SUBMISSION TO AUSTRALIAN CODE OF PRACTICE ON MISINFORMATION AND DISINFORMATION (ACPDM) – 2022 REVIEW

3 August 2022

The Australian Academy of Technology and Engineering (ATSE) and the Australian Academy of Science (AAS) welcome the opportunity to respond to the Digital Industry Group Inc (DIGI)'s first annual review of the Australian Code of Practice on Disinformation and Misinformation (ACPDM). The Academies look forward to working with social media platforms to address the challenge of misinformation and disinformation on social media platforms. In order to strengthen the Code's capacity to guard against disinformation, the Academies put forward the following recommendations to DIGI:

Recommendation 1: Clearly define issues-based advertising and consider it within the scope of the Code.
Recommendation 2: Include misinformation from professional news content within the scope of the Code.
Recommendation 3: Platforms should consider mechanisms for proactive promotion of trusted information to inoculate against misinformation.
Recommendation 4: Expand the definition of "harm" in the Code to include cumulative harms and take stronger action against disinformation accordingly.
Recommendation 5: Apply an opt-out approach to the optional commitments under the Code.

Preventing science disinformation

Anti-scientific content abounds online, with climate science being an area of particular concern.

Despite a well-established evidence base for anthropogenic climate change, and the efforts of organisations including the AAS to provide accessible online resources to communicate this information (e.g. AAS, 2021), climate science denial content proliferates on social media globally.

This proliferation has not abated in recent years despite action from social media platforms, including through the Code. Recent alarming social media-based studies globally include:

- A study of Facebook content found 92 per cent of posts shared from climate denial articles (from the top ten publishers of such content) from the past year did not have fact-checking labels, despite Facebook's public commitment to labelling (Center for Countering Digital Hate, 2021).

- Research into Twitter content found the phrase "fake news" in more than half of the top 500 most retweeted posts contained climate change denialism, or the belief that climate change is not anthropogenic (Al-Rawi, O'Keefe, Kane, & Bizimana, 2021). These included tweets that

attributed the cause of Australia's 2019/20 bushfires to arson rather than being associated with the changing climate.

Climate denialism is just one example of how misinformation results in societal harm. Disinformation on health matters (such as false and misleading vaccination, sexual and reproductive health information), or ecological and environmental matters (such as material misrepresenting studies of coral bleaching on the Great Barrier Reef) are a barrier to good policy and a healthy society. Even prior to the COVID-19 pandemic there were clear links between climate denialism and anti-vaccine movements (Hamilton, Hartter & Saito, 2015). The Code must therefore consider broader instances of misinformation and disinformation, including in issues-based advertising in all areas, especially climate change.

Presently, issues-based advertising is a grey area for the Code, with its apparent exclusion criteria being unclear. Issues-based advertising is defined by ACMA as including "sponsored and paid-for content that is intended to bring awareness to, advocate for, or call for action on certain topics that are widely discussed in the public sphere, such as political and social issues" (ACMA, 2021). In their report to the Federal Government, ACMA observed that issues-based advertising is a "known vector of misinformation" and this should be mitigated by the Code clearly defining issues-based advertising and including it within the Code's scope.

The updated Code must be strengthened to reduce the potential for misinformation to propagate and cause societal harm. In particular, the inclusion of issues-based advertising and professional news should be resolved to limit those as avenues of misinformation. However, DIGI's discussion paper recommends excluding issues-based advertising from the Code (DIGI, 2022). Problematically, such advertising can be a revenue source for platforms, disincentivising its inclusion in the Code.

The exclusion of issues-based advertising has implications for anti-scientific disinformation, including but not limited to climate change denial advertisements which would be considered out of scope under DIGI's proposal. The Academies therefore recommend that issues-based advertising be defined and included within the updated Code, in line with ACMA's recommendation.

Recommendation 1: Clearly define issues-based advertising and consider it within the scope of the Code.

The Code currently excludes professional news content that is published under a publicly available editorial code, except where a platform determines that specific instances fall within the scope of disinformation. However, some Australian news outlets are havens for climate science misinformation (Lowe, 2018) - so this exclusion undermines the ability of the Code to guard against such denialism.

This exclusion allows climate science denialism and other misinformation to flourish, either through lack of enforcement of the disinformation provision of the Code or failure of news outlets' misinformation to meet the higher bar of being considered disinformation. For example, a UK report recently found that Sky News Australia and its media personalities are a key source of climate science misinformation globally, including during the late 2021 United Nations Climate Change Conference (COP26) (King, Janulewicz & Arcostanzo, 2022). Clearly, the Code was not sufficient to address the traction of climate misinformation from Sky News Australia during this time.

The Academies therefore agree with ACMA's view that professional news should not be excluded from being treated as misinformation under the Code, though it need not be treated exactly the same as other misinformation sources (ACMA, 2021). The Academies suggest amending Section 4.4D of the Code to remove the exclusion of professional news content from the Code, enabling misinformation from professional news sources to be defined as such.

Recommendation 2: Include misinformation from professional news content within the scope of the Code.

Proactive policies, standards and procedures

Consideration should also be given to adopting proactive policies, standards and procedures to counter online misinformation into the Code. For example, actively promoting reliable, peer-reviewed and appropriately labelled material from trusted sources can prevent misinformation narratives from taking hold and improve scientific literacy. These positive actions should be in addition to measures to reduce the spread of disinformation.

Recommendation 3: Platforms should consider mechanisms for proactive promotion of trusted information to inoculate against misinformation.

Strengthening the Code to address cumulative harms

The Code in its present form and implementation has failed to curb the spread of misinformation and disinformation in Australia due to the exclusion of cumulative harms. This situation has permitted the spread of disinformation campaigns claiming the process or outcome of Australian elections to be illegitimate and thus undermining trust in democracy. In the lead-up to the federal election in May 2022, the Australian Electoral Commission (AEC) issued 45 formal warnings to social media platforms - almost half of which concerned misinformation or disinformation about the electoral system (Worthington, Bogle & Workman, 2022). The AEC also developed a publicly available disinformation register prior to the 2022 federal election, outlining false claims (largely about electoral fraud) that spread through platforms, particularly Twitter (AEC, 2022).

As noted by the ACMA in their report to the Federal Government, this type of cumulative harm to democracy and institutions is not adequately addressed by the Code, which only considers imminent harm (ACMA, 2021). Both AAS and ATSE are concerned about information attacks on trust in institutions. The Academies recommend that the definition of "harm" in the Code is expanded to include cumulative societal harms.

Recommendation 4: Expand the definition of "harm" in the Code to include cumulative harms and take stronger action against disinformation accordingly.

Regulation and the rise of Artificial Intelligence

Social media 'bots' that pose as human users on a platform to spread messages are a significant problem. As defined by the Code, misinformation is elevated to disinformation through the deployment of "Inauthentic Behaviours" such as the amplification of messages by bots or fake accounts. The usage of bots can have far-reaching consequences, including for democratic institutions. For example, the influence of Twitter bots was considered to have caused a 3.23% boost

to the vote for Donald Trump in the 2016 United States presidential election (Smialek, 2018). Platforms that have bots as account holders, should be considered potential sources of misinformation, disinformation, and amplification of information in unwanted ways and therefore require regulation.

As Artificial Intelligence (AI) becomes more sophisticated, it can be anticipated that platforms will face increased difficulty in identifying and curbing bot activity. The Code would be weakened in future should platforms be unable to distinguish between genuine user behaviour and AI-powered commentary and propagation of misinformation. As the ability improves for AI to write content and express views improves, tension is created between preserving freedom of expression (for human users) and removing suspected bots from platforms. This presents a challenge for regulation.

By providing - and profiting from - a medium for bot activity, platforms have a responsibility to develop anti-bot tools and sufficiently resource their implementation. This approach includes using AI-powered tools as a countermeasure to identify and categorise misinformation and disinformation - noting that the present limitations of AI entail that there must be mechanisms to elevate cases for human review (Lee & Fung, 2021). Platforms should be required to change their algorithms to slow the propagation of posts from untrusted and known disinformation sources.

The Academies welcome the inclusion of AI-manipulated content as part of the definition of Digital Content under the Code, and we consider that this is an area requiring increased attention in future. Commitments to eradicate Inauthentic Behaviour (in light of evolving bot technologies) should be revisited regularly under the annual reviews of the Code.

Appropriate oversight of social media as publishers

The Academies consider that platforms should be held accountable and liable for content spread on their platforms, and that regulation on this should be comparable to that of traditional media. This position is suggested by the 2019 Australian court ruling that news outlets are liable for defamatory comments made on their posts by Facebook users.

Due to the deleterious impacts of disinformation on trust in scientific knowledge and democracy, as discussed throughout this submission, we furthermore recommend that the Code should take an opt-out approach for the current optional commitments, rather than the current opt-in approach, to strengthen obligations of platforms to prevent disinformation.

Recommendation 5: Apply an opt-out approach to the optional commitments under the Code.

The Australian Academy of Technology and Engineering (ATSE) is a Learned Academy of independent, non-political experts helping Australians understand and use technology to solve complex problems. Bringing together Australia's leading thinkers in applied science, technology and engineering, ATSE provides impartial, practical and evidence-based advice on how to achieve sustainable solutions and advance prosperity.

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the nation, promotes international scientific engagement, and builds public awareness and excellence in Australian science.

To discuss or clarify any aspect of this submission, please contact Mr Peter Derbyshire, ATSE Director of Policy and Government Relations at Peter.Derbyshire@atse.org.au or Mr Chris Anderson, AAS Director of Science Policy at Chris.Anderson@science.org.au.

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