

**SUBMISSION TO THE DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL
DEVELOPMENT, COMMUNICATIONS AND THE ARTS CONSULTATION
COMMUNICATIONS LEGISLATION AMENDMENT (COMBATTING MISINFORMATION AND
DISINFORMATION) BILL 2023**

20 AUGUST 2023

News Corp Australia appreciates the opportunity to provide this submission to the Department of Infrastructure, Transport, Regional Development, Communications and The Arts regarding the Exposure Draft *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (the draft Bill)*.

We note that news media is not intended to be captured by the draft Bill. Further to that, it is well understood that news media organisations publish content on various platforms, and publish content they source from many places, not just content they produce, and that those organisations are responsible for all that they publish, regardless of the platform, or source, by a range and combination of laws, regulations, self-regulation and editorial standards. We note this includes third-party comments on news media organisations' websites. The Department is also aware that publishers are also liable in defamation for third-party comments on their social media pages. Advertising is subject to an existing scheme, whereby the advertiser is liable for the content of the ad, regardless of whether the material requires an authorisation or not.

Given the above, all news media organisation services should be excluded services. Therefore, all content news media organisations publish should be professional news content; and all that content should be excluded when republished (on other platforms).

The current drafting catches news media organisations for all content they publish if they did not produce it, and as a result imposes an unnecessary and heavy burden on organisations that are already responsible for all that they publish.

We recommend the following amendments to the draft Bill to ensure news media organisations are appropriately excluded for all services and all content on all platforms.

2 Definitions

In this Schedule:

news source means any of the following, if it ~~produces, and~~ publishes online, news content:

- (a) a newspaper masthead;
- (b) a magazine;
- (c) a television program or channel;
- (d) a radio program or channel;
- (e) a website or part of a website;
- (f) a program of audio or video content designed to be distributed over the internet.

professional news content means ~~news~~ content, whether or not the content is news content, ~~produced~~ published by a news source who, in respect of that published content:

- (a) is subject to any of the following:
 - (i) the rules of the Australian Press Council Standards of Practice or the Independent Media Council Code of Conduct;
 - (ii) the rules of the Commercial Television Industry Code of Practice, the Commercial Radio Code of Practice or the Subscription Broadcast Television Codes of Practice;
 - (iii) rules of a code of practice mentioned in paragraph 8(1)(e) of the *Australian Broadcasting Corporation Act 1983* or paragraph 10(1)(j) of the *Special Broadcasting Service Act 1991*;
 - (iv) rules or internal editorial standards that are analogous to the rules mentioned in subparagraph (i), (ii) or (iii) to the extent that they relate to the provision of quality journalism;
 - (v) rules specified for the purposes of this paragraph in the digital platform rules; and
- (b) has editorial independence from the subjects of the news source's news coverage; and includes such content as republished by a digital service provider that is not a news source.

professional news content service means the publication by a news source of professional news content.

6 Excluded services for misinformation purposes

- (1) For the purposes of this Schedule, the following services are **excluded services for misinformation purposes**:
 - (a) an email service;
 - (b) a media sharing service that does not have an interactive feature;
 - (c) a professional news content service;
 - (~~d~~e) a digital platform service specified by the Minister in an instrument under subclause (2).