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MS23-004432


**Australian Government**
**Department of Infrastructure, Transport,  
Regional Development, Communications and the Arts**

**To:** The Hon Michelle Rowland MP, Minister for Communications (for decision)

**Subject:** Response to Petition EN5295 and EN5258- Calls to reject the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023

**Critical Date:** Please action by **10 November 2023** to enable the response to be presented to the House of Representatives Standing Committee on Petitions before the 90 day time limit for responses to petitions (10 December 2023).

|  |                            |
|--|----------------------------|
| <b>Recommendation:</b>   |                            |
| 1. That you <b>sign</b> the responses to the Committee Chair at Attachment C.  | <b>Signed / Not Signed</b> |
| <br><b>The Hon Michelle Rowland MP</b> | Date: 16/11/23             |
| <b>Comments:</b>   |                            |

**Key Points:**

1. On 11 September 2023, the House of Representatives Standing Committee on Petitions referred two petitions to you under Standing Order 209 (a) and (b). Both petitions call for the Australian Government to not introduce the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 ('the Bill') to the House of Representatives.

- Petition EN595 has 2477 signatures and claims that the Bill will censor the wider Australian community and calls on the House to 'remove' the Bill. (**Attachment A**)
- Petition EN5296 has 94 signatures and claims that the Bill will allow the Australian Communications and Media Authority (ACMA) unchecked power and calls on the House to 'reject' the Bill. (**Attachment B**)

2. The draft responses to the above at **Attachment C** emphasise the Government's commitments to consultation with industry and the wider Australian community and notes a number of safeguards in the exposure draft Bill to protect freedom of speech and public debate.

3. There is an expectation that Ministers respond to a referred petition within 90 days of presentation by lodging a written response with the Committee. Draft responses to the Chair of the Committee are provided at **Attachment C** for your consideration and signature.

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4. Once the petition has been considered by the Committee, the response will be tabled in the House of Representatives and then published in Hansard and on the Committee's website. A copy of the response will also be provided to the principle petitioner.

**Financial impacts:** N/A

**Legal/Legislative impacts:** N/A

**Stakeholder Implications:** N/A

**Consultation:** N/A

**Media Opportunities:** N/A

**Attachments:**

Attachment A: Letter from the Committee Chair- Referral of Petition

Attachment B: Letter from the Committee Chair- Referral of Petition

Attachment C: Letters to the Committee Chair- Response to Petition

Cleared By: Andrew Irwin  
 Position: Acting Assistant Secretary, Platforms and News  
 Division: Online Safety, Media and Platforms  
 Ph: 6271 s22(1)(a)(ii)  
 Mob: s22(1)(a)(ii)  
 Cleared Date: 19 October 2023

Contact Officer: s22(1)(a)(ii)  
 Section: Assistant Director, Information Integrity  
 Mob: s22(1)(a)(ii)

**Instructions for MPS:** Nil.

**Responsible Adviser:** s22(1)(a)(ii)

**PDMS Distribution List:** Jim Betts, Richard Windeyer, Bridget Gannon, Andrew Irwin, s22(1)(a)(ii)  
 s22(1)(a)(ii)

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**From:** "DLO Rowland" <dlo.rowland@MO.communications.gov.au>  
**Sent:** 11/09/2023 3:26:43 PM  
**To:** s22(1)(a)(ii)  
**Cc:** "DLO Rowland" <dlo.rowland@MO.communications.gov.au>  
**Subject:** PETITION VIA A MINSUB - OSMAP - Platforms and news [SEC=OFFICIAL]  
**Categories:** s22(1)(a)(ii)

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s22(1)(a)(ii)

s22(1)(a)(ii)



s22(1)(a)(ii)

Department Liaison Officer • Office of the Hon Michelle Rowland MP

Minister for Communications

s22(1)(a)(ii) [@communications.gov.au](mailto:s22(1)(a)(ii)@communications.gov.au)

[DLO.Rowland@MO.communications.gov.au](mailto:DLO.Rowland@MO.communications.gov.au)

P +s22(1)(a)(ii) M s22(1)(a)(ii)

Suite M1.41, Parliament House, Canberra ACT 2600

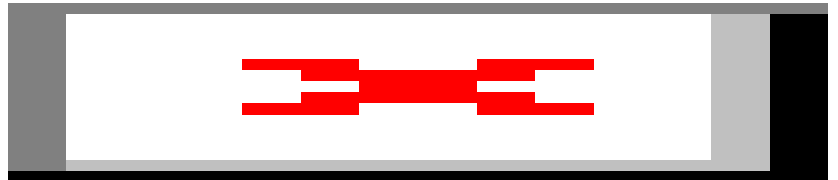
*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.*

*I recognise and respect their continuing connection to the land, waters and communities.*

*I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

**OFFICIAL**

**From:** petitions.committee.reps@aph.gov.au  
**Sent:** Monday, 11 September 2023 12:59 PM  
**To:** DLO Rowland  
**Subject:** Petition Ministerial Referral (EN5295)



11/09/2023

Ms Michelle Rowland MP  
Minister for Communications  
Parliament House  
Canberra ACT 2600

Dear Minister,

A petition in the following terms was recently presented in the House.

**Presentation date:** 11/09/2023  
**Petition number:** EN5295 (*Please quote in future correspondence*)  
**Number of signatures:** 2477

**Terms:**

- **Reason:** This legislation is suppose to tackle threats including safety, wellbeing, our democracy, our society and our economy. Such powers give the government more digital access and monitoring power over the individual's lives. The people of Australia are very concerned how the government determine such misinformation and potential censorship, without the opportunity for a debate based on all information. Our Government is a democracy and needs to listen to its people and

their opinions without punishment. The government is not allowing its citizens their own opinions, rights or supporting human well being.

- **Request:** We therefore ask the House to remove the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 so the Australian people can have their opinions, without the threat of surveillance or punishment.

As you may be aware, under Standing Order 209(a) and (b) the Petitions Committee may refer a copy of a petition to the Minister responsible for the administration of the matter raised in the petition. A written response to the referred petition is expected within 90 days of its presentation in the House.

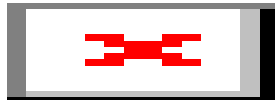
When the response has been considered by the Committee it will be presented in the House, recorded in Hansard and posted on the Committee's website at:

<https://www.aph.gov.au/e-petitions>.

I look forward to receiving your response in due course.

**Please email your response to the Petitions Committee at**  
[petitions.committee.reps@aph.gov.au](mailto:petitions.committee.reps@aph.gov.au)

Yours sincerely



Ms Susan Templeman MP  
Chair

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## STANDING COMMITTEE ON PETITIONS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 2152 | Email:  
[petitions.committee.reps@aph.gov.au](mailto:petitions.committee.reps@aph.gov.au)

**From:** "DLO Rowland" <dlo.rowland@MO.communications.gov.au>  
**Sent:** 11/09/2023 3:31:32 PM  
**To:** s22(1)(a)(ii)  
**Cc:** "DLO Rowland" <dlo.rowland@MO.communications.gov.au>  
**Subject:** PETITION VIA MINSUB - OSMAP - Platforms and News [SEC=OFFICIAL]  
**Categories:** s22(1)(a)(ii)

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s22(1)(a)(ii)

s22(1)(a)(ii)



s22(1)(a)(ii)

Department Liaison Officer • Office of the Hon Michelle Rowland MP

Minister for Communications

s22(1)(a)(ii) [@communications.gov.au](#)

[DLO.Rowland@MO.communications.gov.au](mailto:DLO.Rowland@MO.communications.gov.au)

**P** +s22(1)(a)(ii) **M** s22(1)(a)(ii)

Suite M1.41, Parliament House, Canberra ACT 2600

*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.*

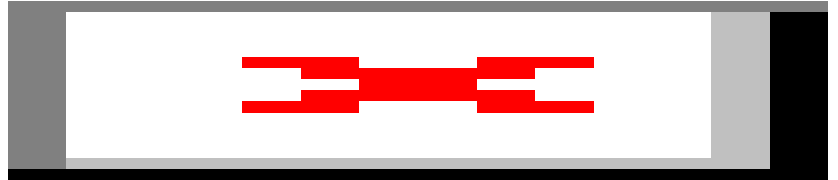
*I recognise and respect their continuing connection to the land, waters and communities.*

*I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

**OFFICIAL**



**From:** petitions.committee.reps@aph.gov.au  
**Sent:** Monday, 11 September 2023 12:50 PM  
**To:** DLO Rowland  
**Subject:** Petition Ministerial Referral (EN5258)



11/09/2023

Ms Michelle Rowland MP  
Minister for Communications  
Parliament House  
Canberra ACT 2600

Dear Minister,

A petition in the following terms was recently presented in the House.

**Presentation date:** 11/09/2023  
**Petition number:** EN5258 (*Please quote in future correspondence*)  
**Number of signatures:** 94

**Terms:**

- **Reason:** The Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 would give the Australian Communications and Media Authority (AMCA) to require digital platforms to turn in records of matters related to misinformation and disinformation and to request the industry to develop a "code of practice" covering measures to combat misinformation. Violating the code could result in penalties up to \$2.75 million dollars or 2 per cent of global turnover — whichever is greater. According to the draft bill,

misinformation is defined as unintentionally false, misleading or deceptive content. however, during the pandemic we saw that any information that went against the narrative or made the government look bad was branded "misinformation", even if it was true, while government disinformation (for example, branding people who opposed lockdowns, mask mandates and vaccine mandates "far-right extremists") was allowed to proliferate unchecked. If the legislation is passed, these new powers will be abused. Free speech will be restricted and inconvenient truths will be suppressed. There are also privacy concerns around requiring social media platforms to disclose records regarding misinformation and disinformation, potentially leading to persecution of individual dissidents.

- **Request:** We therefore ask the House to reject the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

As you may be aware, under Standing Order 209(a) and (b) the Petitions Committee may refer a copy of a petition to the Minister responsible for the administration of the matter raised in the petition. A written response to the referred petition is expected within 90 days of its presentation in the House.

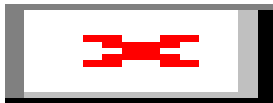
When the response has been considered by the Committee it will be presented in the House, recorded in Hansard and posted on the Committee's website at:

<https://www.aph.gov.au/e-petitions>.

I look forward to receiving your response in due course.

**Please email your response to the Petitions Committee at**  
[petitions.committee.reps@aph.gov.au](mailto:petitions.committee.reps@aph.gov.au)

Yours sincerely



Ms Susan Templeman MP  
Chair

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**STANDING COMMITTEE ON PETITIONS**

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**The Hon Michelle Rowland MP**

**Minister for Communications  
Federal Member for Greenway**

MS23-004432

Ms Susan Templeman MP  
Chair  
House of Representatives Standing Committee on Petitions  
Parliament House  
CANBERRA ACT 2600

Dear Ms Templeman

A handwritten signature in black ink that reads "Susan".

I refer to your correspondence of 11 September 2023 concerning Petition EN5258 which calls for the House of Representatives to reject the *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023*.

Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as our economy, society and democracy. The proposed legislation aims to increase transparency and to hold digital platforms to account in tackling seriously harmful misinformation and disinformation.

The Australian Government ran a public consultation on the draft Bill from 25 July to 20 August 2023. The public consultation has been an important opportunity for industry and the wider Australian community to have their say. The Government welcomes the significant interest in the Bill and will carefully listen to the feedback to ensure that the proposed legislation meets community expectations before it is introduced to into Parliament.

The draft Bill is about looking under the hood of the digital platforms and builds on an existing voluntary code that the industry has signed up to. While digital platforms already take actions to moderate content, there is no way to verify how they do this and whether it is in line with their stated policies.

Under the provisions of the draft Bill, the digital platforms would continue to be responsible for the content they host. However, the Australian Communications and Media Authority (ACMA) would be empowered to obtain and publish information on how platforms are applying their terms of service and other related policies. This will improve transparency and hold platforms accountable for the decisions they make. It would also enable Australian online users to make better informed choices about how they engage with these platforms.

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The Hon Michelle Rowland MP  
PO Box 6022, Parliament House Canberra  
Suite 101C, 130 Main Street, Blacktown NSW 2148 | (02) 9671 4780

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The draft Bill also includes a number of safeguards to protect freedom of speech and public debate.

- The ACMA will have no role in determining truthfulness, and it will not be able to require platforms remove particular pieces of content.
- Importantly, the Bill would not stop criticism of Government or stifle political debate.
- There are also explicit protections for freedom of communication. For example, when registering codes, the ACMA would be required to consider the effects on the freedom of political communication.
- The framework would be open to regular system reviews and parliamentary oversight.

Any obligations placed on the platforms through a registered code or standard could include a range of measures aimed at encouraging transparency and consistency across the platforms. For instance, labelling disputed content or providing alternative sources of information and complaints handling mechanisms for content actions taken by the platforms. Such inclusions would improve users' ability to see and understand how platforms treat their content.

I thank the Committee for bringing these concerns to my attention.

Yours sincerely



Michelle Rowland MP

15 11 2023

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## The Hon Michelle Rowland MP

Minister for Communications  
Federal Member for Greenway

MS23-004432

Ms Susan Templeman MP  
Chair  
House of Representatives Standing Committee on Petitions  
Parliament House  
CANBERRA ACT 2600

Dear Ms Templeman *Susan*

I refer to your correspondence of 11 September 2023 concerning Petition EN5295 which calls for the House of Representatives to remove the *Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023*.

Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as our economy, society and democracy. The proposed legislation aims to increase transparency and to hold digital platforms to account in tackling seriously harmful misinformation and disinformation.

The Australian Government ran a public consultation on the draft Bill from 25 July to 20 August 2023. The public consultation has been an important opportunity for industry and the wider Australian community to have their say. The Government welcomes the significant interest in the Bill and will carefully listen to the feedback to ensure that the proposed legislation strikes an appropriate balance in protecting Australians from serious harm, while safeguarding freedom of speech which is at the very heart of Australian democracy.

The draft Bill is about looking under the hood of the digital platforms and builds on an existing voluntary code that the industry has signed up to. While digital platforms already take actions to moderate content, there is no way to verify how they do this and whether it is in line with their stated policies.

Under the provisions of the draft Bill, the digital platforms would continue to be responsible for the content they host. However, the Australian Communications and Media Authority (ACMA) would be empowered to obtain and publish information on how platforms are applying their terms of service and other related policies. This will improve transparency and hold platforms accountable for the decisions they make. It would also enable Australian online users to make better informed choices about how they engage with these platforms.

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Michelle Rowland MP

15 / 11 / 2023

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