

SOCIAL MEDIA PLATFORMS REGULATION IN AUSTRALIA

A powerful new authority to oversee the commercial activities of Google and Facebook has been recommended by the Australian Competition and Consumer Commission (ACCC). The proposed new overseeing body would have the power to require information on how the Facebook and Google adapt their algorithms as well as investigate whether both companies are favouring their own businesses ahead of other companies. The preliminary recommendation for a new digital platform regulator will now be the subject of intense lobbying and further submissions, with a final report due in June 2019. The new regulator would have the authority to inquire into all aspects of the digital platforms' business and subsidiaries and would have jurisdiction over any platform that earns \$100m in revenue in Australia.

No carriage fee but possibly ombudsman

The ACCC has also asked for feedback on whether an ombudsman could be established to deal with complaints about digital platforms from consumers, advertisers, media companies and other business users of digital platforms. However, the ACCC has rejected a recommendation pushed by some of Australia's media companies that Google and Facebook should be hit with a "carriage fee" for content produced by traditional media and disseminated on their social media and search platforms. Instead it has floated a number of possible tax incentives for media companies who conduct certain types of public interest journalism. The ACCC has also floated the idea of requiring digital platforms to indicate whether news has come from a company that has signed up to codes of conduct, and to make participation mandatory for all digital platforms.

Platform-neutral approach

The ACCC recommended the government conduct a separate review to design a "platform-neutral" approach to rules around news and journalistic content, whether from publishers, broadcasters, other media businesses or digital platforms.

The ACCC has also suggested this would include a national classification scheme applying across all media including the internet, and having a single agency to enforce the rules.

The ACCC supports the policy that Google and Facebook needed to get faster at taking down material that breached copyright. On privacy, the ACCC has recommended changes to the Privacy Act to ensure consumers were making informed decisions over their personal information being harvested by social media sites. These include strengthening consent requirements, and enabling consumers to erase data when they have withdrawn their consent. It wants much tougher penalties for breaches

While the ACCC acknowledged issues relating to authenticity and quality of news are potentially magnified online, it did not find strong evidence of filter bubbles arising from digital platform use in Australia.

News Corp Australia, Australia's biggest media company, has complained to the ACCC that Google, Facebook and Apple have too much power and are engaging in anti-competitive practices that are having a detrimental effect on journalism.

Compiled by SCM (2019) from

Amanda Meade (2018, May 4). Google, Facebook not playing by the rules, News Corp tells ACCC, The Guardian, International edition,
Facebook and Google face crackdown on market power in Australia, The Guardian, International edition, December 10, 2018

