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DP-REG Digital Technologies Working Group

7 July 2023, 1:30pm to 3:00pm AEST

Attendance:

- ACCC – [REDACTED]
- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting, and the [minutes of the previous meeting](#) were approved.

Agency updates, including attendance at any events and/or any upcoming events

ACCC

- [REDACTED]
- The ACCC's noted its Issues Paper for the 8th interim report of the Digital Platform Services Inquiry is due to be released on Monday.
- The ACCC gave a brief update on its recent meetings with DITRDCA to discuss a potential voluntary or mandatory dating app code, and with the CRTC to discuss the news media bargaining code and Canada's draft regulations. [REDACTED] will also be attending an Automated Societies Panel Discussion run by the ADM+S Centre on AI.

ACMA

- The ACMA noted public consultation on its exposure draft opened last week, and will run until 6 August. DITRDCA is leading briefings on the new powers with key stakeholders, and DP-REG members have been invited to one taking place next week.

- [REDACTED]
- The ACMA also noted it is working on Ministerial advice on the effectiveness of the mis/disinformation code, to be released next week. **Update: Advice was released on 25 July.**
- The ACMA advised it completed a study on the experiences of users who complained to platforms regarding the content they see. An interactive report will be released in the coming weeks.
- The ACMA noted it will be appearing at the Select Committee on Foreign Interference with DITRDCA and eSafety next Wednesday.
- The ACMA also noted the Online Gambling Committee released a report last month. Phase one of the recommended ban on advertising for online gambling involves prohibition of advertising on social media and online platforms.

eSafety

- eSafety noted it is overseeing the development of industry codes for extreme forms of content. Last month the Commissioner decided to register 5 codes which will come into effect in December, and eSafety will be developing mandatory standards for Relevant

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Electronic Services and Designated Internet Services. A decision on search codes is yet to be made.

- eSafety also noted it issued reporting notices to Twitter under the Basic Online Safety Expectations, seeking information about how it is addressing hate speech on the platform. Twitter's response is due on 19 July. This work is becoming an area of focus for eSafety, and eSafety is conducting internal research and papers on the topic.
- eSafety advised it continues to progress work on its position statement on generative AI. **ACTION ITEM: eSafety will share with DP-REG for red line feedback shortly.** eSafety is looking to publish in August.

OAIC

- The OAIC noted it is preparing its individual submission to DISR's discussion paper.
- The OAIC noted it attended the International Network for Digital Regulatory Cooperation alongside other DP-REG members.
- The OAIC also advised it is finalising the ACAP survey results. **ACTION ITEM: OAIC to share findings when possible.**
- The OAIC noted it is continuing to engage with the AGD on the Privacy Act Review.
- The OAIC also gave a brief update on its ongoing enforcement matter against Facebook.

Algorithms literature summary

See also: [Current draft of the literature summary](#)

- Members discussed timing for publication and agreed to wait for the website to go live (sharing with interested agencies in the meantime). The OAIC noted microsite procurement requirements were underway and the site is likely to be live in a few months.
- eSafety noted its Communications team would review the document now, working to a two-week timeline in preparation for publication.
- Members discussed the group's level of engagement with DITRDCA and Home Affairs' project going forward. **ACTION ITEM: The group agreed to check in on updates for the project when we share a finalised version of the document.**
- Members noted comments made at the last Regulator Heads meeting on engagement and how we can feed into AI work more broadly. This can be considered in the group's updated workplan.

LLMs examination of technology

See also: [Current draft of the literature summary ahead of June steering committee meeting](#)

- The ACCC noted the document was last updated on 14 June and will need to be updated further, including making it consistent with the joint submission and noting why we have focused on LLMs as discussed at the last Heads of Agency meeting.
- Members discussed timing for publication and agreed to aim for mid-September given eSafety's position paper will be published in August.
- The ACCC noted it had no updates on the FOI process. **ACTION ITEM: ACCC to provide update to the group when possible.**
- Members also discussed the possibility of running the document past RMIT colleagues for comment.

DISR joint submission

- Members discussed the level of detail in the submission, and agreed to:
 - remove detailed points on risks that are covered in the LLMs document and position

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- focus on DP-REG regulatory frameworks and applications.
- The OAIIC noted it will submit a separate submission which will go into more detail on the Privacy Act Review.
- Members agreed to provide the draft LLMs document to DISR in a follow-up email after submission.

Feedback on 2022-23

- Members considered what has worked well over the past year, including:
 - strong rapport has been built between the working group members, and everyone has remained flexible in accommodating competing priorities and helping to progress work
 - the group has achieved a lot, aided by reaching consensus on topics at an early stage and effective coordination of projects (including clear timeframes and advanced notice)
 - the use of GovTeams has been helpful in progressing collaborative pieces
 - the workplan was scoped well, and has enabled the group to produce work that is relevant and of interest to other areas of Government. Information sharing sessions were also useful in the scoping process
- Members also discussed lessons learnt, including:
 - expectations management is crucial given each agency has different ways of working. Clarifying the purpose of each piece of work with Steering Committee and Heads of Agency from the outset (e.g. whether a piece is for an internal or external audience), such as circulating an outline for the DISR joint submission is good practice to ensure they are aware of and comfortable with the work being undertaken
 - resourcing has been higher than anticipated and there is a desire across all members to reduce the group's workload in the coming year. Large joint written papers like the algorithms literature summary may not be the most effective use of resources, and we could instead focus on simpler/shorter outputs like the LLMs paper
 - it will be worthwhile considering the extent to which outputs should be cleared by each member internally vs through the working group to ensure those processes don't conflict. Sufficient time needs to be factored in to align and work to reach a consistent position
 - the group should consider how it can better coordinate with/be informed by the work of other working groups, such as the data dictionary.
- **ACTION ITEM:** group to consider discontinuing the algorithms tracker (developed in drafting the algorithms literature summary) when updating next year's workplan.

2023-24 workplan discussion

- Members agreed to keep algorithms as a separate workstream given it is a useful avenue for demonstrating our consideration of the mechanical functions of digital platforms, along with the interest in potential follow up work from Heads of Agency.
- Members agreed to combine the horizon scanning and examination of technology workstreams for simplicity given they complement one another.
- Members considered focus on strategic engagement, noting the group has been good at engaging with academics and Government.
- Members suggested dedicating more time to reflection on what works well, and workshopping process improvements.

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- Members discussed revisiting the list of topics for the next technology examination following finalisation of the LLMs document in September.
- Members also discussed revisiting the examination of technology template to ensure it is kept short.

Upcoming meetings

- Members noted the upcoming RMIT search engine symposium.

Other business

- eSafety noted members should coordinate in advance of senate appearances for the Big Tech Inquiry, with officer-level staff who are drafting briefings to meet towards the end of the month.

Next steps/action items

- Members to prepare the algorithms literature summary for publication.
- Members to update the LLMs document following submission of the joint submission.

Date of next meeting

The next meeting of this working group will take place on 9 August from 12-1:30pm.