Code) has commitments for messaging services. Under the EU framework, Meta has committed to measures for its WhatsApp and Messenger services.

Increasing participation from more signatories is a crucial way to combat disinformation and misinformation, and for the broader digital platform industry to demonstrate the commitment to that goal. There is a clear role for a broader range of digital services and technology companies to play in combatting disinformation and misinformation, especially as new technologies emerge, and the scope and application of the code should focus on creating an environment that brings as many services as possible within scope.

We encourage DIGI to continue to consider ways to encourage and facilitate participation in the code for a greater diversity of products and services to be considered in-scope.¹⁵ This would be particularly beneficial, given our ongoing monitoring has highlighted that the dissemination of harmful disinformation and misinformation is not limited to current code signatories. In our submission to the 2022 code review (July 2022 submission), we listed a range of large non-signatory platforms

¹² DIGI added definitions for sponsored content (Proposal 7) and digital advertising services (Proposal 6).

¹³ The majority of stakeholder feedback supported the expansion of the code to news aggregator services as well as smaller platforms and a broader range of services.

¹⁴ The ACMA agrees with DIGI that personal one-on-one communication or small-scale private group messages should remain out of the scope of the code.

¹⁵ ACMA, ACMA submission to the 2022 review of the Australian Code of Practice on Misinformation and Disinformation.

that have made policy changes in response to disinformation and misinformation issues. As these policies impact Australian users, DIGI should continue to consider ways to incentivise participation from these or similar platforms.

Continuation of an ‘opt-in’ framework

The code currently allows signatories to opt-in to most of the code’s objectives and outcomes. To strengthen this framework, the code has been amended to require signatories to annually re-assess the extent to which provisions of the code are relevant to their products and services, and to update and notify DIGI of any updates to the opt-in form.¹⁶ Additionally, each signatory’s transparency report is required to list the product and services covered by the code. These should also include additional products and services that have been assessed to be subject to the code during the period covered by the report. DIGI will also publish these updates on their website.

These are small but positive improvements to the code, which should help prompt signatories review whether the commitments they have made under the code remain appropriate. The ACMA notes that each signatory listed the products and services covered by the code and their commitments at the beginning of the transparency reports published in May 2023. However, we have outstanding concerns about how this aspect of the code is being administered, which is discussed in the next section of the advice.



Case study: ACMA engagement with non-signatories

Since late 2019, the ACMA has engaged with a variety of stakeholders across the digital platform industry. Through this, we have sought to better understand the differing content moderation policies and practices adopted by platforms, and to encourage their voluntary participation in industry processes to address the threats arising from mis- and disinformation in Australia.

While initially limited to DIGI and the 8 code signatories, the ACMA has gradually expanded its industry engagement to include non-signatories. Over the past 2 years, we have corresponded and met with representatives from several larger platforms, including Spotify, Reddit, Yahoo and Snap. These discussions have helped highlight the diverse nature of the industry and the reported barriers to participation in the voluntary code.

As part of its 2022 code review, DIGI sought stakeholder views on whether additional online services should be encouraged to sign up to the code and whether the ACMA should be involved in this process. Some submitters, including the Australian Broadcasting Corporation (ABC) and the Journalism Education & Research Association of Australia (JERAA), argued that the ACMA should continue to play an active role in this space – both in advising industry on potential eligibility criteria to broaden participation, and in helping to identify eligible non-signatories. According to DIGI, signatories welcomed these suggestions, and are supportive of the ACMA’s ongoing efforts in this space. However, we do not consider that issues of participation should be the sole responsibility of the ACMA. For a self-regulatory scheme to be effective, DIGI and code signatories need to take primary responsibility for scanning new and emerging harms and proactively reaching out and encouraging eligible non-signatories to participate in the code.

¹⁶ DIGI, [The Australian Code of Practice on Disinformation and Misinformation](#), DIGI website, 2022, accessed 7 July 2023, see Outcome 7.1.

DIGI chose not to adopt the ACMA's recommendations in our submission to the 2022 code review and our June 2021 report of moving from an opt-in framework to an opt-out framework. We also note that the majority of submitters recommended that the code adopt an opt-out approach on the basis that it may set a higher standard for the code and ensure maximum protection for consumers and transparency for stakeholders. We reiterate our concerns from our submission that the current model of having both 'mandatory' and 'voluntary' outcomes unnecessarily complicates the code, while also creating an impression that some commitments are inherently more important than others.

In the absence of a binding arrangement requiring platforms to 'opt-in' to the current self-regulatory framework, it is key to the success of the code that signatories are transparent about their commitment-related decisions, and that information about their commitments is widely accessible to the public in a timely manner. This will improve accountability and enable users to complain if they consider signatories are not meeting their commitments under the code. We elaborate on the implications in relation to DIGI's complaints facility and the process for new outcomes further in the next section of this advice.

New objectives/commitments

The ACMA supports the inclusion of a new outcome about the transparency of recommender systems (Outcome 1e) and new opt-in commitments to deter advertisers from repeatedly placing digital advertisements that consistently propagate disinformation and misinformation (5.15). Both appear to have originated from the EU Code and did not form part of the DIGI consultation stakeholder feedback.

For Measure 5.15 (deterrence of certain advertisers), the provision appears similar to what is provided under the EU Code. However, the EU Code's commitments are broader and have opt-in commitments for advertisers, agencies, ad tech companies as well as media platforms and publishers. Given the code has been expanded by DIGI to include digital advertising services, it would be useful to consider equivalent opt-in commitments for advertisers. While the commitment's inclusion is an improvement, the ACMA's view is that platforms should commit to not accepting advertising that it identifies as containing disinformation and misinformation, and there should be meaningful consequences for advertisers that repeatedly breach these rules.

Outcome 1e allows users to access general information about the use of recommender systems and have options related to content suggested by recommender systems, including transparency about how they prioritise information. This is comparable to Commitment 19 of the EU Code, which requires relevant signatories to provide transparency and options to users about recommender systems, including quantitative information to assess the effectiveness of these settings such as the number of times users have actively engaged with these settings. In general, greater transparency to users is a crucial tool to enhance protection from disinformation and misinformation and to provide the public with greater control over the content they see. In this spirit, the ACMA welcomes the inclusion of this commitment.

Overall, the ACMA supports the changes to the code, including the inclusion of 2 new commitments that reflect developments in the EU. It was positive to see that some of the changes clearly responded to stakeholder feedback received through its public consultation process. However, we are concerned that the evidence for a clear and transparent process for implementing a new outcome is lacking. We elaborate on these issues in the next section.

Specific drafting changes

Definition of harm

In our submission to the 2022 code review and our June 2021 report, we strongly encouraged DIGI to remove the ‘imminent harm’ threshold in the code. The requirement that ‘harm’ must be imminent introduced a temporal element to the harm threshold and had the potential to cause confusion by excluding from consideration the chronic harms¹⁷, such as decreasing trust in public institutions, which can arise from the cumulative effect of misinformation over time. The ACMA therefore recommended the removal of ‘imminent’ to avoid potential confusion and because the threshold excluded a significant amount of material of concern.

DIGI originally proposed to add a clarifying note to the definition of harm, stating that ‘an imminent and serious threat includes a situation where an accumulation of harms create a persistent serious and imminent threat to A and B’. Most submitters also agreed that the harm threshold was too high and should be revised to acknowledge the full range of harms that can be caused by misinformation and disinformation. DIGI went further and added ‘credible’ to the definition of harm to clarify that the definition relates to harms that signatories can be confident will materialise based on evidence and previous experience.

The changes, particularly the removal of ‘imminent,’ now enable a greater range of potentially harmful content to be captured by the code. For example, decoupling the definition from ‘imminence’ allows for a recognition of the longer-term impacts or ‘chronic’ harms that may result from disinformation or misinformation, particularly widespread narratives. We consider this is a significant enhancement to the current code.

Professional news

In our submission to the 2022 code review, we suggested removing a recommendation that professional news organisations be exempt from misinformation obligations. This was because the exemption also would have applied to international sources of news, particularly news from countries that do not have press freedoms, or countries with different regulatory approaches toward truth or accuracy in media where disinformation agents may choose to base themselves.

The Australian Broadcasting Corporation (ABC) and the Journalism Education & Research Association of Australia (JERAA) argued in their submissions to the 2022 code review that the code should continue to exempt credible news organisations and that the definition be clarified to ensure only those who adhere to a published editorial code are exempted. However, most submitters argued that professional news organisations should be brought within the remit of the code. While the ACMA agreed that news content should be treated distinctly under the code, we disagreed with DIGI’s view that the existence of other industry codes necessarily absolves platforms of responsibility to address harmful news content posted on their services.

DIGI has ultimately retained the exemption for professional news from misinformation obligations, stating that the news media itself is best placed to address concerns about misinformation within the existing industry framework. DIGI has included new definitions of ‘professional news’ and a ‘news source’ to clarify that news sources must have editorial independence from the subjects of news coverage to qualify for the

¹⁷ ACMA’s June 2020 position paper outlines a range of chronic harms that may result from the cumulative impact of misinformation. These include impacts on community cohesion, decline in trust in professional sources of information and a decline in trust in public institutions.

exemption for professional news sources. While the changes are useful to clarify the exemption, they do not resolve some key issues.

We note that the news source definition does not require that internal editorial standards be analogous to existing Australian industry codes. This weakens the provision as it may result in platform users not being afforded the same protections as those enshrined in industry codes of practice. DIGI has also included a requirement for international outlets to be subject to a code of practice or other regulatory instruments that specify standards of editorial practice. However, this is complicated by instances of state-sponsored media disseminating disinformation and misinformation. Although DIGI did not accept our recommendation, it remains the ACMA's view that the current exemption is defensible if granted *only* to Australian news organisations and other Australian and overseas organisations that comply with analogous editorial standards.

Political and issues-based advertising

DIGI proposed an amendment to the code to include a clarifying note that the definition of political advertising¹⁸ in section 4.4 excludes advertising (including sponsored content) that is for the purpose of 'general advocacy on social issues'. They also noted that the original drafting around political advertising was to enable the treatment of issues-based advertising¹⁹ as a source of political advertising and did not cover issues-based advertising that was for general advocacy purposes. Several stakeholders, including the ACMA, submitted that the approach to issues-based advertising should be clarified. The ACMA's primary rationale for clarification was that there is a difficult (and somewhat) arbitrary line between issues-based and political advertising, given most ads containing 'general' political advocacy usually relate back to a 'political campaign' of some description. Furthermore, signatories like Meta include 'issues-based' advertising within the scope of their existing ad libraries, which was at odds with the definition of political advertising under the code. Therefore, in our submission, we encouraged DIGI to include both political advertising and issues-based advertising within the scope of transparency obligations in Objective 5.

It is encouraging to see a new section (5.25) in the code that provides that platforms may deal with transparency of other forms of political advertising, such as issues-based advertising. Furthermore, the inclusion of issues-based advertising in the definition of political advertising has been removed. It has also been clarified that 'political advertising' in section 3.9 is meant to be read narrowly as that which is made by, or on behalf of a political party; or advocates for the outcome of an election, referendum or other political process supervised by an electoral management body of the Commonwealth or state and territory. We suggested that the scope of the exemption be aligned to the legislative definition of an 'electoral matter'²⁰ because this would make it easier for platforms to make a clearer assessment, at least in the context of federal elections. We encourage DIGI to reconsider adopting this amendment at the next available opportunity.

Overall, the above changes related to issues-based advertising and the harm threshold are improvements to the code as they signal an intention to provide signatories with the opportunity to more appropriately reflect the range of measures they have in place to combat disinformation and misinformation. We emphasise that work should be done to continue to simplify the scope of these relevant provisions in the code, which are currently quite complex to navigate given the many inclusions and

¹⁸ In our submission to the review, the ACMA recommended that the provisions for 'political advertising' be aligned with the legislative definition of an 'electoral matter' as defined in section 4AA of the *Commonwealth Electoral Act 1918*.

¹⁹ The ACMA supported DIGI's proposal clarifying that general advocacy on social issues, not associated with a clear proposal by a parliament for policy change via a democratic process, is not intended to be caught by the exemption for political advertising.

²⁰ Section 4AA, Commonwealth Electoral Act.

exemptions. Ultimately, it is the ACMA's view that the code should require that platforms address disinformation and misinformation wherever it appears on services covered by the code, while acknowledging that a proportional and flexible response is appropriate depending on the nature of the material and the nature of the platform's service.

Advertising services and sponsored content

To support the inclusion of providers of advertising services and sponsored content into the scope of the code, DIGI included definitions for both terms. Proposal 7 in DIGI's discussion paper defined sponsored content as a paid arrangement between a social media service and an account holder under which the social media service promotes content posted on the service beyond the account holder's list of followers. Most stakeholders agreed that sponsored content should be defined. While the ACMA welcomes the inclusion of providers of sponsored content, we also considered that the definition be expanded to include digital platforms other than social media services. Our view is that the inclusion should apply to any content where a platform receives a benefit for promoting or otherwise enhancing the visibility of that content.

Ongoing review and approach to emerging issues

While the code's outcomes-based approach allows flexibility to deal with emerging services and technologies, it would be prudent for signatories to regularly assess whether significant developments require code amendments outside of the required 2-yearly review cycle.

An example of the type of development that might warrant reconsideration of the ongoing adequacy of code provisions are recent improvements in generative AI²¹ technology and its widespread adoption by users and businesses, including those involved in the news and information environment.

As a result, there is an increased risk of generative AI being used to produce and disseminate disinformation and misinformation at scale. Large language models (LLMs), such as Chat GPT, can be used to mimic authoritative sources and have the potential to impact democratic and political processes due to their possible ability to spread large-scale false information or propaganda; Image generators, such as DALL-E, can create fake pictures that also assist narratives of disinformation and misinformation.

However, generative AI also offers the potential to combat misinformation through advanced detection mechanisms, improve media literacy skills and assist in the development of news, thereby saving time and resources for news organisations.

Given the rapid growth and adoption of generative AI technologies across a range of digital platform services, we strongly recommend DIGI and signatories consider whether the current code adequately addresses the scope of this technology and its impacts. More broadly, consideration should be given to the approach to emerging and fast-moving issues and whether additional processes need to be developed to address rapidly emerging issues outside the code's formal review process.

²¹ Generative AI is a type of AI system capable of generating text, images, or other media in response to user prompts.

Summary of the ACMA's views on the revised code

- > It was pleasing to see DIGI demonstrate responsiveness to stakeholder feedback, including the ACMA's views presented in our submission to the code and June 2021 report.
- > The lack of examination of any issues related to code governance and reporting significantly limits the code review as both aspects are fundamental to the success of any self-regulatory scheme.
- > The expansion of the code's scope to include a broader range of potential signatories, including advertising and technology companies, is a positive step toward a less prescriptive and more flexible model, under which a greater diversity of products and services could be considered in-scope.
- > The requirement for harm to be 'serious and credible' rather than 'serious and imminent' signals a welcome intention to provide signatories with the opportunity to more appropriately reflect the range of measures they have in place to combat mis- and disinformation. It also recognises the longer-term impacts or 'chronic' harms that may result from widespread misinformation narratives.
- > The inclusion of a mandatory commitment to transparency around the use of recommender systems and a new opt-in commitment to deter advertisers from repeatedly placing advertisements that consistently propagate misinformation and disinformation are welcomed and align with developments in the European Union.
- > The continued exclusion of private messaging services from the scope of the code limits the code's effectiveness, given the growing role such services play in the dissemination of misinformation and disinformation.
- > The increased clarity about the political advertising and professional news exemptions provides greater certainty about their scope. However, work should be done to continue to simplify the scope of the code, which remains complex to navigate, given the many inclusions and exemptions.
- > The code's current amendment framework should be re-examined to ensure it can effectively account for emerging and fast-moving issues, given, for example, the rapid emergence and adoption of generative AI.

Overall, it is the ACMA's view that the code review was too narrowly constructed and as a result, the changes to the code are mostly minor and clarify existing provisions, rather than make any substantive improvements.

Assessment of the governance of the current self-regulatory framework

The ACMA's June 2021 report expressed concerns that the essential building blocks²² of a code governance framework and an effective self-regulatory regime (such as complaints-handling processes) were still under development at that time. In October 2021, DIGI [announced](#) a code governance framework and complaints facility. A high-level overview of the governance and oversight arrangements, as provided by DIGI on its website, is at Figure 1.

Figure 1: DIGI diagram: elements of code oversight²³



²² In the ACMA's June 2021 report, we suggested that complaints-handling processes and code administration matters were elements that contributed to an effective self-regulatory scheme. In the ACMA's 2011 paper, *Optimal conditions for effective self- and co-regulatory arrangements*, we noted several optimal features of an effective self- and co-regulatory framework. These included: clearly defined objectives, the role of the regulator, the existence and operation of transparency and accountability mechanisms, stakeholder participation in the development of the scheme. While these are not intended as prescriptive, they signal some of the key considerations we recommend DIGI consider in the continued development of the self-regulatory framework for disinformation and misinformation.

²³ DIGI, [Governance of the code](#), DIGI website, n.d., accessed 23 June 2023.

In our July 2022 submission to DIGI's review of the code, the ACMA encouraged DIGI to:

- > further strengthen its code oversight and reporting processes, including providing greater transparency around the operation of its sub-committees and reporting on signatory non-compliance
- > develop and publish details of its processes for amending the code
- > seek views from stakeholders (including through the review) about the effectiveness and awareness of the code's complaints facility.

This section provides an update on our observations on the operation of the code's governance framework.

Code governance and transparency

The current DIGI framework includes 3 core parts:

1. code oversight mechanisms
2. publication of annual transparency reports, including an independent process for reviewing transparency reports
3. a public complaints facility, including the independent assessment of complaints.

Code oversight

DIGI's annual reports and website provide information about the operation of the code oversight arrangements and the mechanisms that underpin it. Oversight is provided via a complaints subcommittee, an administration subcommittee and a signatory 'steering group.' DIGI's published information explains the role of each individual sub-committee and the sub-committee's relationship to DIGI.

While a welcome first step, the information DIGI has provided to date focuses on the existence and role of governance mechanisms rather than offering broader insights into their operation. For example, in the DIGI 2023 Annual Report, the only detail we have about the different sub-committee's actions was that the administrative sub-committee (including the independent committee members) met twice and that the steering group met on 3 occasions during the period between 22 May 2022 and 29 May 2023.²⁴ Beyond this, information in the report focused on describing the role and membership of the committees. In particular, there continues to be a lack of information about the steps that the administration sub-committee takes to monitor the actions taken by signatories to meet their obligations under the code.

We recommend DIGI provide further detail about the operation of transparency arrangements, and in particular, the outcomes achieved (noting that it is appropriate that specific details about the precise workings of the subcommittees and the steering group, such as meeting minutes, remain confidential). Further detail could include the governance sub-committees' activities and goals over the year and the relevant triggers for meetings being held. A particular focus should be on the actions of the governance committee in monitoring signatories' obligations under the code.

We note DIGI has provided clarification on its ability to vote on the complaints sub-committee to address any potential conflicts of interests. However, the key tenets of DIGI's governance, funding and the process for membership remain unclear. Transparency in these areas should be increased.

²⁴ DIGI, [Australian Code of Practice on Disinformation and Misinformation – Annual Report](#) [PDF], DIGI website, 2023, accessed 7 July 2023, p. 11.

Independent review process for transparency reports

Under Outcome 7 of the code, signatories with more than one million monthly active Australian end-users must provide an annual report to DIGI setting out their progress towards achieving the outcomes in the code. Signatories with fewer Australian users can also elect to provide these reports. To date, all signatories have provided annual reports regardless of the size of their user bases.

Before publication, these reports are reviewed by an independent assessor who fact checks the information the signatories have provided and makes recommendations to signatories about best-practice reporting. The DIGI website provides the following information about the independent review process:

The independent reviewer will verify claims in each signatory's transparency report going forward, including whether they have published and implemented policies and processes that comply with their obligations, and verifying that those initiatives are accessible to Australian users. If the independent reviewer can't attest a claim, it advises the Administration Sub-committee comprised of independent representatives and signatories. The signatory must either amend and resubmit the reports to the reviewer for further assessment or provide written reasons as to why they dispute the reviewer's assessment, which would be published with their transparency reports on the DIGI website.

A short review of the signatory's annual transparency reports by the independent assessor is also included in DIGI's annual report.

It is clear that the role of the independent assessor is important in improving the quality of the signatory's transparency reports over time. However, it would be useful for more transparency about the independent assessor's review process, whether any metrics or other measures are used to assess and compare the signatories reports and the types of feedback that signatories are provided with (even if this was on a high-level and/or deidentified basis) as this could provide learnings for other platforms as well as insights into, and confidence in, the process.

Complaints facility

The third key element of the code governance mechanisms announced by DIGI in October 2021 was establishing a complaints mechanism.

Through this facility, members of the public or organisations can lodge a complaint online about a breach of the code by a signatory. DIGI's website states that they only accept complaints from Australians where the complaint suggests a signatory has materially breached the code's commitments and that complaints about individual items of content should be directed to the signatory itself. DIGI also provides potential complainants with a range of information including responses to 'frequently asked questions' on its website.

In its 2023 annual report, DIGI noted that it has received 14 complaints since 2021, including 9 during the reporting period (1 January to 31 December 2022). This reflects similar trends for the previous calendar year. DIGI noted that, generally, the complaints it received have been incomplete and/or related to individual pieces of content. As a result, despite efforts from DIGI to contact complainants for additional information, none of the complaints have been within the scope of the code.

It appears that DIGI is making best efforts to respond to and otherwise appropriately deal with the complaints and enquiries it does receive. However, the low volume of complaints and enquiries over the reporting period, and the nature of those complaints raises questions about public awareness of the availability or scope of the complaints facility and the effectiveness of the code complaints mechanism.

Under the code, all signatories have committed to have publicly available and accessible tools for users to report content or behaviours that violate a platform's mis- and disinformation policies (Outcome 1C). In their latest annual transparency reports, all signatories noted the availability of these tools; however, the majority did not provide any data on the volume of user reports, or insights into whether these tools are effective in identifying and addressing mis- and disinformation threats.

ACMA consumer research – Australian user complaints and reporting of content to digital platforms

In late 2022, the ACMA commissioned new research into the experiences of adult Australians who had reported or complained about harmful content to digital platform operators. The research did not canvas users' experience of the DIGI complaints facility. While this research was funded by the ACMA, the survey was designed in conjunction with members of the [Digital Platform Regulators Forum](#) (DP-REG) and sought information on a broad range of online harms – not just disinformation and misinformation. Further information about the ACMA's consumer research is available [on the ACMA's website](#) and at Appendix D.

The research found that:

- > Among Australian digital platform users, 48% had seen harmful online content in the previous 12 months.
- > Of this group who had been exposed to harmful online content, a further 48% of Australian digital platform users had made a report or complaint about the content to the platform operator.
- > Australian users of the major platforms (Facebook, Instagram, TikTok, Twitter and YouTube) who have made a report or complaint are broadly comfortable with accessing platforms' reporting tools and more likely to be satisfied with the ease of the reporting process (64% total satisfied vs 13% total dissatisfied).
- > Australian users of the major platforms were more likely to be dissatisfied with the actions taken on their most recent user report than satisfied (30% total satisfied vs 44% total dissatisfied).
- > This group was also more likely to be dissatisfied than satisfied about the level of transparency in how the platform arrived at their content moderation decision (19% total satisfied vs 49% total dissatisfied).

These results reveal that while Australian users of digital platforms are willing to complain about the harmful content they are exposed to on digital platforms, they are generally dissatisfied with the responses they receive from platforms.

Complaints about individual pieces of content or even a platform's handling of complaints about individual pieces of content would not fall within the scope of DIGI's complaints facility in many instances. However, given users' reported dissatisfaction with platforms' systems and processes for handling reports of harmful content (including disinformation and misinformation), it may be useful for DIGI to reflect on the low numbers of complaints they have received (9 in 2022) and whether this suggests that lack of awareness about the code and the complaints facility is a factor.

A complaints mechanism that is focused on compliance with opt-in commitments can only be effective if members of the public:

- > are aware of the commitments that platforms have agreed to
- > have an understanding of what non-compliance looks like.

In this context, it would be beneficial for DIGI to consider whether the information it is providing is:

- > facilitating an adequate understanding of the role of the code and signatories' obligations under it
- > affecting the volume and nature of the complaints it receives.

For example, there is no information on DIGI's 'Complaints' page (including the FAQs)²⁵ that provides complainants with a copy of the code. There is also limited information (beyond the transparency reports) about what code commitments each signatory is currently committed to or the types of complaints that would be covered by the code (which could be via a case study or other examples). This is discussed in more detail in the 'New outcome process' below.

DIGI notes in its 2023 annual report that it has developed a social media advertising plan, which will focus on promoted posts across relevant signatory platforms to improve awareness of the code and DIGI's complaints function. DIGI has also indicated that the roll-out of the campaign will be staged to enable evaluation.

In our July 2022 submission, we suggested that DIGI should seek views from stakeholders (including through the review) about the effectiveness and awareness of its complaints facility. While DIGI's proposed social media campaign may go some way toward this, it is unclear if the campaign will provide information to the Australian public about the types of complaints that DIGI can resolve. As noted above, DIGI should also consider the extent to which the campaign will address the specifics of individual signatory's and explain what each platform has committed to do and what a failure to meet their commitments might look like from a user perspective. It would also be useful for DIGI to identify and track key indicators, other than complaint numbers, to allow an evaluation of the success of their campaign.

While the ACMA appreciates DIGI's reasoning for not reviewing the code governance arrangements in 2022, we would again suggest that DIGI should reflect on its preliminary learnings and assess whether any further amendments to the governance framework are required before the 2024 review. As we noted in our June 2021 report to government, establishing a referral pathway, or a clearer referral pathway, between signatories and DIGI's complaints facility, (where escalation is appropriate), would seem an important step in improving the efficacy of the complaints facility. For example, signatories could make it clear that where a platform's decision on a piece of content (or the process the platform follows in making that decision), does not comply with the platform's published policies, then a complaint could be made to DIGI. It would also be useful for DIGI to consider the potential relationship between the complaints facility and any future mandatory external dispute resolution or ombudsman's scheme, as recommended by the ACCC in its [Digital platform services inquiry Interim report No. 5 – Regulatory reform](#).²⁶

²⁵ A copy of the code and limited information about the objectives that signatories have committed to is available on [DIGI's 'About' page](#) but this does not detail the specific outcomes signatories have committed to meeting.

²⁶ See Recommendation 2: Digital platform specific consumer measures.

Code administration

Oversight processes

DIGI has published signatories' commitments to the code's objectives on their website however, they do not show the specific outcomes signatories have opted-in to.²⁷ In some cases, services covered under the code are also included. DIGI has also made changes to the website to make it clearer when amendments to the code were made in their 2022 code review. These are all welcome developments as they enable improved transparency about signatories' commitments to the code. However, the ACMA remains concerned about the process for adding a new outcome, the apparent static nature of the commitments and the lack of a clear, proactive process to publicise meaningful changes to a signatory's measures or commitments under the code. We elaborate on these concerns below.

New outcome process

As noted in this report, a crucial element to the success of the code is the transparency of signatory commitments. Transparency about these commitments is important because it facilitates the effective functioning of the complaints scheme and acts as an accountability mechanism for signatories. Currently, DIGI's website displays a table that shows signatories' current commitment to the code's objectives. However, this table does not display the specific outcomes under these objectives that signatories have opted-in to.

To account for the information gap above, DIGI's website notes that each signatory's 2021 opt-in disclosure provides a more detailed breakdown of the outcomes under each objective that they have adopted. The website also states that the most recent information about signatories' activities relating to each of their commitments, and any changes to those commitments, can be found in the most recent transparency reports.

The revised code, published in December 2022, was the first time DIGI made changes to the code's outcomes framework. Specifically, the revised code includes a new Outcome 1e, which requires platforms to provide transparency to users. It also includes a new commitment aimed at deterring disinformation and misinformation in advertising.

Currently, it is unclear which platforms have formally opted-in to the new outcome and what measures they have committed to against this outcome. However, the ACMA's assessment of the May 2023 reports show that signatories chose to report, in varying degrees, on their commitment to Outcome 1e. Although the revised reporting guidelines require signatories to report against the new outcome in their 2024 transparency reports, the ACMA consider this is a sub-optimal solution for a range of reasons:

- > the new outcome has been operational for 6 months without a clear view on which signatories have opted-in and the measures they have committed to undertaking to achieve this outcome
- > without information about signatories' commitment to this outcome and the associated measures, users are unable to complain against this outcome
- > given the existing variance of information provided in the May 2023 reports, it will be difficult to track the progress of this outcome without a clear set of baseline measures.

²⁷ DIGI, The Australian Code of Practice on Disinformation and Misinformation.

Based on our observations of the reporting guidelines and the inconsistent information about Outcome 1e in the May 2023 transparency reports, there is limited evidence to support the presence of a clear process related to the implementation of a new outcome. We recommend that DIGI consider the learnings from Outcome 1e and the importance of establishing a robust and timely process for new outcomes. This includes publishing information as soon as practicable about signatories that have opted into new outcomes.

This example also reinforces the broader issues with the transparency and reporting framework, namely about the importance of certainty around signatory commitments at any point in time. Having this certainty supports the functioning of the complaints facility and is essential to the successful functioning of the opt-in approach to the code.

Changes in platform measures

As part of enhancing transparency, DIGI should improve the process for documenting and publicising when a signatory makes a major policy change that would (or may be perceived to) change its commitments under code. Without this, it may create the impression that a signatory has measures or policies in place that no longer exist.

An example of this is several major policy changes that have occurred since Twitter's change of ownership in October 2022. As part of our oversight obligations, the ACMA has monitored Twitter's and other digital platform activities. Since late 2022, we have made several direct enquires to Twitter about the nature of their policy changes. We understand that DIGI has also had similar conversations in its role as code administrator. In both instances, Twitter has reassured the ACMA and DIGI that it believes it is meeting commitments under the code.

We note that Twitter has made several changes to measures previously identified to meet their code outcomes. These include:

- > Twitter's COVID-19 misinformation policy has not been enforced since November 2022, with Twitter citing changes in the pandemic and public debate as driving this change.
- > Twitter Blue became available in December 2022 and replaced the previous verification program outlined in previous transparency reports. The revised system now has blue (active subscriber), gold (official business that has been verified through Twitter verified organisations) and grey checkmarks (government/multilateral organisation or a government/multilateral officials). Grey check marks commenced in March 2023.
- > Twitter's synthetic and manipulated media policy was updated in April 2023 to include out-of-context media, known as misleading media.
- > Twitter changed its free access to its API and, as of May 2023, the new Free, Basic, Pro and Enterprise tiers of access to the Twitter API are available. While their May 2023 transparency report notes a pause on existing projects in December 2022, no information is provided about changes to previous arrangements.

The ACMA considers that the changes listed above are notable and should have been made transparent under the code framework. Significant changes in policy without transparency creates uncertainty for signatories, DIGI and platform users about the nature of commitments subject to the complaints function. As a consequence, confusion about which commitments or measures are current and whether a signatory is fulfilling their commitments will undermine the success of the code. Although Twitter is not the only signatory to change commitments, it is a clear example of the need to be transparent about major policy changes that affect a signatory's commitments.

Summary of ACMA's views on code governance and administration

- > The ACMA welcomes the announcement of code governance arrangements but more transparency about the operation of these arrangements is required.
- > The introduction of a complaints facility is an important step. However, the minimal number of complaints received to date does not align with community concern about misinformation (including that expressed through recent ACMA research). Further work needs to be taken to improve public visibility and understanding about making complaints under the code.
- > Robust code administration processes still need to be developed and refined. The implementation of the new Outcome 1e reveals the need for clear processes to support the operation of an outcomes-based code. DIGI should review this and develop a more robust process for adding new outcomes.
- > There are continuing issues about the transparency of changes in commitments and material changes in measures under the code. Major policy changes at Twitter demonstrate the need for more timely reporting of significant changes to measures identified by signatories under the code.

Assessment of platform reporting activities

The code adopts an outcomes-based regulatory model, where each signatory agrees to enact measures to achieve a set of high-level outcomes or results. Compared to more traditional ‘rules-based’ regulatory models that prescribe specific processes or activities, an outcomes approach is unique in allowing industry participants to determine what measures they will adopt to meet the stated aims of the regulation. This provides signatories with greater flexibility, allowing them to nominate measures that best align to their unique business models, individually assess risk on their services, and adapt to changes in their operating environment.

However, as the ACMA has previously stressed in its reports and advice to industry, this flexibility comes with associated reporting obligations. To be both effective and enforceable, outcomes-based regulatory models must be supported by robust measurement and performance reporting frameworks that provide sufficient levels of accountability and public transparency. It is therefore essential that – should the digital platform industry wish to affirm the success of its self-regulatory regime – signatories to the code commit to ongoing improvements to their annual reporting. This requires not just to describing *what* they are doing to mitigate the risk of harm from mis- and disinformation on their services, but also demonstrating *how* the steps they are taking are working to meet the various outcomes and objectives they have signed up to.

This section focuses on our ongoing concerns regarding voluntary industry reporting under the code. It updates our advice to industry from our June 2021 report, provides our views on the latest round of transparency reports from signatories (May 2023), and provides commentary on changes to the code’s reporting framework. We recommend DIGI consider these frameworks to help inform future reporting considerations. A summary of these developments can be found at Appendix D.

Work to-date on reporting and measurement under the code

When the code was first launched in February 2021, it contained an initial report template that signatories were required to complete within 3 months of the code’s commencement. Under section 7.3 of the code, signatories also committed to develop and implement, within 6 months of code’s commencement, an agreed format for future annual reports and a guideline to inform the data and other information to be included in subsequent reports.

Signatories only had a short period to complete their interim reports, and this was factored into the ACMA’s original assessment. In our June 2021 report, we found that all signatories had met their initial reporting requirements under the code and acknowledged the DIGI reporting template as a workable foundation on which industry could build.

However, we also expressed early concerns about the quality and comparability of the inaugural reports, and flagged several areas for improvement, including:

- > a clear format with existing measures, proposed measures, and performance reporting separately under each outcome
- > a requirement for performance reporting to provide adequate data to measure platform performance against each outcome and not just describe the actions platforms have taken

- > a more detailed discussion about future actions against each outcome in the report, which would provide greater visibility about changes over time
- > a clearer distinction between the identification of relevant measures or actions (that is, what steps are individual signatories committing to under the code) and ongoing reporting on the effectiveness of these measures in addressing the code outcomes (for example, how individual signatories intend to demonstrate their measures or actions have been successful).

In Appendix F of the ACMA's June 2021 report, we provided more detail about performance reporting, and the necessity for signatories to identify and track key performance indicators (KPIs) against each of their code commitments. This advice was influenced by a growing body of European research on best-practice platform measurement approaches and, building on a KPI framework developed by independent consultancy Valdani, Vicari and Associates in the context of the EU Code²⁸, it outlined a 2-tier model of signatory-specific KPIs and industry-wide KPIs. It was hoped that DIGI and signatories would consider the ACMA's advice as part of its work towards improving their reporting obligations under the code and would seek to incorporate both individual and industry KPIs as part of the required reporting guidelines and updated template.

Although signatories missed the original 6-month target for new reporting guidelines as stipulated in the code, DIGI did undertake work to strengthen the reporting regime shortly after this deadline. In October 2021, DIGI appointed an independent reviewer to audit all signatories' future annual transparency reports. While this was intended to incentivise compliance and best-practice reporting, DIGI has noted the scope of independent reviewer's annual assessment is limited to fact-checking of publicly verifiable claims made by the signatories in their respective reports:

... this process does not involve an evaluation of the quality of the reports or the compliance with the code but provides independent confirmation that certain publicly verifiable information is provided in accordance with agreed reporting guidelines.²⁹

DIGI later commissioned the independent reviewer to also develop a new template and best-practice reporting guidelines for the code. These were finalised in March 2022 and were published by DIGI as part of its June 2022 annual report on the administration of the code. The ACMA met with DIGI and the independent reviewer about the guidelines in early 2022 but was not involved in the drafting or finalisation of this work.

The reporting guidelines noted several areas of weakness in the initial May 2021 signatory reports, including a lack of trend data and supporting commentary about provided data points, a tendency towards a promotional tone in the writing, and the inclusion of lengthy explanations of process and policy that are unnecessary for year-on-year reporting. The guidelines advocated for defined reporting periods tied to calendar years, more consistency in language and terminology between signatories, and greater reliance on Australia-specific data (or the inclusion of an explanation if this is not possible).

While these recommendations were well-informed and sensible, the ACMA was disappointed that the development of a KPI reporting framework was considered outside the scope of the work – despite clearly and repeatedly outlining our expectation – since our original June 2020 position paper – that signatories develop

²⁸ European Commission, [Study for the assessment of the implementation of the Code of Practice on Disinformation](#), European Commission website, 2020, accessed 7 July 2023, p. 89–95.

²⁹ DIGI, [Australian Code of Practice on Disinformation and Misinformation – Annual Report](#) [PDF], DIGI website, 2022, accessed 7 July 2023, p. 16.

KPIs to track their performance under the code.³⁰ The code reviewer noted the importance of having a KPI reporting regime, and recommended signatories work towards this goal, as well as other measures to assess the effectiveness of the code across industry:

We acknowledge that the development of an agreed KPI reporting regime is a significant undertaking beyond the scope of these guidelines. Signatories are encouraged to identify and commit to appropriate internal KPIs in the next round of annual reporting. From these may emerge the outlines of a more formal mis/disinformation KPI reporting regime that includes Signatory as well as market-wide data.

We encourage DIGI to investigate setting up a statistically representative user survey of the type envisioned by the European Commission, and to agree with Signatories on the data such a survey would gather in order to best gauge the society-wide impact of their work against mis/disinformation.³¹

DIGI published signatories' second round transparency reports in May 2022, which were informed by these new reporting guidelines. As we discussed in our submission to the DIGI code review, although we noted general improvements in signatory reporting, we remained concerned about the lack of information about how each signatory's activities were progressing and what internal metrics were used to track and assess the effectiveness of these measures. We also noted an absence of meaningful qualitative analysis, with data continuing to be presented without comment or context, and a high level of repetition between the 2021 and 2022 reports. This was disappointing to see, especially given the clear guidance from the code reviewer and DIGI about making improvements in these areas.

Latest transparency reports and revised reporting guidelines

In May 2023, DIGI released the third round of transparency reports, alongside updated reporting guidelines for the next round of reporting in their annual report. There have been improvements in some signatory's reporting, namely the inclusion of some new data points and consistent information across reports, which enhances the potential for time-based comparisons. Signatories have also improved reporting about their services covered by the code and their rationale for opting out from certain outcomes.

It is evident that some signatories are accepting feedback and making incremental improvements year-on-year. However, we have also seen an increased variation in the quality of reports across the 8 signatories. Given the variation in reporting, we have provided a more detailed assessment of each signatory's transparency report at Appendix C. Each 'report card' identifies recommendations for improvements next year.

Overall, our key concerns with the reporting framework remain:

- > Signatories have not identified the KPIs they are using to track their progress to achieve the code's objectives and outcomes. Instead, they continue to provide isolated data points. Although some signatories have included more Australian trend data, others have not included data points from previous reports.
- > Data continues to be provided in isolation, with limited meaningful analysis.
- > Signatories need to increase the amount of Australian data contained in their reports.

³⁰ ACMA, [Misinformation and news quality on digital platforms in Australia – A position paper to guide code development](#), ACMA website, 2020, accessed 7 July 2023, p. 23–24.

³¹DIGI, Australian Code of Practice on Disinformation and Misinformation – Annual Report [PDF], p. 33

- > As the code matures, the current approach to reports is not an effective vehicle to communicate signatory's measures under the code and report on their performance against the code's outcomes.

As discussed earlier, reporting was not considered in the DIGI's 2022 code review. Nevertheless, in response to stakeholder feedback on this issue, DIGI committed to make further amendments to the best-practice reporting guidelines ahead of the release of annual transparency reports in May 2023. In its annual report, published in May 2023, DIGI published a revised set of reporting guidelines for the 2024 transparency reports.

Despite the reporting guidelines being updated to align with recent code changes, disappointingly, the guidelines do not contain any substantive changes or any progress towards developing internal KPIs as per the recommendations of the code reviewer. This is an area of continued interest and focus for the ACMA as we consider what ongoing reporting could look like as part of a regulated information-gathering regime.

Views on changes to reporting under the code framework

Timing of reporting

In the reporting guidelines published in March 2022, the reporting period for signatories' transparency reports was specified to be over a calendar year (that is, the May 2023 reports relate to the 12 months from 1 January to 31 December 2022).

The intention of specifying a consistent reporting period was to simplify the process for signatories and facilitate easier comparisons between years and platforms. Although this change should make it easier for signatories to compile their reports, it has had consequences on the relevance and timeliness of some information signatories provide about their activities under the code.

In their report, the independent assessor noted that a lag between the end of a reporting period and the filing of reports is common to reporting regimes. This lag negates the timeliness of information about platforms' measures to meet code outcomes. As a result, platform users may not be able to access information about measures to combat disinformation and misinformation for events of significant public interest until many months after the event has passed. An example of this is there is no information about signatories' measures regarding the upcoming Aboriginal and Torres Strait Islander Voice referendum in the latest transparency reports.

We recommend that DIGI should better examine the purpose of the transparency reports. Currently, the transparency reports are not achieving their dual objectives of:

- > documenting signatories' current and future commitments and measures
- > adequately presenting historical performance reporting and the provision of data to adequately assess the effectiveness of signatory measures.

As the code has matured, the ACMA has observed fewer changes in measures to address outcomes under the code. Therefore, given the relatively static nature of these measures, the ACMA considers that separating the transparency and performance reporting functions should not be a significant burden against the benefits it would provide to the overall operation of the code.

Graduated reporting framework based on the size of a platform

In addition to expanding the scope of the code, one of the other more notable changes in the December 2022 revision was the introduction of a graduated reporting framework based on the size of a platform.

The revised code now seeks to incentivise greater participation among platforms with less than one million monthly active Australian users by allowing them to avoid the burden of the annual code reporting process. Instead, these smaller signatories only need to provide an initial one-off report to DIGI (within 12 months of joining the code), unless there are changes to their product or service offerings that change their initial report. There are no changes to reporting processes for signatories with more than one million monthly active Australian users; they are still required to update their opt-in nomination forms annually.

The new graduated reporting approach raises some practical considerations. Currently, it is unclear whether any of the existing signatories fall within the new category of a smaller signatory, and DIGI has not detailed how it will determine the monthly active users for signatories. This exercise may be more challenging than it first appears. As part of the Digital Services Act (DSA), the European Commission recently designated very large online platforms and very large online search engines (VLOPs/VLOSEs).³² These designations were based on monthly EU active user numbers published by all online platforms and search engines in the EU.³³ Despite publishing guidance on how these figures should be calculated³⁴, there was significant variation in the quality of information to date. For example, Spotify did not provide any information except for noting that they fell under the threshold of 45 million monthly active European users. We recommend that DIGI consider how this process will work in the Australian context, including clarifying the process for a signatory that grows quickly and crosses the one million active user threshold within a reporting period.

Overall, while the ACMA considers the 2-tier system is a positive change to the reporting framework, it is too early to tell whether this change will have the desired impact of increasing participation. More work is needed to ensure the process for distinguishing between smaller and larger platforms is practical and transparent.

Summary of ACMA's views on reporting activities

- > There have been incremental improvements in the third set of transparency reports but ACMA's key concerns with the reports and the code's reporting framework remain unaddressed.
- > While DIGI's reporting guidelines were updated to align with code changes, it was disappointing to see that they did not contain any substantive changes or progress toward developing internal KPIs. Both the ACMA and the independent reviewer have consistently emphasised the importance of these KPIs to the success of the code.
- > Signatories should prioritise the development of internal KPIs to track their performance under the code. The development of KPIs is crucial to assessing the overall effectiveness of the code at a signatory and industry-wide level. DIGI should consider how best to work with signatories to encourage work in this area.

³² The designated VLOPs/VLOSEs are Alibaba, Amazon Store, Apple AppStore, Booking.com, Meta (Facebook, Instagram), Google (Maps, Play, Shopping, Search, YouTube), Microsoft (LinkedIn, Bing), Pinterest, Snapchat, TikTok, Twitter, Wikipedia and Zalando.

³³ Under the DSA, platforms are required to update their user numbers every 6 months. If they fail to be published, Member States can impose a maximum fine of 1% of annual turnover.

³⁴ European Commission, [DSA: Guidance on the requirement to publish user numbers](#), European Commission website, 2023, accessed 10 July 2023.

- > Signatories should also enhance the quality of their transparency reports by providing data to measure performance against each outcome, qualitative analysis to explain changes in data over time, and more Australian-specific data.
- > The ACMA welcomes the introduction of a graduated approach to reporting and encourage DIGI to continue to consider how to incentivise greater participation among a wide range of digital platforms.
- > DIGI should consider the process for determining active user numbers, and the process if a signatory crosses the one million active users threshold within a reporting period.
- > The ACMA recommends the separation of signatory's measures under the code from historical performance reporting. The historical nature of the reporting process limits the transparency of signatories' measures under the code, including of important upcoming events such as the referendum.

Next steps

In the 2023–24 federal Budget, the ACMA was provided \$7.9 million over the next 4 years to administer new powers combat online disinformation and misinformation. The funding will be used to support the development of the new powers, as well as increase the ACMA's capacity and capability to monitor the effectiveness of measures to reduce misinformation and disinformation.

Exposure draft legislation to provide the ACMA with new regulatory powers in this area is currently out for consultation. The powers are intended to provide the ACMA with a formal regulatory role to combat misinformation and disinformation, as well as a set of reserve regulatory powers to incentivise industry behaviour, and act if these efforts are inadequate.

This 2023 report by the ACMA provides insights and data that may be useful during consideration of the exposure draft legislation. While that consideration takes place, the ACMA will continue to work with digital platforms to improve the current self-regulatory arrangements to provide strong protections for Australians from the harms of misinformation and disinformation on these services.

We would also encourage more platforms, including platforms with large Australian active user bases such as Reddit, Snap and Spotify to sign up to the code. Each new signatory contributes to the objective of the code to provide a minimum level of protection for Australian users of digital platforms.

A continued focus for the ACMA will be on the development of robust performance reporting arrangements for the outcome-based industry code. The ACMA considers that, as a priority, additional work needs to be undertaken to further embed an effective reporting framework in the code. This should be informed by the independent reviewer observations and the ACMA's feedback on the current reporting processes.

Appendix A: Key code events

Date	Event
February 2021	DIGI publishes and announces the commencement of the code.
May 2021	DIGI publishes the first set of annual transparency reports from code signatories.
June 2021	ACMA provides its first oversight report to the government on the adequacy of platforms' measures and their broader impacts on disinformation and misinformation.
October 2021	DIGI announces a new public complaints portal and broader governance arrangement for the code, including a complaints sub-committee, an administration sub-committee, a signatory steering group, and an independent code reviewer to assess the annual transparency reports of signatories.
February 2022	DIGI undertakes public outreach to promote use of its complaints portal, including engagement with the Australian Communications Consumer Action Network (ACCAN).
March 2022	ACMA publishes its June 2021 report, and DIGI releases a statement expressing in-principal support for its 5 key recommendations.
May 2022	DIGI publishes the second set of annual transparency reports from code signatories, covering the 2021 calendar year. These are based on new best-practice reporting guidelines developed by the independent code reviewer.
June 2022	DIGI announces the commencement of its initial scheduled review of the code and seeks public submissions on a discussion paper outlining potential changes to the code. DIGI publishes an annual code administration report, providing new consumer research and a summary of concerns brought before the complaints facility.
December 2022	DIGI concludes its code review and releases a revised version of the code and a report detailing how it has addressed stakeholder feedback.
January 2023	The Australian Government announces its intent to legislate to provide the ACMA with new mis- and disinformation powers, and to undertake public consultation on draft legislation during the first half of 2023.
May 2023	DIGI publishes the third set of annual transparency reports from code signatories, covering the 2022 calendar year. DIGI publishes an annual report on activities in the previous calendar year, including updated best-practice reporting guidelines for 2024 transparency reports.
June 2023	The Australian Government releases exposure draft legislation for public feedback. The legislation, if passed, will provide the ACMA with a suite of reserve regulatory powers to combat misinformation and disinformation.

Appendix B: Summary of changes to the code

Issue	Summary of change	Text of the code (red text indicates changes)
Participation		
Opt-in framework	New text added to opt-in provision requiring signatories provide greater transparency about the specific products and services that are within scope of the signatories' code commitments.	<p><i>Section 7.1</i></p> <p>...</p> <p>Each Signatory will annually re-assess the extent the provisions of the code are relevant to their products and services (including whether any new products and services should be subject to the code) and update and notify DIGI of any updates to the opt-in form. DIGI will publish updates to the Opt-in Nominations Form on the DIGI website.</p>
Threshold for signatory participation	Amends existing reporting provisions to establish less onerous reporting requirements for platforms that provide a service with less than one million active monthly users in Australia. This change aims to encourage smaller platforms to sign up to the code.	<p><i>Section 7.3 (abridged)</i> In addition to the Opt-in Nomination Form under section 7.1, each Signatory that has a service subject to the code with a user base in excess of one million monthly active Australian end-users will provide an annual report to DIGI setting out its progress towards achieving the outcomes contained in the code which will be published on the DIGI website. The first report will be in the form of the report Appendix 2 and submitted within three months of the commencement of the code. Signatories commit to develop and implement, within six months of the commencement of this Code, an agreed format for future annual reports and a guideline that will inform the data and other information to be included in subsequent reports. Each Signatory's annual report will list its products and services that are subject to the code including any additional products and services that have been assessed to be subject to the code during this period covered by the report.</p>
Scope of the code	Expands the coverage of the code to include a broader range of digital platform services that could choose to sign-up, including those that provide technological solutions that aim to assist digital platforms and/or end-users to combat misinformation, news aggregators and companies that offer sponsored content or digital advertising services. This change aims to encourage a broader range of platforms sign up to the code.	<p><i>Section 4.1 (abridged)</i> [...] The Code may therefore be signed by a broad range of Signatories and a range of products and services, and is not limited to specific types of Digital Content. For example, products services in scope may include those that:</p> <ol style="list-style-type: none"> disseminate user-generated (shared content) content; and/or disseminate content that is returned and ranked by Search Engines in response to user queries; provide technological solutions that aim to assist digital platforms and /or end-users combat Disinformation and Misinformation; and offer sponsored content or digital advertising services; and aggregate and disseminate news and other types of journalistic content from a variety of different sources.

Issue	Summary of change	Text of the code (red text indicates changes)
		<p>Note for D Political advertising is excluded from the scope of Misinformation but may fall within the definition of Disinformation if propagated by Inauthentic Behaviours.</p> <p>Note for E Professional news content disseminated by a news aggregation service is excluded from the definition of Misinformation but may fall within the definition of Disinformation if propagated by Inauthentic Behaviours.</p>
Drafting changes		
Professional news	<p>New section to define professional news exemption from the definition of misinformation. New definitions and categories for defining professional news (3.7, 3.10), to inform news content exemption.</p> <p>This section reflects DIGI's view that the news media is best placed to address misinformation within existing self-regulatory frameworks.</p>	<p><i>Section 3.10</i> Professional news is online material produced by a news source that reports, investigates or provides critical analysis of:</p> <ul style="list-style-type: none"> a) issues or events that are relevant in engaging end-users in public debate and in informing democratic decision-making; or b) current issues or events of public significance to end-users at a local, regional or national level.
News sources	<p>New section to define the criteria for news sources to accompany professional news exemption.</p> <p>This section clarifies that news sources must have editorial independence from the subjects of its news coverage and be subject to codes or rules that specify editorial practices.</p>	<p><i>Section 3.7</i> A news source is a journalistic producer of news that has editorial independence from the subjects of its news coverage and is:</p> <ul style="list-style-type: none"> a) subject to the rules of the Australian Press Council Standards of Practice or the Independent Media Council Code of Conduct; or b) subject to the rules of the Commercial Television Industry Code of Practice, the Commercial Radio Code of Practice or the Subscription Broadcast Television Codes of Practice; or c) subject to the rules of a code of practice other regulatory instrument that specifies standard of editorial practice in another country; or is subject to internal editorial standards that relate to the provision of quality journalism; or d) provides a publicly accessible mechanism for making requests for corrections or complaints about the quality of its news coverage.
Political advertising	<p>The definition of political advertising has been updated to remove issues-based advertising from the definition.</p> <p>This carve out reflects stakeholder feedback that the approach to issues-based advertising be clarified.</p>	<p><i>Section 3.9</i> Political Advertising means paid for advertisements:</p> <ul style="list-style-type: none"> a) made by, on behalf of a political party; or b) that advocate for the outcome of an election, referendum or other Federal, State or Territory wide political campaign concerning a social issue of public concern in Australia; process (such as a postal vote) supervised by an electoral management body of the Commonwealth or State and Territory. c) are regulated as political advertising under Australian law.
Issues-based advertising	<p>New section to provide that platforms may deal with transparency of other forms of</p>	<p><i>Section 5.25</i> Signatories may also, as a matter of policy, choose not to target advertisements based on the inferred political affiliations of a user or choose to define and implement commitments concerning a broader scope of political advertising</p>

Issue	Summary of change	Text of the code (red text indicates changes)
	<p>political advertising, such as issues-based advertising.</p> <p>This change seeks to account for the difficulty distinguishing between issues-based advertising as it pertains to advocating for a political campaign, and issues-based advertising for general advocacy purposes. The inclusion provides the opportunity for platforms to provide transparency on other forms of political advertising, such as issues-based advertising.</p>	<p>including advertising that advocates for a political outcome on social issues of public concern.</p>
Harm threshold	<p>The definition of harm has been changed from 'serious and imminent' to 'serious and credible'.</p> <p>This amendment of the definition of harm broadens out the threshold to include the chronic harms that can result from the cumulative effect of misinformation over time.</p>	<p><i>Section 3.4</i> Harm means harms which pose an imminent a credible and serious threat to:</p> <ul style="list-style-type: none"> a) democratic political and policymaking processes such as voter fraud, voter interference, voting misinformation; or b) public goods such as the protection of citizens' health, protection of marginalised or vulnerable groups, public safety and security or the environment. <p>Note: Harm which poses a credible and serious threat excludes harm that cannot be reasonably foreseen.</p>
Sponsored content	<p>New definition of sponsored content.</p> <p>The change is to support the expansion of the scope of the code and to clarify both sponsored content and paid for advertising are in scope of the code.</p>	<p><i>Section 3.13</i> Sponsored content is a paid arrangement between a social media service and an account-holder under which the social media service promotes content posted on the service beyond the account holder's list of followers in exchange for payment but excludes paid for advertising, for example, paid advertising on search engines.</p>
Digital advertising services	<p>New definition of digital advertising services.</p> <p>The change is to support expansion of the scope of the code.</p>	<p><i>Section 3.8</i> Digital advertising services means paid for digital advertising services where the placement of the advertisement is sold directly by Signatories to advertisers.</p>
Recommender systems	<p>New definition of recommender systems to support inclusion of Outcome 1e.</p>	<p><i>Section 3.11</i> Recommender system means a fully or partially automated system used by an online platform to suggest or prioritise in its online interface specific items of Digital Content to recipients of the service, including as a result of a search initiated by the recipient of the service or otherwise determining the relative order or prominence of the items of Digital Content displayed.</p>

Issue	Summary of change	Text of the code (red text indicates changes)
Objectives/commitments		
<p>Recommender systems</p>	<p>New outcome requiring signatories to provide greater transparency and user empowerment related to recommender systems.</p> <p>This is based on the EU Strengthened Code of Practice on Disinformation.</p>	<p><i>Outcome 1e</i> Users will be able to access general information about Signatories' use of recommender systems and have options relating to content suggested by recommender systems. Signatories that provide services (other than search engines) whose primary purpose is to disseminate information to the public and which use recommender systems, commit to:</p> <ul style="list-style-type: none"> a) make information available to end-users about how they work to prioritise information that end-users may access on these service; and b) provide end-users with options that relate to content suggested by recommender systems that are appropriate to the service. <p>Note: for example, the comments provided under news stories published by an online newspaper would be ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher and therefore not subject to this commitment.</p>
<p>Advertisements that propagate mis- and disinformation</p>	<p>New commitment to deter advertisers from repeatedly placing digital advertisements that propagate disinformation and misinformation.</p> <p>This is based on the EU Strengthened Code of Practice on Disinformation.</p>	<p><i>Section 5.15</i> Signatories that offer digital advertising services will use commercially reasonable efforts to deter advertisers from repeatedly placing digital advertisements that consistently propagate Disinformation or Misinformation.</p>

Appendix C: Signatory report cards, May 2023 reports

Meta	
Australian user base:	Facebook: 21 million monthly active users (2022) Instagram: 10 million monthly active users (2022) Source: DPSI Report 6
Services covered:	Facebook, Instagram
Code commitments:	All code outcomes
Strengths	
<ul style="list-style-type: none"> > Meta has undertaken work on many of its previously identified initiatives and improvements are being made so they continue to be fit-for-purpose over time. For example, July 2022 updates to the Meta Ad Library include new information about the targeting selections for advertising, and measures to promote authoritative information and provide users with tools to help them assess the quality of sources and factual content. > As with previous reports, Meta has included Australia-specific data and information. This includes data about Meta’s actions in Australia to: <ul style="list-style-type: none"> > display content warnings on content based on articles written by third-party fact checking partners > act on content that violates its Harmful Health Misinformation policies, including removing accounts, pages, and groups for repeated violations > reject ads for not complying with its political and social issue advertising enforcement policies. 	
Weaknesses	
<ul style="list-style-type: none"> > Meta does not identify whether the data it has provided represent metrics that could be used to track the effectiveness of its measures, particularly in the Australian context. 	
Recommendations	
<ul style="list-style-type: none"> > Meta should identify KPIs to assess the effectiveness of its measures to meet the outcomes of the code and provide robust data against these KPIs. 	

Google	
Australian user base:	Across all platforms: unknown number of users YouTube: 20.4 million monthly active users (2022) Source: DPSI Report 6
Services covered:	Google Search, Google News, Google Ads, Google AdSense, YouTube
Code commitments:	All code outcomes
Strengths	
<ul style="list-style-type: none"> > Overall, Google provided similar information to its May 2022 report. It was positive to see the continued inclusion of Australian-specific data compared to global data, and some consistent data points with previous iterations of transparency reports. > There was evidence of new data points and updates to policy including in response to the Russian invasion of Ukraine and political advertising. 	
Weaknesses	
<ul style="list-style-type: none"> > It was disappointing not to see the data provided in the EU transparency report around appeals in the Australian transparency reports. > Additional analysis and commentary to contextualise data was lacking. 	
Recommendations	
<ul style="list-style-type: none"> > Google should continue to explore ways to provide additional commentary to contextualise aggregated data. > Google should continue to develop KPIs to show the effectiveness of their measures over time and to ensure that these KPIs continue to include Australian-specific data. 	

Twitter	
Australian user base:	2.9 million monthly active users (2022) Source: DPSI Report 6
Services covered:	Twitter
Code commitments:	All code outcomes, except Outcome 5
Strengths	
<ul style="list-style-type: none"> > Twitter provided information about how they are progressing to address meet the new Outcome 1e. > Twitter provided examples about how their pilot 'Birdwatch' project has evolved and expanded into 'Community Notes' over time. 	
Weaknesses	
<ul style="list-style-type: none"> > Twitter's report contains no Australian-specific data, even where data has been provided in previous years. Twitter changed its transparency reporting processes in Q4 2022, but it is unclear how it can demonstrate its progress against its outcomes without any Australian-specific data. The limited data provided relates to global H1 2022 numbers, which are generic and not specifically related to misinformation. The lack of data provides a 'blind spot' in the report. > Less data has been provided than in the previous 2 transparency reports. This limits our ability to assess Twitter's progress in meeting the code's outcomes over time. > Several material changes to previously identified code measures are not included in the report. These include the dissolution of Twitter's Trust and Safety Council and the introduction of government and state-based account labels. 	
Recommendations	
<ul style="list-style-type: none"> > Twitter should implement processes to enable Australian-specific data to be reported in future reports. This data should be reported with appropriate contextual analysis against identified KPIs to allow tracking over time. > Given the changing nature of its business model, Twitter should work with DIGI to ensure material changes that impact its code commitments are transparent. 	

Microsoft	
Australian user base:	Across all platforms: unknown number of users LinkedIn: 5.1 million monthly active users (2022) Source: DPSI Report 6
Services covered:	Microsoft Advertising, Bing Search, Microsoft Start, LinkedIn
Code commitments:	All code outcomes (some are only relevant to certain services)
Strengths	
<ul style="list-style-type: none"> > Microsoft provided similar information to their May 2022 report. It was positive to see the continued inclusion of Australian-specific data compared to global data. > Microsoft included new data points, introduced new policies and initiatives, and updated existing ones, including in response to the Russian invasion of Ukraine. 	
Weaknesses	
<ul style="list-style-type: none"> > Microsoft included data about fact-checking measures in its report under the 2022 EU Code of Practice on Disinformation, which included information about the source of news and factual content users accessed on LinkedIn. It was disappointing that this level of detail was not provided for Australian transparency reporting. 	
Recommendations	
<ul style="list-style-type: none"> > Microsoft should continue to explore ways to provide data and metrics to show the effectiveness of its measures in Australia. 	

TikTok	
Australian user base:	10 million monthly active users (2022) Source: DPSI Report 6
Services covered:	TikTok
Code commitments:	All code outcomes
Strengths	
<ul style="list-style-type: none"> > TikTok had some improvements in their report from previous years, namely the inclusion of some consistent data points from previous reports and additional detail to explain possible reasons for changes in data from the May 2022 report. > TikTok provided some consistent data in their May 2022 report on actions taken on videos that violated integrity and authenticity policies. This enables tracking these actions over time. > Overall, the May 2023 report contained updated iterations of most of the information provided in TikTok's previous report. 	
Weaknesses	
<ul style="list-style-type: none"> > While there is some scope for year-on-year comparison of consistent data points, the report doesn't detail many new initiatives and also provides inconsistent timeframes for data points, which makes comparisons challenging. 	
Recommendations	
<ul style="list-style-type: none"> > TikTok should identify which data, metrics or other metric-based KPIs can be used to identify the effectiveness of its measures in achieving the outcomes of the code and ensure its report contains appropriate commentary/contextualisation to understand the impact of TikTok's measures. > TikTok should ensure that new data is provided for comparable timeframes. 	

Apple	
Australian user base:	Unknown
Services covered:	Apple News
Code commitments:	1a,1c,1d, 2, 4, 6, 7
Strengths	
<ul style="list-style-type: none"> > Apple continues to provide case studies, supported by data, about the reach of authoritative news stories of public interest to Australians. Examples in the current report include cyber security incident, the 2022 federal election and COVID-19 developments. > Apple has provided clear explanations about why it has not opted-in to certain commitments. > A misinformation or disinformation reporting category was added to Apple's reporting process in 2022. 	
Weaknesses	
<ul style="list-style-type: none"> > The report does not contain identified metrics that allow progress towards meeting the code's outcomes over time. > Data points could be better contextualised (such as providing more data about potential reach of authoritative information on topics of major public debate) to allow assessment of effectiveness of measures over time. 	
Recommendations	
<ul style="list-style-type: none"> > Data points should be better contextualised to allow assessment of effectiveness of measures over time. > Apple should look to establishing metrics to allow performance to be better tracked over time. 	

Adobe	
Australian user base:	Unknown
Services covered:	All Adobe services able to take advantage of the Content Authenticity Initiative (CAI), including the new 'Firefly' generative AI engine.
Code commitments:	1a, 3, 4, 6 & 7
Strengths	
<ul style="list-style-type: none"> > Adobe has provided detailed information about initiatives it is undertaking to combat the risks of mis- and disinformation. Primarily this occurs through its Content Authenticity Initiative (CAI) and associated Coalition for Content Provenance and Authenticity (C2PA) standards to improve attribution of digital content. Adobe is also supporting consumer research into perceptions of provenance and media literacy initiatives for children. > Adobe has provided data, including Australian-specific data, about the implementation of its initiatives. For example, at the end of 2022, 900 partners had joined the CAI and this includes 20 members from Australia. 	
Weaknesses	
<ul style="list-style-type: none"> > Data points were not provided for all the outcomes that Adobe has committed to. > It is still unclear whether data points will be tracked over time. Where data has been provided, it will be important that Adobe continues to provide data against these same metrics in future years. > It remains unclear why Adobe has continued not to opt-in to some of the code outcomes that appear relevant to the CAI such as enabling users to be better informed about the source of political advertising if that advertising features content created with Adobe products (Outcome 5). 	
Recommendations	
<ul style="list-style-type: none"> > Adobe should identify data-points that can be used to assess the effectiveness of its measures to meet the outcomes of the code and provide robust data against these. For example, Adobe could identify that the number of Australian-based members of the CAI and the number of assets created with Content Credentials as a metric for assessing success against relevant outcomes. > Adobe should consider whether it should opt-in to other code outcomes as its initiatives develop. 	

Redbubble	
Australian user base:	Unknown (FY2022 annual report showed 14.4 million active members globally (with 7% of revenue coming from AUS/NZ))
Services covered:	Redbubble
Code commitments:	All outcomes except Outcome 5
<p>Strengths</p> <ul style="list-style-type: none"> > Redbubble signed up to 3 additional code outcomes in 2022 (including Outcome 1d, which was originally recommended by the ACMA in our June 2021 report card) and has provided quantitative data for the first time. > Redbubble expanded its range of detection technologies in 2022, including the use of AI to detect users' keyword tagging patterns associated with mis- and disinformation. > Redbubble updated the types of content targeted in proactive screening to include medical misinformation around vaccines, including new guidelines and reference content. > Redbubble provided a good overview of its content moderation processes, including topical disinformation and misinformation examples for 2022, such as COVID-19, and new data points. 	
<p>Weaknesses</p> <ul style="list-style-type: none"> > Redbubble's transparency report is less detailed than previous years, and the new data points lack relevance to the code. > Some of the content duplicated previous reports. > Redbubble did not sufficiently discuss the propagation of disinformation or misinformation targeting Australians on its service. 	
<p>Recommendations</p> <ul style="list-style-type: none"> > Redbubble should consider including a more specific discussion of the propagation of disinformation and misinformation targeting Australians on its service. > Reporting could also be improved through baselining data on volumes of identified disinformation and misinformation content, how it compares to other types of violative content, and links to Australia. 	

Appendix D: Results from complaints research

In November 2022 and January 2023, the ACMA undertook research seeking to understand the experiences of adult Australians who had reported or complained about harmful content to digital platform operators. The ACMA research was commissioned to better understand the experience of Australians who have made a report or complaint to a digital platform (both websites and apps) following exposure to potentially harmful content (including misinformation). The research focused on digital platforms that have a predominantly social media, content and/or communications purpose rather than all digital platforms (for example, there wasn't a focus on online marketplaces, app stores, rideshare apps, food delivery or financial apps). While the ACMA does not have a role in handling individual user complaints regarding content on digital platforms, the research is intended to help inform us about whether users know how to report or complain about harmful content to digital platforms, what type of content is being reported and whether platforms are responsive to user concerns. Further information about this research is available [on the ACMA's website](#), noting that additional analysis of the data was conducted for the purposes of the advice presented in this Appendix.

The research was also developed in collaboration with the Digital Platforms Regulator's Forum (DP-REG) to inform broader considerations about reporting and complaining about harmful content. DP-REG is an initiative of Australian independent regulators to share information about, and collaborate on, cross-cutting issues and activities on the regulation of digital platforms. This includes consideration of how competition, consumer protection, privacy, online safety and data issues intersect.

The research was conducted using a large-scale nationally representative survey panel (Life in Australia™) managed by The Social Research Centre. Stage 1 of the research was in November 2022 with 4,412 Australian respondents aged 18 years and over. This was used to identify platform usage, incidence of exposure to harmful content, and determine necessary sample sizes for more detailed research into user reporting and complaints. Stage 2 of the research was conducted in January 2023, with 4,729 respondents aged 18 years and over. Of these, 830 had made a report or complaint to a platform operator, 619 were directed to the full survey and 560 completed it. This Appendix includes results from both stages of the research.

Reporting incidence

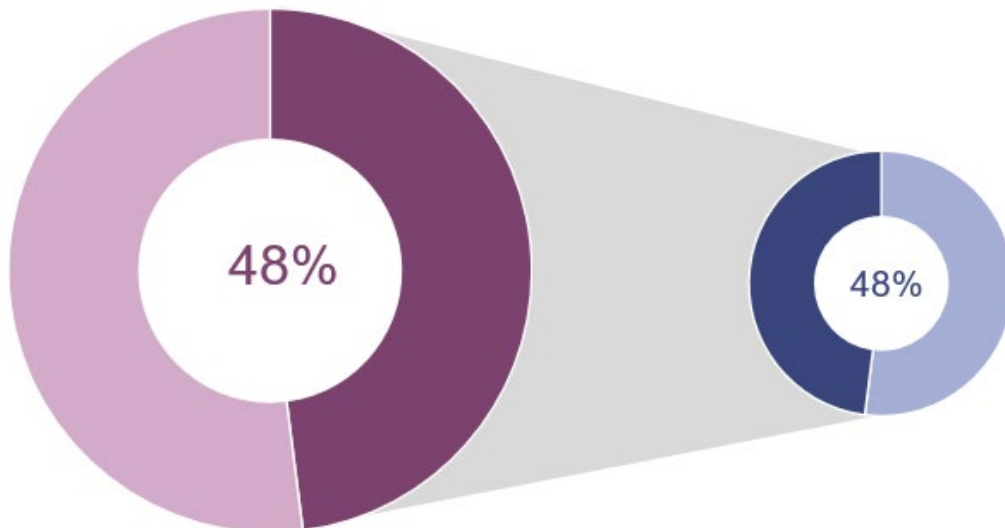
In January 2023, we asked respondents who had used a digital platform website or app in the previous 12 months whether they had seen or heard any 'harmful content' while using these services, and, if so, had they made a report or complaint about the content to the platform operator. Harmful content was described to participants as:

... content that may be abusive, offensive, inappropriate, false or misleading, or otherwise harmful to you or others.

Around half (48%) of adult Australian digital platform users reported seeing or hearing some form of harmful content in the previous 12 months, with around half of the exposed group (48%) choosing to report the harmful content to the platform operator. This meant that half (52%) of Australian digital platform users who were exposed to some form of harmful content online in the previous 12 months chose not to report the content. Where relevant, misinformation and disinformation were identified as a sub-category of harmful content, and, when asked about their most recent experience,

misinformation. Misinformation and disinformation was the second most prevalent form of harmful content that users reported to the platforms at 38%, (following scams at 44%) (see Figure 9).

Figure 1: Experience with harmful content on platforms: past 12 months to January 2023 (%)

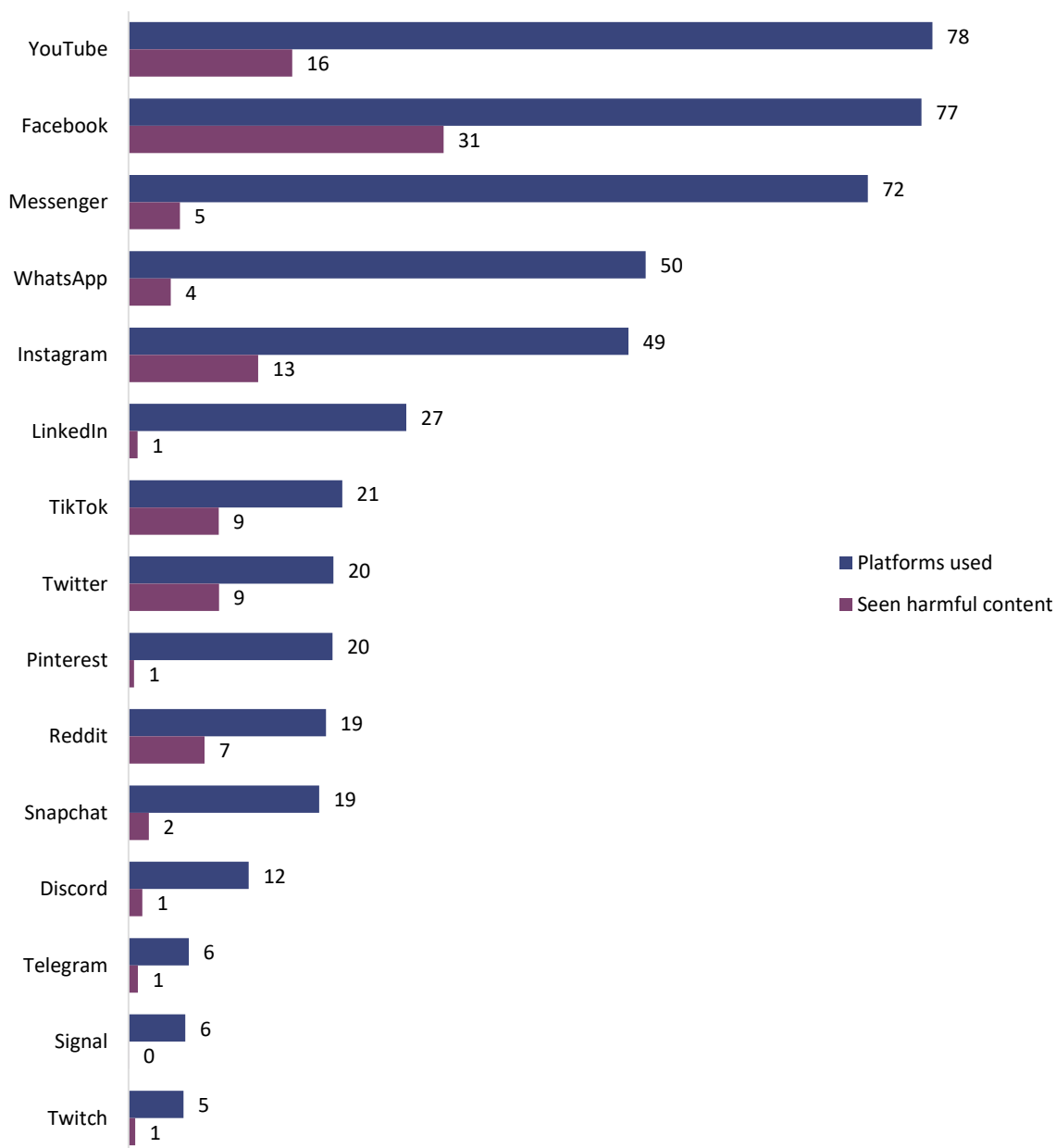


Note: Results for 'Don't know' and 'Refused' excluded from base. Base: Chart 1: Saw or hear harmful content: Australians aged 18 years and over who used a digital platform in the past 12 months (n=4,528); Chart 2: Reported harmful content: Australians aged 18 years and over who used a digital platform in the past 12 months and were exposed to harmful content (n=1,896).

Source: ACMA Digital platforms research, January 2023. Q2. For each of the following websites or apps you have used in the past 12 months, have you seen or heard any harmful content? Q3. For each of the following websites and apps on which you saw or heard harmful content in the past 12 months, did you report or make a complaint about this harmful content to the digital platform operator.

Overall, adult Australians most frequently used YouTube (78%), Facebook (77%) and Facebook Messenger (72%) in the past 12 months, with the highest proportion of exposure to harmful content reported by Facebook users (31%), followed by YouTube (16%) and Instagram (13%). These results are unsurprising, given the popularity of these platforms in Australia and the large volumes of content being posted and shared daily by users of these platforms.

Figure 2: Platform usage and experience with harmful content in the past 12 months to January 2023, by platform (%)



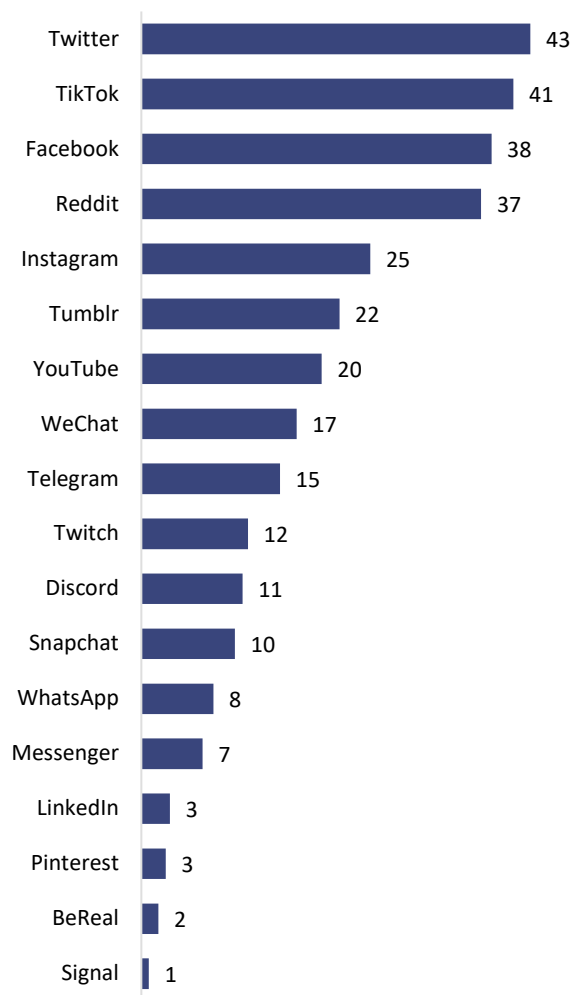
Note: Results for 'Don't know' and 'Refused' not shown in chart. Base: Australians aged 18 years and over (n=4,729); Australians aged 18 years and over who used a digital platform in the past 12 months and were exposed to harmful content (n=4,551).

Source: ACMA Digital platforms research, January 2023. Q1. Which of the following websites of apps have you used in the past 12 months? That is the period January to December 2022? Q2. For each of the following websites or apps you have used in the past 12 months, have you seen or heard any harmful content?

To get a better sense of how each platform compares, Figure 3 shows the proportion of platform-specific users who were exposed to harmful content. That is, the proportion of those who use a particular platform and saw harmful content on that platform.

Approximately 2 in 5 users of Twitter (43%), TikTok (41%) and Facebook (38%) had seen or heard harmful content on those respective platforms in the past 12 months. In contrast, very few users of LinkedIn (3%), Pinterest (3%) and Signal (1%) reported being exposed to harmful content on those platforms.

Figure 3: Proportion of platform users exposed to harmful content in the past 12 months to January 2023 (%)

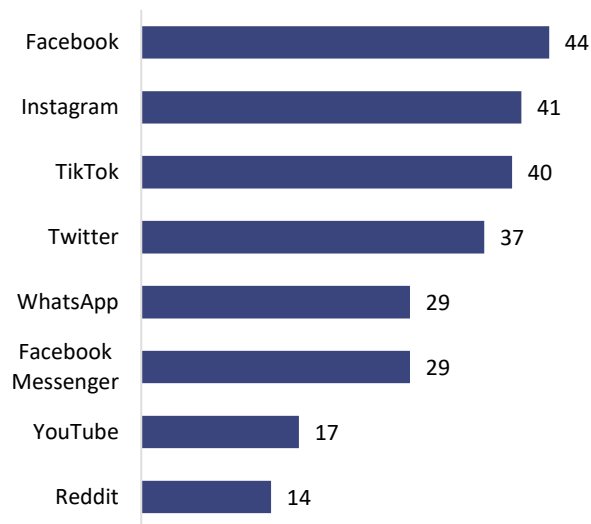


Note: Results for 'Don't know' and 'Refused' not shown in chart and platforms with a base <100 are not shown. Base: Australians aged 18 years and over who used a digital platform amongst users of each specific platform (n=107–3,596).

Source: ACMA Digital platforms research, January 2023. Q1. Which of the following websites of apps have you used in the past 12 months? That is the period January to December 2022? Q2. For each of the following websites or apps you have used in the past 12 months, have you seen or heard any harmful content?

In terms of reporting any harmful content they had seen in the previous 12 months, (Figure 4), more than 2 in 5 (44%) users of Facebook who were exposed to harmful content used Facebook’s content reporting tools. A similar proportion of exposed Instagram (41%) and TikTok (40%) users also reported harmful content to their digital platform operator.

Figure 4: Proportion of users of each platform who were exposed to harmful content who made a report or complaint in the past 12 months to January 2023 (%)

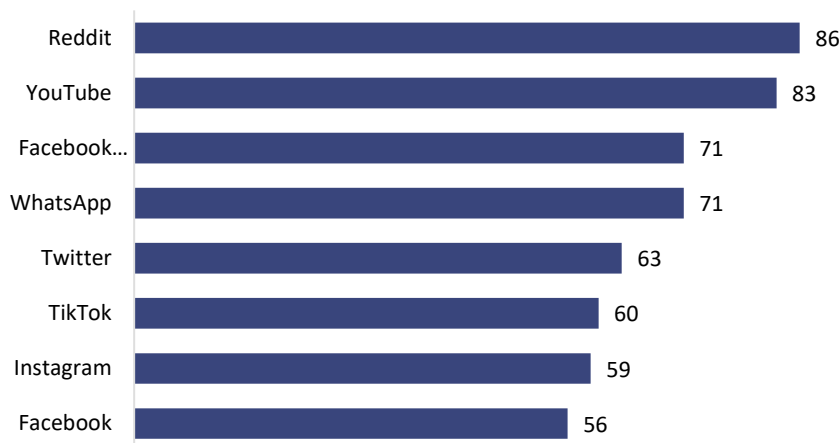


Note: Results for 'Don't know' and 'Refused' not shown in chart and platforms with a base <100 are not shown. Base: Australians aged 18 years and over who used a digital platform and were exposed to harmful content amongst users of each specific platform (n=160–1,279).

Source: ACMA Digital platforms research, January 2023. Q2. For each of the following websites or apps you have used in the past 12 months, have you seen or heard any harmful content? Q3. For each of the following websites and apps on which you saw or heard harmful content in the past 12 months, did you report or make a complaint about this harmful content to the digital platform operator?

Interestingly, the majority of Reddit users (86%) chose not to make a report following exposure to harmful content on that platform (Figure 5). This ‘reporting gap’ may be because Reddit generally has an emphasis on ‘community moderation’, that is, a focus on moderation led by other users rather than employees of the platform. YouTube also had a relatively high ‘reporting gap’ with 83% of users indicating they had been exposed to harmful content on the platform but had chosen to not report the content.

Figure 5: Proportion of users of each platform who were exposed to harmful content who did not make a report or complaint in the past 12 months to January 2023 (%)



Note: Results for ‘Don’t know’ and ‘Refused’ not shown in chart and platforms with a base <100 are not shown. Base: Australians aged 18 years and over who used a digital platform and were exposed to harmful content amongst users of each specific platform (n=160–1,279).

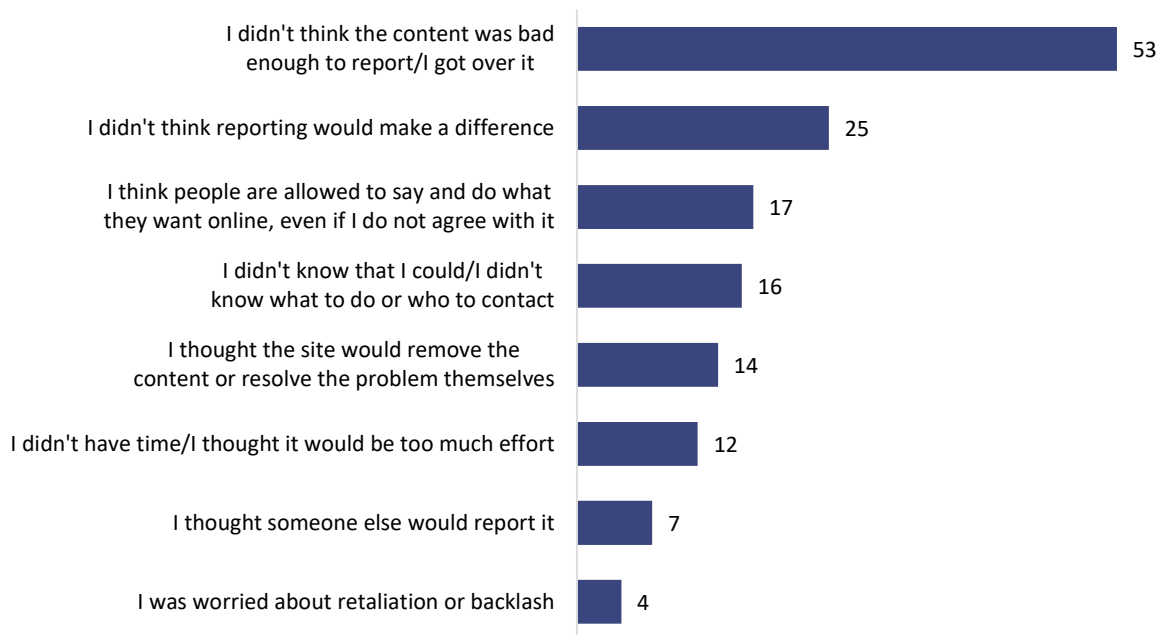
Source: ACMA Digital platforms research, January 2023. Q2. For each of the following websites or apps you have used in the past 12 months, have you seen or heard any harmful content? Q3. For each of the following websites and apps on which you saw or heard harmful content in the past 12 months, did you report or make a complaint about this harmful content to the digital platform operator?

In the November 2022 research, to better understand the potential barriers to reporting we asked a follow-up question to respondents who had not made a report or complaint after exposure to harmful content (Figure 6). By far the most common reason given by platform users in this group was that they did not think the content they had seen or heard reached a level of harm that required action (53%). This suggests that users are exposed to harmful content, but they do not think it’s bad enough to report.

Of note, only 16% of these users cited being unsure of the process for reporting content as the reason they had not reported content, and only 12% cited time or effort as being a barrier. This suggests that most users are aware of on-platform reporting tools and are reasonably comfortable in navigating the process if they need to.

Of broader concern, however, a quarter of users (25%) expressed scepticism that there would be any beneficial outcome from them reporting harmful content. Platforms should consider exploring why these negative perceptions exist among users who have been exposed to harmful content on their platforms but have chosen not to engage with the platforms’ internal reporting process because they did not believe their report would make a difference. These platforms may need to take steps to create or restore greater trust in their on-platform reporting systems.

Figure 6: Reasons for not reporting harmful content (%)



Note: Results for 'Don't know' and 'Refused' are not shown in the chart. Multiple responses accepted. Base: Australians aged 18 years and over who used a digital platform and were exposed to harmful content but did not make a report or complaint (n=1,171).

Source: ACMA Digital platforms research, November 2022. Q4. For what reason(s) did you not report or complain about this harmful content to the service or platform provider.

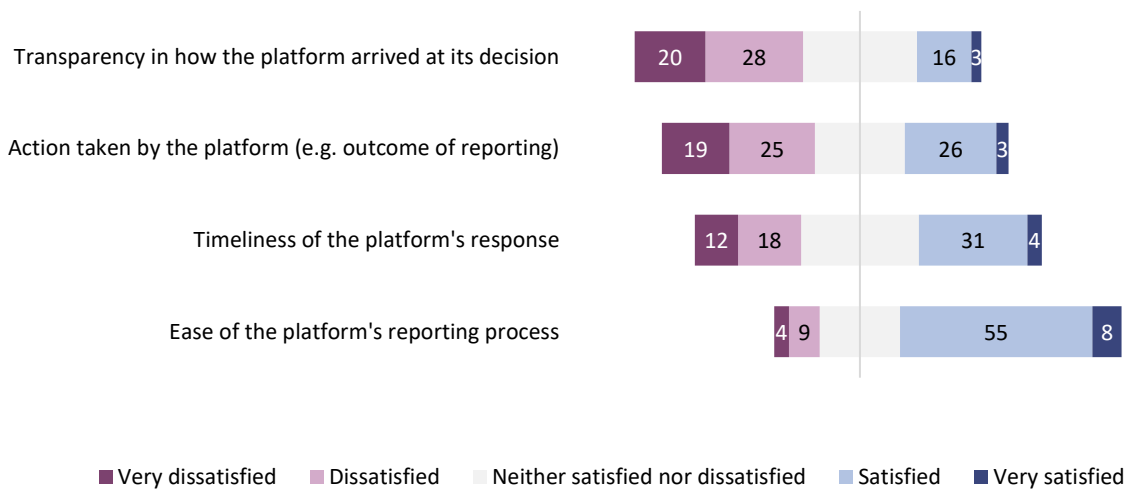
Satisfaction with reporting process, by platform

Users of the 5 'major' platforms (the 'major' platforms are Facebook, Instagram, TikTok, Twitter and YouTube – based on extent of usage identified in Stage 1 of the research) who reported seeing or hearing harmful content were asked about their satisfaction with different aspects of the reporting process.

When it came to assessing platform responses or actions, users were significantly more dissatisfied than satisfied with the actions taken by the platform in response to their most recent user report (30% satisfied or very satisfied as compared to 44% dissatisfied or very dissatisfied). Users were also twice as likely to be dissatisfied than satisfied about the level of transparency provided by the major platforms when making content moderation decisions (19% satisfied or very satisfied as compared to 49% dissatisfied or very dissatisfied). These results suggest platforms may not be satisfactorily resolving user reports about harmful content or providing their users with an appropriate level of transparency about their internal decision-making processes when reviewing reported content.

Most users were satisfied with the ease of the reporting processes (64% satisfied or very satisfied as compared to 13% dissatisfied or very dissatisfied). Alongside results from the November 2022 research (Figure 6), this provides further evidence that Australian users are broadly comfortable with accessing platforms' reporting tools and generally find the reporting process straightforward.

Figure 7: Satisfaction with the reporting processes of major platforms (Facebook, Instagram, TikTok, Twitter and YouTube) (%)



Note: Results for 'Don't know' and 'Refused' are excluded from the base. Results may not add to 100% due to rounding. Base: Australians aged 18 years and over who used a digital platform and made a report or complaint of harmful content on one of: Facebook, Instagram, TikTok, Twitter and YouTube (n=501).

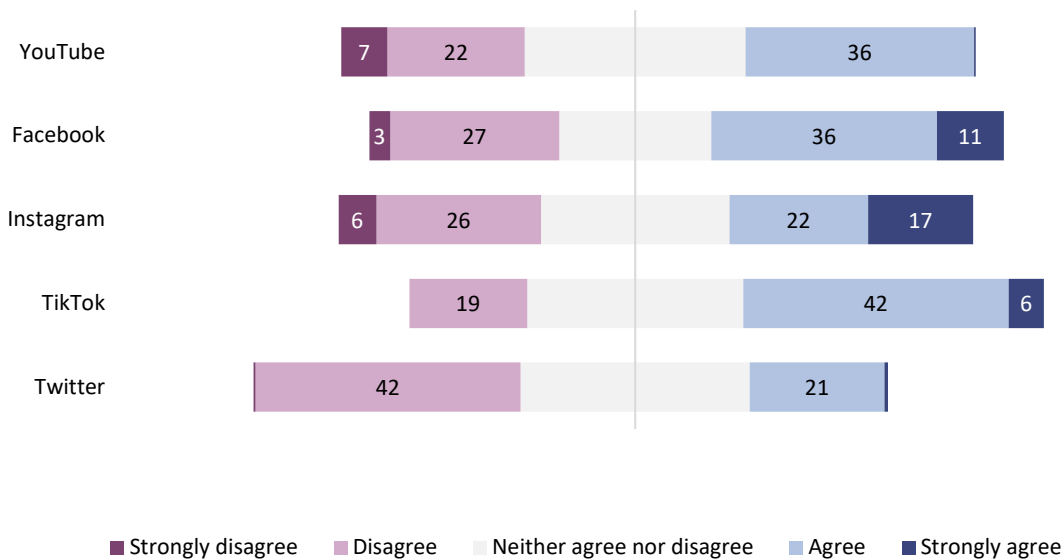
Source: ACMA Digital platforms research, January 2023. QB8. To what extent were you satisfied or dissatisfied with each of the following aspects after reporting harmful content to the platform?

Despite general dissatisfaction about reporting outcomes, only a very small number of respondents indicated that they had escalated their concerns.

While the sample size of those who made escalations or complaints is too low for meaningful quantitative analysis, the most common escalation action was users re-reporting the content, followed by users seeking out alternative avenues to make direct contact with the platform (such as via email), and accessing formal appeals processes.

When asked to respond to the statement 'I would have taken more action but didn't know who or where to turn to', 47% of TikTok users agreed ('agreed' or 'strongly agreed') with this statement, while 38% of Instagram and 46% of Facebook users agreed or strongly agreed. Conversely, only 22% of Twitter users agreed or strongly agreed with this statement. These results suggest that generally users of these platforms who reported harmful content did not know how they could escalate their issues or complaints further. Due to the sample sizes (less than n=100 except for Facebook), caution should be taken in comparing results across the different platforms less than 100 (except for Facebook) so care should be taken in interpreting these differences.

Figure 8: Response to statement ‘I would have taken more action but didn’t know where to turn to’ (%)



Note: Results for ‘Don’t know’ and ‘Refused’ are excluded from the base. Results may not add to 100% due to rounding. Base: Australians aged 18 years and over who used a digital platform and made a report or complaint of harmful content on one of: Facebook, Instagram, TikTok, Twitter and YouTube (n=53–365).

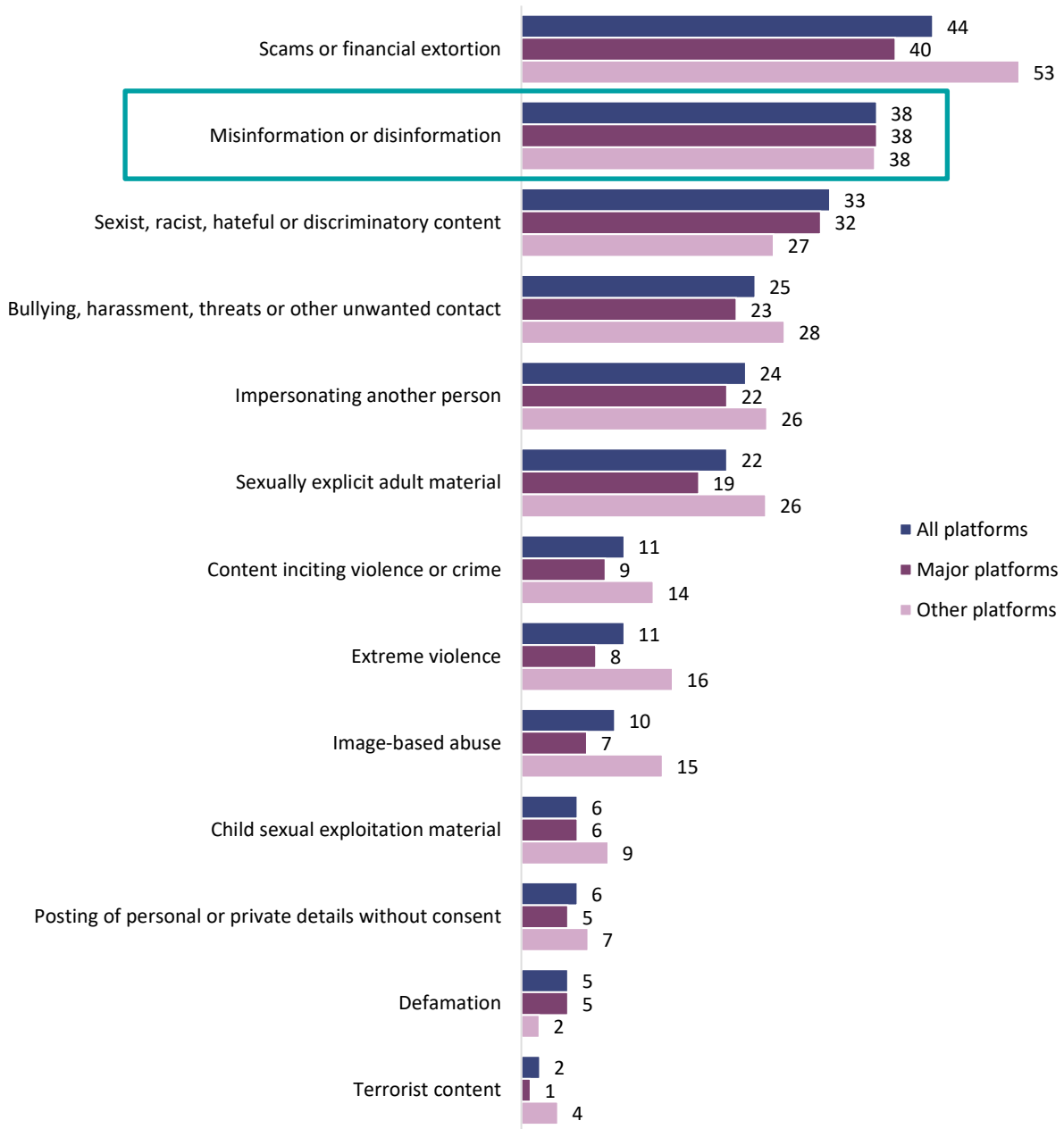
Source: ACMA Digital platforms research, January 2023. QB9. To what extent do you agree or disagree with each of the following statements based on your experience with the following digital platform.

Nature of harmful content reported

On major (Facebook, Instagram, TikTok, Twitter and YouTube) and other (minor) platforms, scams were the most common type of harmful content reported, followed by mis- or disinformation.

Overall, 44% of Australian digital platform users reported scams or financial extortion to a platform operator in the previous 12 months. Minor platforms had higher incidences of reporting scams or financial extortion, with 53% of minor platform users reporting scams while using a platform in the previous 12 months, compared to 40% of major platform users.

Figure 9: Nature of harmful content reported, by major (Facebook, Instagram, TikTok, Twitter and YouTube) and other (minor) platforms (%)

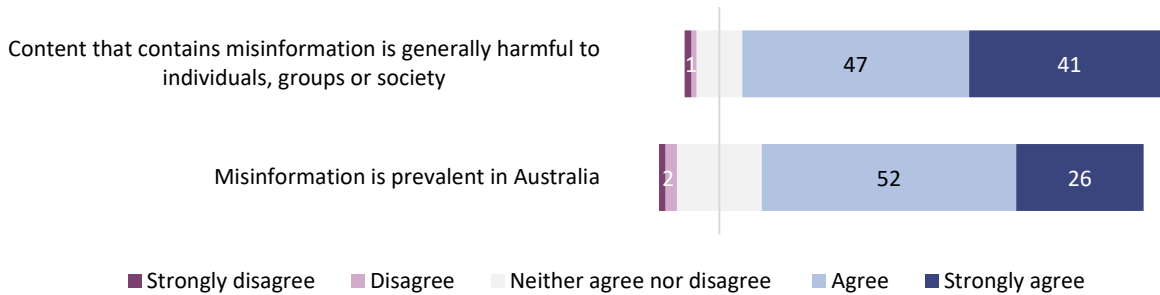


Note: Results for 'Don't know' and 'Refused' are excluded from the base. Base: Made a report or complaint of harmful content on one of: Facebook, Instagram, TikTok, Twitter and YouTube (n=53–365). QB2. What was the nature of the harmful content that led you to notify the digital platform operator. Australians aged 18 years and over who used a digital platform and made a report or complaint to a minor platform (n=104).

Source: ACMA Digital platforms research, January 2023. Q7. Thinking about your most recent experience, for each of the following websites or apps, what was the nature of the harmful content that concerned you?

Among those who reported some form of harmful content to the platform operator in the previous 12 months, 88% agreed/strongly agreed that misinformation is 'generally harmful' and 79% considered misinformation to be prevalent in Australia (Figure 10). Equally, 84% platform users who had reported harmful content in past 12 months indicated that they believed that social media or digital platform operators should be responsible for reducing exposure to harmful content (Figure 11).

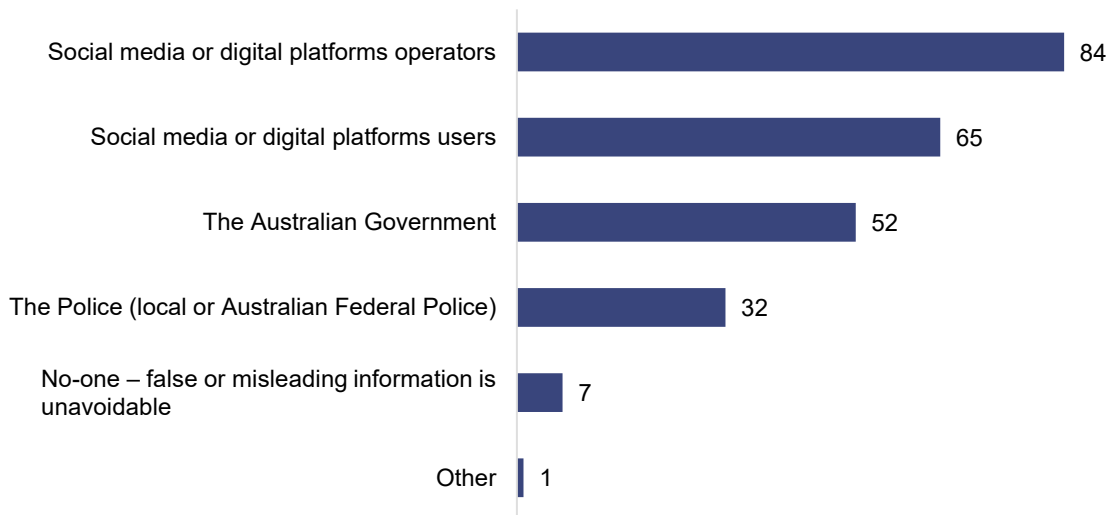
Figure 10: Views on misinformation, among platform users who have reported harmful content in past 12 months to January 2023 (%)



Note: Results for 'Don't know' and 'Refused' are excluded from the base. Base: Made a report or complaint to a platform operator in the last 12 months (n=560).

Source: ACMA Digital platforms research, January 2023. QC2. To what extent do you agree or disagree with each of the following statements?

Figure 11: Views on who is responsible for reducing exposure to harmful content, among platform users who have reported harmful content in past 12 months to January 2023 (%)



Note: Results for 'Don't know' and 'Refused' are excluded from the base. Base: Made a report or complaint to a platform operator in the last 12 months (n=560).

Source: ACMA Digital platforms research, January 2023. QC2. To what extent do you agree or disagree with each of the following statements?

Appendix E: Summary of international developments

Since our June 2021 report to government, there have been several key developments internationally related to reporting and transparency obligations of digital platforms and their response to online mis- and disinformation. This section provides a brief overview, noting several jurisdictions are facing the same or similar challenges.

European Union

Work out of the European Commission has been world-leading in terms of grappling with issues of voluntary platform reporting, and instrumental in shaping the ACMA's views on how to measurement performance under the code.

The revised EU Code of Practice on Disinformation, which launched June 2022, features a range of new qualitative reporting elements (QREs) and service-level indicators (SLIs). Building on detailed assessments by European regulators into the strengths of existing platform reporting, and guidance from a broad range of subject-matter experts, the new reporting regime provides a harmonised reporting template that requires signatories to provide more detailed systemic data and facilitates greater comparability between signatories and across reporting periods.

As in the Australian code, the QREs require platforms and other signatories to describe how they will implement measures to reduce harm. However, the SLIs in the EU Code go further, by specifying the types of data being sought to demonstrate compliance. The strengthened EU Code also requires signatories to report on these measures at a country- and language-specific level rather than through global or aggregated European data, which had been a common critique of reporting under the previous 2018 iteration of the code.

The first set of baseline industry reports under the strengthened EU code were released in February 2023, as part of a new online transparency centre required under the code. The second set of reports are due by July 2023. The European Commission noted general satisfaction with the first reports, stating that most major online platforms including Google, Meta, Microsoft and TikTok had 'demonstrated strong commitment to reporting' under the new regime³⁵, but singling out Twitter as 'lagging behind the others'.³⁶ Twitter has subsequently withdrawn from participation in the code. In response to this finding, and the recent changes to content moderation policies and practices at Twitter, the ACMA paid particularly close attention to the quality and level of detail in the annual report provided by Twitter under the Australian code. Our assessment of Twitter's 2023 transparency report is in Appendix C.

Despite the apparent improvements in individual platform reporting under the strengthened EU Code, there are also some early suggestions that signatories may be struggling to work together on agreed metrics to assess its overall effectiveness. Under Commitment 41 of the EU Code, signatories committed to publish a first set of structural indicators by March 2023, which would allow for an industry-wide assessment of the effectiveness of the code in reducing the spread of online disinformation for the entire online ecosystem in the EU and at a Member-State level.

³⁵ European Commission, [Signatories of the code of Practice on Disinformation deliver their first baseline reports in the Transparency Centre](#) [news article], 9 February 2023, accessed 6 July 2023.

³⁶ European Commission, [Code of Practice on Disinformation: New Transparency Centre provides insights and data on online disinformation for the first time](#) [media release], 9 February 2023, accessed 6 July 2023.

While signatories have established a working group and have until mid-year to report against the structural indicators, the lack of public information to date highlights some of the challenges of relying on self-regulatory outcomes for complex measurement issues.

Industry reporting is also being strengthened across the EU due to the passage of the Digital Services Act (DSA). By August 25 2023, all very large online platforms (VLOPs) will be required to report on their systemic risk assessment and mitigation strategies, including to address mis- and disinformation. Participation in the voluntary EU Code initiative, which will become a code of conduct recognised under the co-regulatory framework of the DSA, will be considered a valid mitigation strategy and looked upon favourably by the European Commission when assessing compliance with the DSA. Non-VLOPs can continue to sign up with the 2022 Strengthened EU Code as a way to provide transparency on their efforts to address the mis- and disinformation on their platforms.

France

France has specific domestic laws designed to protect French citizens against the 'manipulation of information'. Commencing in 2018, these laws require large online platform operators to report annually to the French audio-visual and digital communication regulator, Arcom, on the processes they have put in place to address misinformation. The reports require platforms to report on algorithmic transparency, the promotion of content from verified sources, efforts to combat accounts actively participating in the manipulation of information, transparency on certain advertisements, and actions to enhance media and information literacy.

Separately, these laws allow Arcom to suspend, interrupt, or refuse broadcasting of a television channel that is proven to be propagating false information that could influence an election while under the influence of a foreign state. In 2021, France also created a national agency, Viginum, to combat information manipulation in elections.

France recently concluded its assessment of the third year of large digital platform reporting. The platforms that reported were Dailymotion, Google, LinkedIn, Meta, Microsoft, Pinterest, Snap, TikTok, Twitter, Webedia, Wikimedia Foundation and Yahoo. Arcom noted some progress in terms of the quantity and the quality of declared information compared to the previous year. However, they emphasised that the provision of numerical data was essential to better understand the effectiveness of means deployed to combat the manipulation of information. They also observed great variation in the level of transparency shown in the reports and criticised the lack of metrics, especially for user reports and the criteria used for recommending content.

Overall, Arcom observed that the lack of quantitative and qualitative information exposes the limitations of a framework that does not have the legislative force to hold platforms accountable. They noted that the success of the laws passed in 2018 relied upon the willingness of platforms to participate and that, so far, their transparency efforts have been inadequate. However, they suggest that the tougher obligations, powers to enforce sanctions, and the requirement for domestic information prescribed in the DSA will assist Arcom's efforts in monitoring and analysing the platforms' efforts to combat the manipulation of information.

United Kingdom

The UK Parliament is currently debating the Online Safety Bill (OSB). The OSB is designed to protect children and adults online by making social media companies more responsible for their users' safety on their platforms. In its current form, the OSB proposes a 'triple shield' of protection for users, which requires Category 1 services platforms to remove illegal content, enforce their terms of service and provide adults

with tools to exercise greater choice over the content they engage with. Furthermore, upon passage of the National Security Bill, state-sponsored disinformation campaigns will also be categorised as illegal content. The OSB also requires the UK communications regulator, Ofcom, to establish an advisory committee to examine issues relating to mis- and disinformation.

The proposed ‘triple shield’ of protection under the currently tabled OSB has no clear requirement to address harmful misinformation. Instead, the OSB requires platforms to enforce their terms of service, which may include measures to address harmful misinformation. We note that defining disinformation and misinformation is complex, and platforms define them differently. This has the potential to cause asymmetries in the protections afforded to UK users from harmful misinformation and is also likely to cause difficulties assessing the impact and the outcome of activities related to mitigating the impact of misinformation.

If the OSB is passed, Ofcom will have powers to require transparency from platforms for a range of measures. These include on platforms’ actions to remove illegal content such as disinformation. Ofcom can also seek transparency reports on how platforms are applying their terms of service. Ofcom will need to take into account the size and scale of a platform’s service to ensure reporting requirements are proportionate, and will also be required to prepare and publish guidance on how they will exercise their powers relating to transparency reports.³⁷ The ACMA has been in contact with the UK Government to share experiences about our respective approaches to disinformation and misinformation, and we will continue to monitor developments as debate on the OSB continues.

We also note that Australia has agreed to a Cyber and Critical Technology Partnership with the UK that will help shape a positive technology environment and maintain an internet that is open, free, peaceful and secure.

³⁷ United Kingdom Government, [Online Safety Bill Explanatory Notes](#) [PDF], UK Parliament website, 2021, accessed 7 July 2023.