# SQUIRE◆
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# Misinformation and News Quality on Digital Platforms
## – the ACMA's Guidance on the Development of a Voluntary Code of Conduct
Asia Pacific – 7 July 2020

The Australian Communications and Media Authority (ACMA) recently released a position paper to guide the development of a voluntary code (or codes) of practice on misinformation and news quality on digital platforms in Australia.

## Background

A key finding made by the Australian Competition and Consumer Commission (**ACCC**) in its 2019 Digital Platforms Inquiry Final Report (**DPI Final Report**) was that: "*Consumers accessing news through digital platforms potentially risk exposure to unreliable news through 'filter bubbles' and the spread of disinformation, malinformation and misinformation ('fake news') online.*"[1] The ACCC recommended the development of a mandatory code of conduct to counter disinformation in relation to news and journalism, or content presented as such, on digital platforms (Recommendation 15). The ACCC also recommended that an independent regulator, such as the ACMA, should be directed to monitor efforts made by digital platforms to enable users to identify the credibility of news content featured on their services, and assess the need for further regulation (Recommendation 14).

To address Recommendations 14 and 15, the Government Response and Implementation Roadmap for the Digital Platforms Inquiry called for the major digital platforms to develop a voluntary code (or codes) of conduct. The code(s) should address how the platforms will counter disinformation on their services, and how they will support users to identify the credibility of news content and information. The government has asked the ACMA to oversee the development of the code(s).

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### A Broader Concept of 'Misinformation'

The DPI Final Report uses the following terms to describe the different types of unreliable information that may be present on digital platforms:[2]

- **Disinformation**: false or inaccurate information that is deliberately created and spread to harm a person, social group, organisation or country

- **Malinformation**: accurate information inappropriately spread by bad-faith actors with the intent to cause harm, particularly to the operation of democratic processes

- **Misinformation**: false or inaccurate information that is not created with the intention of causing harm

These are based on the Council of Europe's suggested framework for examining **information disorder**, defined in the DPI Final Report as: "The inability of consumers to rely on news and journalistic content as a result of disinformation, malinformation and misinformation."[3]

'Misinformation' is used as an umbrella term in the ACMA's position paper, covering all types of potentially harmful false, misleading or deceptive information, including disinformation and malinformation.

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1   DPI Final Report, page 280.
2   DPI Final Report, section 6.11.4 and Glossary.
3   Ibid.

## The ACMA's Expectations to Guide Code Development

The ACMA considers that digital platforms should build on existing measures and commit to firm actions that are systematic, transparent, certain and accountable for their users. Any implemented measures should be graduated and proportionate to the risk of harm, and platforms are encouraged to adopt a flexible approach in order to strike the right balance with rights to freedom of speech and expression.

The ACMA's preference is for a single industry code to be developed, to ensure consistency for users of multiple platforms. All digital platforms with a presence in Australia, big or small, are strongly encouraged to either participate in the development of such a code, or choose to be bound by it. The code should apply at least to all the types of platforms described in the DPI terms of reference, including search engines, social media and other digital content aggregation platforms with more than one million monthly active users in Australia.

The position paper includes a model code framework to guide the platforms in their development of a code for the purpose of providing their Australian users with appropriate safeguards and remedies relating to misinformation. The model code framework identifies three key objectives, and encourages the platforms to adopt an outcomes-based approach as follows:

| Objectives | Outcomes |
|---|---|
| Reduce the impact of misinformation on the platform. | • Less likely for users to be exposed to potentially harmful misinformation<br><br>• Reporting potentially harmful misinformation is easier |
| Empower users to better identify the quality of news and information on the platform. | • Evaluating the quality of news and information is easier for users<br><br>• Transparency for users on the source of political and issue-based advertising and sponsored content |
| Enhance the transparency and accountability of platforms' practices to counter misinformation. | • Users are informed on the measures being taken to combat misinformation.<br><br>• Users are easily able to access dispute resolution mechanisms |

## Next Steps

The ACMA expects the digital platforms to cooperate in developing a single industry-wide code to be in place by December 2020, including undertaking public consultation.

Over the coming months, the ACMA will also develop a reporting and monitoring framework in order to inform its report to the Australian Government on the code development process in June 2021. At this time, the government will assess the success of the code(s) and the need for any further regulatory action.

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