2022‑2023‑2024

The Parliament of the

Commonwealth of Australia

HOUSE OF REPRESENTATIVES



Presented and read a first time

Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024

No. , 2024

(Infrastructure, Transport, Regional Development, Communications and the Arts)

A Bill for an Act to amend the law relating to communications, and for related purposes

Contents

1 Short title 1

2 Commencement 1

3 Schedules 2

Schedule 1—Main amendments 3

Broadcasting Services Act 1992 3

Schedule 2—Consequential amendments and transitional provisions 60

Part 1—Main amendments and transitional provisions 60

Australian Communications and Media Authority Act 2005 60

Broadcasting Services Act 1992 61

Online Safety Act 2021 67

Telecommunications Act 1997 67

Part 2—Contingent amendments 69

Broadcasting Services Act 1992 69

A Bill for an Act to amend the law relating to communications, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Act 2024*.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. |  |
| 2. Schedule 1 | The day after this Act receives the Royal Assent. |  |
| 3. Schedule 2, Part 1 | The day after this Act receives the Royal Assent. |  |
| 4. Schedule 2, Part 2 | The later of:  (a) immediately after the commencement of the provisions covered by table item 3; and  (b) immediately after the commencement of the *Administrative Review Tribunal Act 2024*. |  |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Main amendments

Broadcasting Services Act 1992

1 After section 216E

Insert:

216F Schedule 9 (digital communications platforms)

Schedule 9 has effect.

2 At the end of the Act

Add:

Schedule 9—Digital communications platforms

Note: See section 216F.

Part 1—Introduction

Division 1—Preliminary

1 Simplified outline of this Schedule

Some digital communications platform providers are subject to requirements in connection with misinformation and disinformation on digital communications platforms. These platforms must make specified information publicly accessible and must comply with any requirements in the digital platform rules in relation to the following:

(a) risk management;

(b) media literacy plans;

(c) complaints and dispute handling.

The ACMA also has a graduated set of powers in relation to misinformation and disinformation on some kinds of digital communications platform.

The ACMA may make digital platform rules requiring digital communications platform providers to keep records and report to the ACMA on matters relating to misinformation and disinformation on digital communications platforms. The ACMA may obtain information and documents from digital communications platform providers and others relating to those matters. The ACMA may publish information relating to those matters on its website.

Bodies or associations representing sections of the digital platform industry may develop codes in relation to measures to prevent or respond to misinformation and disinformation on digital communications platforms. If the ACMA approves a misinformation code, digital platform providers in the relevant section of the digital platform industry must comply with the code while it is in force.

Where there is no approved misinformation code in force, an approved misinformation code that is in force is deficient or there are exceptional and urgent circumstances, the ACMA may determine a standard to provide adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on digital communications platforms. Digital communications platform providers are required to comply with misinformation standards that apply to them.

2 Definitions

In this Schedule:

***access*** includes:

(a) access that is subject to a pre‑condition (for example, the use of a password); and

(b) access by way of push technology; and

(c) access by way of a standing request.

***Australia***, when used in a geographical sense, includes all the external Territories.

***connective media service*** has the meaning given by subclause 5(2).

***content*** means content:

(a) whether in the form of text; or

(b) whether in the form of data; or

(c) whether in the form of speech, music or other sounds; or

(d) whether in the form of visual images (animated or otherwise); or

(e) whether in any other form; or

(f) whether in any combination of forms.

***content aggregation service*** has the meaning given by subclause 5(3).

***digital communications platform*** has the meaning given by subclause 5(1).

***digital communications platform provider*** has the meaning given by subclause 7(1).

***digital platform rules*** has the meaning given by subclause 82(1).

***digital service*** has the meaning given by clause 4.

***disinformation*** has the meaning given by subclause 13(2).

***dissemination*** includes the following:

(a) dissemination using automated means;

(b) dissemination to one person or more than one person.

***excluded dissemination*** has the meaning given by subclause 16(1).

***inauthentic behaviour*** has the meaning given by clause 15.

***interactive feature*** has the meaning given by clause 6.

***internet carriage service*** has the same meaning as in the *Online Safety Act 2021*.

***internet search engine service*** has the meaning given by subclause 5(4).

***media literacy plan***, for a digital communications platform, means a plan setting out measures the digital communications platform provider of the platform will take to enable end‑users to better identify misinformation and disinformation on the platform, including to enable end‑users to identify the source of content disseminated on the platform (particularly content that purports to be authoritative or factual).

***media sharing service*** has the meaning given by subclause 5(5).

***misinformation*** has the meaning given by subclause 13(1).

***misinformation code*** means a code developed under Division 4 of Part 2 (whether or not in response to a request under that Division).

***misinformation complaint*** means a complaint in relation to:

(a) misinformation or disinformation on a digital communications platform (or dissemination that is potentially misinformation or disinformation on a digital communications platform); or

(b) content removed from a digital communications platform on the basis that its dissemination using the platform is misinformation or disinformation on the platform.

***misinformation standard*** means a standard determined under Division 4 of Part 2.

***news content***

has the meaning given by subclause 16(3).

***participant***, in a section of the digital platform industry, has the meaning given by clause 43.

***post***: content is ***posted*** on a digital service by an end‑user if the end‑user causes the content to be accessible to, or delivered to, one or more other end‑users using the digital service.

***private message*** means a message sent using a digital communications platform from an end‑user:

(a) to another end‑user; or

(b) at the same time to a number of end‑users that does not exceed:

(i) the number specified in the digital platform rules; or

(ii) if no number is specified in the digital platform rules—1,000.

***professional news content*** has the meaning given by subclause 16(2).

***protected information*** means:

(a) a trade secret; or

(b) other information that has a commercial value that would be, or could reasonably be expected to be, destroyed if the information were publicly disclosed.

***provided on a digital service*** has the meaning given by clause 8.

***provided to the public***, in relation to a service, has the meaning given by clause 9.

***section of the digital platform industry*** has the meaning given by clause 42.

***serious harm*** has the meaning given by clause 14.

***service*** includes a website.

***using*** has a meaning affected by clause 10.

***VoIP communication*** means a real‑time voice communication using the internet that is not recorded.

3

Division 2—Key concepts

4 Meaning of *digital service*

For the purposes of this Schedule, a ***digital service*** is a service that:

(a) delivers content to persons having equipment appropriate for receiving that content, where the delivery of the service is by means of an internet carriage service; or

(b) allows end‑users to access content using an internet carriage service;

where:

(c) the service is provided to the public (whether on payment of a fee or otherwise); and

(d) the service is offered in Australia;

but does not include a service to the extent to which it is:

(e) a broadcasting service; or

(f) a datacasting service.

5 Meaning of *digital communications platform*

Digital communications platforms

(1) For the purposes of this Schedule, a ***digital communications platform*** is a digital service that is:

(a) a connective media service (see subclause (2)); or

(b) a content aggregation service (see subclause (3)); or

(c) an internet search engine service (see subclause (4)); or

(d) a media sharing service (see subclause (5)); or

(e) a kind of digital service determined by the Minister under subclause (7);

but does not include a digital service to the extent to which it is:

(f) an internet carriage service; or

(g) an SMS service; or

(h) an MMS service.

Note 1: ***SMS*** is short for short message service.

Note 2: ***MMS*** is short for multimedia message service.

Connective media services, content aggregation services, internet search engine services and media sharing services

(2) For the purposes of this Schedule, a digital service that satisfies the following conditions is a ***connective media service***:

(a) the primary function of the digital service is to enable online interaction between 2 or more end‑users;

(b) the digital service allows end‑users to link to, or interact with, some or all of the other end‑users;

(c) the digital service has an interactive feature;

(d) such other conditions (if any) as are set out in the digital platform rules.

(3) For the purposes of this Schedule, a digital service that satisfies the following conditions is a ***content aggregation service***:

(a) the primary function of the digital service is to collate and present to end‑users content from a range of online sources, including sources other than the digital service;

(b) the digital service is not an internet search engine service;

(c) such other conditions (if any) as are set out in the digital platform rules.

(4) For the purposes of this Schedule, a digital service that satisfies the following conditions is an ***internet search engine service***:

(a) the digital service collects, indexes or ranks content from a range of online sources, including sources other than the digital service;

(b) the primary function of the digital service is to enable an end‑user to search the digital service’s collection, index or ranking;

(c) such other conditions (if any) as are set out in the digital platform rules.

(5) For the purposes of this Schedule, a digital service that satisfies the following conditions is a ***media sharing service***:

(a) the primary function of the digital service is to provide audio, visual (animated or otherwise) or audio‑visual content to end‑users;

(b) such other conditions (if any) as are set out in the digital platform rules.

(6) In determining whether the condition set out in paragraph (2)(a), (3)(a), (4)(b) or (5)(a) is satisfied, disregard any of the following functions:

(a) the provision of advertising material on the digital service;

(b) the generation of revenue from the provision of advertising material on the digital service;

(c) collection of data using the digital service;

(d) the generation of revenue from data collected using the digital service.

Digital services determined by Minister

(7) The Minister may, by legislative instrument, determine that a kind of digital service is a digital communications platform if the Minister is satisfied that it is appropriate to apply provisions of this Schedule to the digital service to provide adequate protection for the Australian community.

(8) The Minister must consult the ACMA before the Minister makes an instrument under subclause (7).

6 Meaning of *interactive feature*

For the purposes of this Schedule, a digital service has an ***interactive feature*** if at least one of the following applies to the digital service:

(a) the digital service allows an end‑user to post content on the digital service, other than as part of gameplay;

(b) the digital service provides a means for an end‑user to share, within the digital service and other than as part of gameplay, content that is provided on the digital service with another end‑user;

(c) the digital service makes:

(i) interaction between end‑users; or

(ii) interaction by end‑users with content provided on the digital service;

observable to other end‑users, other than as part of gameplay.

7 Meaning of *digital communications platform provider*

(1) For the purposes of this Schedule, a ***digital communications platform provider*** is a person who provides a digital communications platform.

(2

) For the purposes of this Schedule, a person does not provide a digital communications platform merely because the person supplies an internet carriage service that enables content to be delivered or accessed.

(3) For the purposes of this Schedule, a person does not provide a digital communications platform merely because the person provides a billing service, or a fee collection service, in relation to a digital communications platform.

8 When content is provided on a digital service

(1) For the purposes of this Schedule, content is ***provided on*** a digital service if the content is:

(a) delivered by the digital service; or

(b) accessible to end‑users using the digital service.

(2) For the purposes of this Schedule, content is ***provided on*** a digital service to an end‑user if the content is:

(a) delivered to the end‑user by the digital service; or

(b) accessible to the end‑user using the digital service.

9 When a service is provided to the public etc.

(1) For the purposes of this Schedule, a service is ***provided to the public*** if, and only if, the service is provided to at least one person outside the immediate circle (within the meaning of the *Telecommunications Act 1997*) of the person who provides the service.

(2) For the purposes of this Schedule, a service that is provided to the public is taken to be different from a service that is not provided to the public, even if the content provided on the services is identical.

10 Extended meaning of *using*

A reference in this Schedule to ***using*** a thing is a reference to using the thing either:

(a) in isolation; or

(b) in conjunction with one or more other things.

Part 2—Misinformation and disinformation

Division 1—Introduction

11 Objects

The objects of this Part are:

(a) to enable end‑users to better understand the accuracy and credibility of content disseminated using digital communications platforms, particularly content that purports to be factual or authoritative; and

(b) to ensure digital communications platform providers:

(i) publish policies, or information on policy approaches, in relation to misinformation and disinformation on digital communications platforms; and

(ii) take other steps to enhance transparency in relation to misinformation and disinformation on digital communications platforms; and

(c) to enable one or more bodies or associations that the ACMA is satisfied represent sections of the digital platform industry to develop one or more codes that require participants in those sections of the digital platform industry to implement measures to prevent or respond to misinformation and disinformation on digital communications platforms; and

(d) to enable the ACMA to approve codes and determine standards that are reasonably appropriate and adapted to protecting the Australian community from serious harm caused or contributed to by misinformation or disinformation on digital communications platforms; and

(e) to provide the ACMA with powers, which respect the freedom of expression, to take action for the purposes of this Part; and

(f) to ensure the ACMA examines systemic issues relating to conduct of digital communications platform providers in relation to misinformation and disinformation on digital communications platforms.

12 Exemption for certain digital communications platforms

(1) Divisions 2 to 5 do not apply in relation to a digital communications platform to the extent that it is:

(a) an email service; or

(b) a media sharing service that does not have an interactive feature; or

(c) a digital service the Minister determines is an excluded service for misinformation purposes under subclause (3).

(2) Digital platform rules made for the purposes of this Part, approved misinformation codes and misinformation standards do not apply in relation to a digital communications platform to the extent that it is:

(a) an email service; or

(b) a media sharing service that does not have an interactive feature; or

(c) a digital service the Minister determines is an excluded service for misinformation purposes under subclause (3).

(3) The Minister may, by legislative instrument, determine that a digital service is an excluded service for misinformation purposes.

13 Meanings of *misinformation* and *disinformation*

(1) For the purposes of this Schedule, dissemination of content using a digital service is ***misinformation*** on the digital service if:

(a) the content contains information that is reasonably verifiable as false, misleading or deceptive; and

(b) the content is provided on the digital service to one or more end‑users in Australia; and

(c) the provision of the content on the digital service is reasonably likely to cause or contribute to serious harm; and

(d) the dissemination is not excluded dissemination.

(2) For the purposes of this Schedule, dissemination of content using a digital service is ***disinformation*** on the digital service if:

(a) the content contains information that is reasonably verifiable as false, misleading or deceptive; and

(b) the content is provided on the digital service to one or more end‑users in Australia; and

(c) the provision of the content on the digital service is reasonably likely to cause or contribute to serious harm; and

(d) the dissemination is not excluded dissemination; and

(e) either:

(i) there are grounds to suspect that the person disseminating, or causing the dissemination of, the content intends that the content deceive another person; or

(ii) the dissemination involves inauthentic behaviour.

regard must be had to the following matters:

(b) the subject matter of the information in the content that is reasonably verifiable as false, misleading or deceptive;

(d) the author of the information;

(e) the purpose of the dissemination;

(f) whether the information has been attributed to a source and, if so, the authority of the source and whether the attribution is correct;

(g) other related information disseminated that is reasonably verifiable as false, misleading or deceptive;

(h) any matter determined by the Minister under subclause (4);

(4) The Minister may, by legislative instrument, determine a matter to which regard must be had in determining whether the provision of content on a digital service is reasonably likely to cause or contribute to serious harm.

(5) Subclause (2) does not limit subclause (1).

14 Meaning of *serious harm*

For the purposes of this Schedule, ***serious harm*** is:

(a) harm to the operation or integrity of a Commonwealth, State, Territory or local government electoral or referendum process; or

(b) harm to public health in Australia, including to the efficacy of preventative health measures in Australia; or

(c) vilification of a group in Australian society distinguished by race, religion, sex, sexual orientation, gender identity, intersex status, disability, nationality or national or ethnic origin, or vilification of an individual because of a belief that the individual is a member of such a group; or

(d) intentionally inflicted physical injury to an individual in Australia; or

(e) imminent:

(i) damage to critical infrastructure; or

(ii) disruption of emergency services;

in Australia; or

(f) imminent harm to the Australian economy, including harm to public confidence in the banking system or financial markets;

that has:

(g) significant and far‑reaching consequences for the Australian community or a segment of the Australian community; or

(h) severe consequences for an individual in Australia.

15 Meaning of *inauthentic behaviour*

(1) For the purposes of this Schedule, dissemination of content on a digital service involves ***inauthentic behaviour*** if:

(a) the dissemination uses an automated system in a way that is reasonably likely to mislead an end‑user about a matter covered by subclause (2); or

(b) there are grounds to suspect the dissemination is part of coordinated action that is reasonably likely to mislead an end‑user about a matter covered by subclause (2); or

(c) there are grounds to suspect that the dissemination uses an arrangement for the purpose of avoiding action by the provider of the digital service to:

(i) comply with this Act or another law; or

(ii) enforce compliance with the terms of use for the digital service; or

(d) the content is disseminated in the circumstances specified in the digital platform rules.

(2) For the purposes of paragraphs (1)(a) and (b), the matters are as follows:

(a) the identity, purpose or origin of the person disseminating the content;

(b) the popularity of the content on the digital service;

(c) the motive or intention of an end‑user;

(d) the source or origin of the content.

16 Meaning of *excluded dissemination*

(1) For the purposes of this Schedule, the following are ***excluded dissemination***:

(a) dissemination of content that would reasonably be regarded as parody or satire;

(b) dissemination of professional news content;

(c) reasonable dissemination of content for any academic, artistic, scientific or religious purpose.

(2) For the purposes of this Schedule, ***professional news content*** is news content produced by a person who:

(a) produces, and publishes online, news content in any of the following formats:

(i) a newspaper;

(ii) a magazine;

(iii) a television program or channel;

(iv) a radio program or channel;

(v) a website or part of a website;

(vi) a program of audio, visual (animated or otherwise) or audio‑visual content designed to be distributed over the internet; and

(b)

of this paragraph 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

(c) has editorial independence from the subjects of the person’s news coverage.

(3) For the purposes of this Schedule, ***news content*** is

Division 2—Transparency

Subdivision A—Publication

17 Digital communications platform provider must publish information

Making information available to the public

(1) A digital communications platform provider of a digital communications platform must ensure that the following information is accessible to the public on its website and to end‑users on the platform:

(a) a report that meets the requirements (if any) prescribed by the digital platform rules on the outcomes of an assessment by the provider of risks relating to misinformation and disinformation on the platform, including:

(i) risks arising from the design or functioning of the platform; and

(ii) risks arising from the use of the platform by end‑users;

(b) either:

(i) the provider’s current policy in relation to misinformation and disinformation on the platform; or

(ii) information on the provider’s current policy approach in relation to misinformation and disinformation on the platform;

(c) a current media literacy plan for the platform;

(d) information (other than source code) specified in the digital platform rules.

(2) If the provider updates its assessment of risks relating to misinformation and disinformation on the platform, paragraph (1)(a) applies in relation to the most recent assessment.

(3) However, subclause (1) does not apply in relation to:

(a) protected information; or

(b) personal information (within the meaning of the *Privacy Act 1988*); or

(c) any information the disclosure of which the provider reasonably considers might:

(i) cause a significant security vulnerability for the platform; or

(ii) increase misinformation or disinformation.

Making information available to the ACMA

(4) If a digital communications platform provider of a digital communications platform fails to comply with subclause (1) (or would have failed to comply with subclause (1) if subclause (3) were disregarded) in relation to particular information, the provider must give the ACMA, within 60 days after the failure:

(a) a copy of the information; and

(b) a statement of the reason why the provider has not ensured the information is accessible to the public on its website and to end‑users on the platform.

(5) Without limiting subclause (4), the provider may notify the ACMA that the information contains protected information. The notice must identify which information is protected information and explain why.

Note: Limitations apply to publication of protected information under clause 38 (see clauses 39 and 40).

Civil penalty provisions

(6) Subclauses (1) and (4) are civil penalty provisions.

18 Remedial directions—contravention of requirement to publish information

(1) This clause applies if the ACMA is satisfied that a digital communications platform provider has contravened, or is contravening, subclause 17(1) or (4).

(2) The ACMA may give the provider a written direction requiring the provider to take specified action directed towards ensuring that the provider does not contravene subclause 17(1) or (4), or is unlikely to contravene subclause 17(1) or (4), in the future.

(3) A digital communications platform provider must not contravene a direction under subclause (2).

(4) Subclause (3) is a civil penalty provision.

Subdivision B—Risk management

19 ACMA may make digital platform rules in relation to risk management

The digital platform rules may require:

(a) digital communications platform providers to update their assessments of risks relating to misinformation and disinformation on digital communications platforms they provide, at times, or in circumstances, specified in the rules; and

(b) those risk assessments to cover specified matters; and

(c) digital communications platform providers to have management plans for risks relating to misinformation and disinformation on digital communications platforms; and

(d) those risk management plans to be prepared at times, or in circumstances, specified in the rules; and

(e) those risk management plans to state the steps (if any) being taken by digital communications platform providers in relation to risks identified by providers or specified in the rules.

20 Compliance with digital platform rules regarding risk management

(1) A digital communications platform provider must not contravene digital platform rules made for the purposes of clause 19.

(2) Subclause (1) is a civil penalty provision.

21 Remedial directions—contravention of digital platform rules regarding risk management

(1) This clause applies if the ACMA is satisfied that a digital communications platform provider has contravened, or is contravening, digital platform rules made for the purposes of clause 19.

(2) The ACMA may give the provider a written direction requiring the provider to take specified action directed towards ensuring that the provider does not contravene digital platform rules made for the purposes of clause 19, or is unlikely to contravene those rules, in the future.

(3) A digital communications platform provider must not contravene a direction under subclause (2).

(4) Subclause (3) is a civil penalty provision.

Subdivision C—Media literacy plan

22 ACMA may make digital platform rules in relation to media literacy plan

The digital platform rules may require:

(a) digital communications platform providers to update media literacy plans for the digital communications platforms they provide, at times, or in circumstances, specified in the rules; and

(b) those media literacy plans to state the media literacy tools being used by digital communications platform providers in relation to risks identified by providers or specified in the rules; and

(c) digital communications platform providers to give the ACMA assessments of the effectiveness of those media literacy tools.

23 Compliance with digital platform rules regarding media literacy plan

(1) A digital communications platform provider must not contravene digital platform rules made for the purposes of clause 22.

(2) Subclause (1) is a civil penalty provision.

24 Remedial directions—contravention of digital platform rules regarding media literacy plan

(1) This clause applies if the ACMA is satisfied that a digital communications platform provider has contravened, or is contravening, digital platform rules made for the purposes of clause 22.

(2) The ACMA may give the provider a written direction requiring the provider to take specified action directed towards ensuring that the provider does not contravene digital platform rules made for the purposes of clause 22, or is unlikely to contravene those rules, in the future.

(3) A digital communications platform provider must not contravene a direction under subclause (2).

Subdivision D—Complaints

25 ACMA may make digital platform rules in relation to complaints and dispute handling

(1) The digital platform rules may provide for or in relation to complaints and dispute handling processes for misinformation complaints.

(2) Without limiting subclause (1), digital platform rules may require the following:

(a) digital communications platform providers to implement and maintain complaints and dispute handling processes for misinformation complaints;

(b) complaints and dispute handling processes for misinformation complaints to comply with minimum standards;

(c) publication, or provision to the ACMA, of information regarding:

(i) complaints and dispute handling processes for misinformation complaints; and

(ii) misinformation complaints; and

(iii) responses to misinformation complaints.

(3) However, digital platform rules made for the purposes of this clause must not require a digital communications platform provider of a digital communications platform to publish:

(a) protected information; or

(b) personal information (within the meaning of the *Privacy Act 1988*); or

(c) any information the disclosure of which the provider reasonably considers might:

(i) cause a significant security vulnerability for the platform; or

(ii) increase misinformation or disinformation.

26 Compliance with digital platform rules regarding complaints and dispute handling

(1) A digital communications platform provider must not contravene digital platform rules made for the purposes of clause 25.

(2) Subclause (1) is a civil penalty provision.

27 Remedial directions—contravention of digital platform rules regarding complaints and dispute handling

(1) This clause applies if the ACMA is satisfied that a digital communications platform provider has contravened, or is contravening, digital platform rules made for the purposes of clause 25.

(2) The ACMA may give the provider a written direction requiring the provider to take specified action directed towards ensuring that the provider does not contravene digital platform rules made for the purposes of clause 25, or is unlikely to contravene those rules, in the future.

(3) A digital communications platform provider must not contravene a direction under subclause (2).

(4) Subclause (3) is a civil penalty provision.

Subdivision E—Miscellaneous

28 Delayed start of requirements in this Division

Subdivisions A to D do not apply in relation to a digital communications platform provider until the end of the period of 6 months starting on the day this Schedule commences.

29 Exemptions from this Division

Subdivisions A to D do not apply in relation to a digital communications platform specified in the digital platform rules as exempt from this Division.

Division 3—Information

Subdivision A—Record keeping and reporting

30

(1) The digital platform rules may require digital communications platform providers to make and retain records relating to the following:

(a) misinformation or disinformation on digital communications platforms;

(b) measures implemented by digital communications platform providers to prevent or respond to misinformation or disinformation on digital communications platforms, including the effectiveness of the measures.

(2) Before the ACMA makes a digital platform rule for the purposes of this clause, the ACMA must consider:

(a) the privacy of end‑users of the digital communications platforms to which the rule relates; and

(b) whether the rule is required for the performance of the ACMA’s function under paragraph 10(1)(mb), (mc), (md), (me), (mf), (mg) or (q) of the *Australian Communications and Media Authority Act 2005*.

(3) Digital platform rules made for the purposes of this clause must not require digital communications platform providers to make or retain records of:

(a) the content of private messages; or

(b) the content of VoIP communications.

(4) Digital platform rules may specify the manner and form in which the records are to be made. Digital platform rules may specify the period for which the records are to be retained.

Reporting

(5) Digital platform rules may also require digital communications platform providers to prepare reports consisting of information contained in the records.

(6) Digital platform rules may also require digital communications platform providers to give any or all of the reports to the ACMA.

(7) Digital platform rules may specify the manner and form in which reports are to be prepared.

(8) Digital platform rules may provide for:

(a) the preparation of reports as and when required by the ACMA; or

(b) the preparation of periodic reports relating to such regular intervals as are specified in the rules.

(9) Digital platform rules may require or permit a report prepared in accordance with the rules to be given to the ACMA, in accordance with specified software requirements and specified authentication requirements:

(a) on a specified kind of data processing device (within the meaning of the *Telecommunications Act 1997*); or

(b) by way of a specified kind of electronic transmission.

Source code and protected information

(10) Digital platform rules must not require digital communications platform providers to prepare reports containing source code.

(11) A digital communications platform provider may notify the ACMA that information in a report required by the digital platform rules to be given to the ACMA is protected information. The notice must identify which information is protected information and explain why.

Note: Limitations apply to publication of protected information under clause 38 (see clauses 39 and 40).

Relationship with information‑gathering powers

(12) This clause does not limit clause 33 or 34 (which are about the general information‑gathering powers of the ACMA).

31 Compliance with digital platform rules regarding records and reports

(1) A digital communications platform provider must not contravene digital platform rules made for the purposes of clause 30.

(2) Subclause (1) is a civil penalty provision.

32 Remedial directions—contravention of digital platform rules regarding records and reports

(1) This clause applies if the ACMA is satisfied that a digital communications platform provider has contravened, or is contravening, digital platform rules made for the purposes of clause 30.

(2) The ACMA may give the provider a written direction requiring the provider to take specified action directed towards ensuring that the provider does not contravene digital platform rules made for the purposes of clause 30, or is unlikely to contravene those rules, in the future.

(3) A digital communications platform provider must not contravene a direction under subclause (2).

(4) Subclause (3) is a civil penalty provision.

Subdivision B—Information gathering

33 ACMA may obtain information and documents from digital communications platform providers

(1) This clause applies to a digital communications platform provider of a digital communications platform if:

(a) the ACMA has reasonable grounds to believe that the provider has information or a document (other than source code) that is relevant to any of the following matters:

(i) misinformation or disinformation on the platform;

(ii) measures implemented by the provider to prevent or respond to misinformation or disinformation on the platform, including the effectiveness of the measures; and

(b) the ACMA considers that it requires the information or document for the performance of the ACMA’s function under paragraph 10(1)(mb), (mc), (md), (me), (mf), (mg) or (q) of the *Australian Communications and Media Authority Act 2005*.

ACMA may require information or documents

(2) The ACMA may, by written notice given to the provider, require the provider:

(a) to give to the ACMA, within the period and in the manner and form specified in the notice, any such information; or

(b) to produce to the ACMA, within the period and in the manner specified in the notice, any such documents; or

(c) to make copies of any such documents and to produce to the ACMA, within the period and in the manner specified in the notice, those copies.

(3) However, a notice cannot require a person to give information, or produce a document or copy, that would reveal:

(a) the content of a private message sent by an end‑user of the platform (other than a private message relating to the internal operations of the platform sent by an employee of, or person providing services to, the provider); or

(b) the content of a VoIP communication by an end‑user of the platform (other than a VoIP communication relating to the internal operations of the platform by an employee of, or person providing services to, the provider).

(4) A digital communications platform provider must comply with a requirement under subclause (2).

Protected information

(5) A digital communications platform provider may notify the ACMA that information given or a document or copy produced under this clause contains protected information. The notice must identify which information is protected information and explain why.

Note: Limitations apply to publication of protected information under clause 38 (see clauses 39 and 40).

(6) Subclause (4) is a civil penalty provision.

Requirements for notice

(7) A notice given to a digital communications platform provider under subclause (2) must set out the effect of subclauses (4) and (6) and paragraph 72(j) of this Schedule, and subsection 205F(1) (civil penalty orders).

34 ACMA may obtain information and documents from other persons

Scope

(1) This clause applies to a person if:

(a) the ACMA has reasonable grounds to believe that the person has information or a document (other than source code) that is relevant to any of the following matters:

(i) misinformation or disinformation on a digital communications platform;

(ii) measures implemented by a digital communications platform provider to prevent or respond to misinformation or disinformation on a digital communications platform, including the effectiveness of the measures; and

(b) the ACMA considers that it requires the information or document for the performance of the ACMA’s function under paragraph 10(1)(md) of the *Australian Communications and Media Authority Act 2005*.

(2) Paragraph (1)(a) does not apply in relation to information or documents relating to content posted by the person on the digital communications platform, other than content posted in the person’s capacity as:

(a) a fact checker; or

(b) a content moderator; or

(c) an employee of the provider of the platform; or

(d) a person providing services to the provider of the platform.

ACMA may require information or documents

(3) The ACMA may, by written notice given to the person, require the person:

(a) to give to the ACMA, within the period and in the manner and form specified in the notice, any such information; or

(b) to produce to the ACMA, within the period and in the manner specified in the notice, any such documents; or

(c) to make copies of any such documents and to produce to the ACMA, within the period and in the manner specified in the notice, those copies.

(4) However, a notice cannot require a person to give information, or produce a document or copy, that would reveal:

(a) the content of a private message; or

(b) the content of a VoIP communication.

(5) A person to whom a notice is given under subclause (3) must comply with a requirement under subclause (3).

Protected information

(6) A person may notify the ACMA that information given or a document or copy produced under this clause contains protected information. The notice must identify which information is protected information and explain why.

Note: Limitations apply to publication of protected information under clause 38 (see clauses 39 and 40).

(7) Subclause (5) is a civil penalty provision.

Requirements for notice

(8) A notice given to a person under subclause (3) must set out the effect of subclauses (5) and (7) and paragraph 72(k) of this Schedule, and subsection 205F(1) (civil penalty orders).

35 Copying documents—reasonable compensation

A person is entitled to be paid by the ACMA reasonable compensation for complying with a requirement covered by paragraph 33(2)(c) or 34(3)(c).

36 Copies of documents

(1) The ACMA may inspect a document or copy produced under this Subdivision and may make and retain copies of, or take and retain extracts from, such a document.

(2) The ACMA may retain possession of a copy of a document produced in accordance with a requirement covered by paragraph 33(2)(c) or 34(3)(c).

37 ACMA may retain documents

(1) The ACMA may take, and retain for as long as is necessary, possession of a document produced under this Subdivision.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the ACMA to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the ACMA must, at such times and places as the ACMA thinks appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to inspect and make copies of, or take extracts from, the document.

Subdivision C—Publishing information

38 Publication on website

(1) The ACMA may publish information on its website relating to the following:

(a) misinformation or disinformation on digital communications platforms;

(b) measures implemented by digital communications platform providers to prevent or respond to misinformation or disinformation on digital communications platforms, including the effectiveness of the measures.

(2) The information may relate to:

(a) a particular digital communications platform or digital communications platform provider; or

(b) a class of digital communications platforms or digital communications platform providers; or

(c) all digital communications platforms or digital communications platform providers.

(3) The information may include information that was obtained by the ACMA under:

(a) paragraph 17(4)(b); or

(b) Subdivision D of Division 2; or

(c) this Division.

Note: The ACMA is subject to requirements in the *Privacy Act 1988* relating to collection, use and disclosure of personal information.

39 Protected information

If the ACMA is satisfied that information is protected information, the ACMA must not publish the information under clause 38 unless:

(a) the information is already in the public domain; or

(b) the information is required to be disclosed under a law of the Commonwealth, a State or a Territory; or

(c) the ACMA obtains consent to the publication from:

(i) if the information is a trade secret—the owner of the trade secret; or

(ii) in any other case—the owner of the information.

40 Publication process in relation to protected information

(1) This clause applies if:

(a) the ACMA proposes to publish information under clause 38 that relates to:

(i) a digital communications platform of a digital communications platform provider; or

(ii) a digital communications platform provider; and

(b) the ACMA has been notified that the information is protected information.

(2) The ACMA must give the provider a written notice:

(a) stating that the ACMA is proposing to publish the information; and

(b) inviting the provider to make submissions to the ACMA in relation to the proposal within 30 days after the notice is given.

(3) After the end of the 30 days, the ACMA must decide whether or not to publish the information under clause 38.

(4) In deciding whether or not to publish the information, the ACMA must consider any submissions made by the provider in accordance with the notice.

(5) If the ACMA decides to publish the information, the ACMA must not publish the information before the end of the period of 30 days after it gives the provider written notice of its decision.

41 Relationship with Part 7A of the *Australian Communications and Media Authority Act 2005*

This Division does not limit Part 7A of the *Australian Communications and Media Authority Act 2005*.

Division 4—Misinformation codes and misinformation standards

Subdivision A—Interpretation

42 Sections of the digital platform industry

(1) For the purposes of this Schedule, ***sections of the digital platform industry*** are to be ascertained in accordance with this clause.

(2) For the purposes of this Schedule, each of the following groups is a ***section of the digital platform industry***:

(a) digital communications platform providers who provide connective media services;

(b) digital communications platform providers who provide content aggregation services;

(c) digital communications platform providers who provide internet search engine services;

(d) digital communications platform providers who provide media sharing services.

(3) For each kind of digital service determined by the Minister under subclause 5(7), the digital communications platform providers who provide that kind of service are a ***section of the digital platform industry***.

(4) Digital platform rules may provide that persons who provide a kind of digital communications platform constitute a section of the digital platform industry for the purposes of this Schedule.

(5) The section of the digital platform industry must be identified in the digital platform rules by a unique name and/or number.

(6) Digital platform rules made for the purposes of subclause (4) have effect accordingly.

(7) Sections of the digital platform industry provided by digital platform rules under subclause (4):

(a) need not be mutually exclusive; and

(b) may consist of the aggregate of any 2 or more sections of the digital platform industry mentioned in subclause (2) or (3) or provided under subclause (4); and

(c) may be subsets of a section of the digital platform industry mentioned in subclause (2) or (3) or provided under subclause (4).

(8) Subclause (7) does not, by implication, limit subclause (4).

43 Participants in a section of the digital platform industry

For the purposes of this Schedule, if a digital communications platform provider is a member of a group that constitutes a section of the digital platform industry, the provider is a ***participant*** in that section of the digital platform industry.

Subdivision B—General principles relating to misinformation codes and misinformation standards

44 Examples of matters that may be dealt with by misinformation codes and misinformation standards

(1) This clause sets out examples of matters that may be dealt with by misinformation codes and misinformation standards.

(2) The applicability of a particular example will depend on which section of the digital platform industry is involved.

(3) The examples are as follows:

(a) preventing or responding to misinformation or disinformation on digital communications platforms;

(b) using technology to prevent or respond to misinformation or disinformation on digital communications platforms;

(c) preventing or responding to misinformation or disinformation on digital communications platforms that constitutes an act of foreign interference (within the meaning of the *Australian Security Intelligence Organisation Act 1979*);

(d) preventing advertising involving misinformation or disinformation on digital communications platforms;

(e) preventing monetisation of misinformation or disinformation on digital communications platforms;

(f) supporting fact checking;

(g) allowing end‑users to detect and report misinformation or disinformation on digital communications platforms;

(h) giving information to end‑users about the source of political or issues‑based advertisements;

(i) policies and procedures for receiving and handling reports and complaints from end‑users;

(j) giving end‑users and others information about misinformation or disinformation on digital communications platforms, including management of misinformation or disinformation on digital communications platforms;

(k) giving end‑users and others information about authoritative content and factual information on digital communications platforms;

(l) improving media literacy of end‑users.

45 Limitation—private messages

The ACMA must not approve a code (or part of a code), or determine a standard, under this Division that contains requirements relating to:

(a) the content of private messages; or

(b) encryption of private messages.

46 Limitation—VoIP communications

The ACMA must not approve a code (or part of a code), or determine a standard, under this Division that contains requirements relating to VoIP communications.

Subdivision C—Misinformation codes

47 Approval of codes

(1) This clause applies if:

(a) the ACMA is satisfied that a body or association represents a particular section of the digital platform industry; and

(b) that body or association develops a code that applies to participants in that section of the digital platform industry and deals with one or more matters relating to the operation of digital communications platforms by those participants; and

(c) the body or association gives a copy of the code to the ACMA; and

(d) the ACMA is satisfied that the code (or part of the code):

(i) requires participants in that section of the digital platform industry to implement measures to prevent or respond to misinformation or disinformation on the platforms; and

(ii) enables assessment of compliance with the measures; and

(iii) is reasonably appropriate and adapted to achieving the purpose of providing adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms; and

(iv) goes no further than reasonably necessary to provide that protection; and

(e) the ACMA is satisfied that, before giving the copy of the code to the ACMA:

(i) the body or association published a draft of the code and invited members of the public to make submissions to the body or association about the draft within a specified period; and

(ii) the body or association gave consideration to any submissions that were received from members of the public within that period; and

(f) the ACMA is satisfied that, before giving the copy of the code to the ACMA:

(i) the body or association published a draft of the code and invited participants in that section of the digital platform industry to make submissions to the body or association about the draft within a specified period; and

(ii) the body or association gave consideration to any submissions that were received from participants in that section of the digital platform industry within that period; and

(g) the ACMA is satisfied that at least one body or association that represents the interests of consumers has been consulted about the development of the code.

(2) A period specified under subparagraph (1)(e)(i) or (1)(f)(i) must run for at least 30 days.

Approval of codes

(3) The ACMA may, by written notice given to the body or association, approve the code or part of the code.

(4) The approval of a code is not a legislative instrument.

(5) If the ACMA approves part of a misinformation code, this Schedule has effect as if the part were a misinformation code.

Approved code is a legislative instrument

(6) A misinformation code approved by the ACMA is a legislative instrument.

(7) For the purposes of the *Legislation Act 2003*, the ACMA is the rule‑maker for a misinformation code approved under this Division.

48 ACMA may request codes

(1) If the ACMA is satisfied that a body or association represents a particular section of the digital platform industry, the ACMA may, by written notice given to the body or association, request the body or association to:

(a) develop a code that applies to participants in that section of the digital platform industry and deals with one or more specified matters relating to the operation of digital communications platforms by those participants; and

(b) give the ACMA a copy of the code within the period specified in the notice.

(2) The period specified in a notice under subclause (1) must run for at least 120 days.

(3) The ACMA must not make a request under subclause (1) in relation to a particular section of the digital platform industry unless the ACMA is satisfied that:

(a) the development of the code is necessary in order to:

(i) prevent or respond to misinformation or disinformation on digital communications platforms of participants in that section of the digital platform industry; or

(ii) address systemic issues in relation to misinformation or disinformation on digital communications platforms of participants in that section of the digital platform industry; and

(b) in the absence of the request, it is unlikely that the code would be developed within a reasonable period.

(4) The ACMA may vary a notice under subclause (1) by extending the period specified in the notice.

(5) Subclause (4) does not, by implication, limit the application of subsection 33(3) of the *Acts Interpretation Act 1901*.

(6) A notice under subclause (1) may specify indicative targets for achieving progress in the development of the code (for example, a target of 60 days to develop a preliminary draft of the code).

49 Publication of notice where no body or association represents a section of the digital platform industry

(1) If the ACMA is satisfied that a particular section of the digital platform industry is not represented by a body or association, the ACMA may publish a notice on its website:

(a) stating that, if such a body or association were to come into existence within a specified period, the ACMA would be likely to give a notice to that body or association under subclause 48(1); and

(b) setting out the matter or matters relating to the operation of digital communications platforms that would be likely to be specified in the subclause 48(1) notice.

(2) The period specified in a notice under subclause (1) must run for at least 60 days.

50 Variation of misinformation codes

Scope

(1) This clause applies if:

(a) a misinformation code is approved under this Division; and

(b) the code:

(i) applies to participants in a particular section of the digital platform industry; and

(ii) deals with one or more matters relating to the operation of digital communications platforms by those participants; and

(c) the body or association that developed the code gives a draft variation of the code to the ACMA; and

(d) the ACMA is satisfied that the code (as proposed to be varied):

(i) requires participants in that section of the digital platform industry to implement measures to prevent or respond to misinformation or disinformation on the platforms; and

(ii) enables assessment of compliance with the measures; and

(iii) is reasonably appropriate and adapted to achieving the purpose of providing adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms; and

(iv) goes no further than reasonably necessary to provide that protection; and

(e) except in a case where the draft variation is of a minor nature—the ACMA is satisfied that, before giving the draft variation to the ACMA:

(i) the body or association published the draft variation on its website and invited members of the public to make submissions to the body or association about the draft variation within a specified period; and

(ii) the body or association gave consideration to any submissions that were received from members of the public within that period; and

(f) except in a case where the draft variation is of a minor nature—the ACMA is satisfied that, before giving the draft variation to the ACMA:

(i) the body or association published the draft variation on its website and invited participants in that section of the digital platform industry to make submissions to the body or association about the draft variation within a specified period; and

(ii) the body or association gave consideration to any submissions that were received from participants in that section of the digital platform industry within that period; and

(g) except in a case where the draft variation is of a minor nature—the ACMA is satisfied that at least one body or association that represents the interests of consumers has been consulted about the development of the draft variation.

Period for making submissions

(2) A period specified under subparagraph (1)(e)(i) or (1)(f)(i) must run for at least 30 days.

Approval of variation

(3) The ACMA may, by written notice given to the body or association, approve the draft variation.

(4) The draft variation and the approval of the draft variation are not legislative instruments.

(5) If the ACMA approves the draft variation, the ACMA must, by legislative instrument, vary the code accordingly.

51 Revocation of misinformation codes and provisions of misinformation codes

(1) The ACMA may, by legislative instrument, revoke:

(a) a misinformation code; or

(b) a provision of a misinformation code.

(2) If the ACMA revokes a provision of a misinformation code, this Schedule has effect in relation to things occurring after the revocation as if the code did not include the provision.

52 Compliance with approved misinformation code

(1) If:

(a) a misinformation code approved under this Division that applies to participants in a particular section of the digital platform industry is in force; and

(b) a digital communications platform provider is a participant in that section of the digital platform industry;

the provider must comply with the code.

(3) An application for a civil penalty order for a contravention of subclause (1) of this clause must not be made under section 205F unless, before the contravention, the ACMA issues a formal warning to the person under clause 74 in relation to any contravention of subclause (1) of this clause.

53 Remedial directions—contravention of misinformation code

(1) This clause applies if:

(a) a misinformation code approved under this Division that applies to participants in a particular section of the digital platform industry is in force; and

(b) a digital communications platform provider is a participant in that section of the digital platform industry; and

(c) the ACMA is satisfied that the provider has contravened, or is contravening, the code.

(2) The ACMA may give the provider a written direction requiring the provider to take specified action directed towards ensuring that the provider does not contravene the code, or is unlikely to contravene the code, in the future.

(3) A digital communications platform provider must not contravene a direction under subclause (2).

(4) Subclause (3) is a civil penalty provision.

Subdivision D—Misinformation standards

54 Limitation in relation to freedom of political communication

The ACMA must not determine a standard under this Division that deals with one or more matters relating to the operation of digital communications platforms unless the ACMA is satisfied that the standard:

(a) is reasonably appropriate and adapted to achieving the purpose of providing adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms; and

(b) goes no further than reasonably necessary to provide that protection.

Note: An assessment of whether a standard is compatible with human rights must be prepared and included in the explanatory statement for the standard: see section 9 of the *Human Rights (Parliamentary Scrutiny) Act 2011* and section 15J of the *Legislation Act 2003*.

55 ACMA may determine standards—request for a code is not complied with

(a) the ACMA has made a request under subclause 48(1) in relation to the development of a code that is to:

(i) apply to participants in a particular section of the digital platform industry; and

(ii) deal with one or more matters relating to the operation of digital communications platforms by those participants; and

(b) any of the following conditions is satisfied:

(i) the request is not complied with;

(ii) if indicative targets for achieving progress in the development of the code were specified in the notice of request—any of those indicative targets were not met;

(iii) the request is complied with, but the ACMA subsequently refuses to approve the code; and

(c) the ACMA is satisfied that it is necessary for the ACMA to determine a standard in relation to that matter or those matters in order to provide adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms.

(2) The ACMA may, by legislative instrument, determine a standard that applies to participants in that section of the digital platform industry and deals with that matter or those matters. A standard under this subclause is to be known as a ***misinformation standard***.

(3) Before determining a standard under this clause, the ACMA must consult the body or association to whom the request mentioned in paragraph (1)(a) was made.

56 ACMA may determine standards—no industry body or association formed

(1) This clause applies if:

(a) the ACMA is satisfied that a particular section of the digital platform industry is not represented by a body or association; and

(b) the ACMA has published a notice under subclause 49(1) relating to that section of the digital platform industry; and

(c) that notice:

(i) states that, if such a body or association were to come into existence within a particular period, the ACMA would be likely to give a notice to that body or association under subclause 48(1); and

(ii) sets out one or more matters relating to the operation of digital communications platforms by participants in that section of the digital platform industry; and

(d) no such body or association comes into existence within that period; and

(e) the ACMA is satisfied that it is necessary for the ACMA to determine a standard in relation to that matter or those matters in order to provide adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms.

(2) The ACMA may, by legislative instrument, determine a standard that applies to participants in that section of the digital platform industry and deals with that matter or those matters. A standard under this subclause is to be known as a ***misinformation standard***.

57 ACMA may determine standards—total failure of misinformation code

(a) a misinformation code approved under this Division that:

(i) applies to participants in a particular section of the digital platform industry; and

(ii) deals with one or more matters relating to the operation of digital communications platforms by those participants;

has been in force for at least 180 days; and

(b) the ACMA is satisfied that the code is totally deficient (as defined by subclause (6)); and

(c) the ACMA has given the body or association that developed the code a written notice requesting that deficiencies in the code be addressed within a specified period; and

(d) that period ends and the ACMA is satisfied that it is necessary for the ACMA to determine a standard that:

(i) applies to participants in that section of the digital platform industry; and

(ii) deals with that matter or those matters;

in order to provide adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms.

(2) The period specified in a notice under paragraph (1)(c) must run for at least 30 days.

(3) The ACMA may, by legislative instrument, determine a standard that applies to participants in that section of the digital platform industry and deals with that matter or those matters. A standard under this subclause is to be known as a ***misinformation standard***.

(4) If the ACMA is satisfied that a body or association represents that section of the digital platform industry, the ACMA must consult the body or association before determining a standard under subclause (3).

(5) The code ceases to be in force on the day on which the standard commences. However, this subclause does not affect any investigation, proceeding or remedy in respect of a contravention of the code that occurred before that day.

(6) For the purposes of this clause, a misinformation code approved under this Division that:

(a) applies to participants in a particular section of the digital platform industry; and

(b) deals with one or more matters relating to the operation of digital communications platforms by those participants;

is ***totally deficient*** if, and only if, the code is not operating to provide adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms.

58 ACMA may determine standards—partial failure of misinformation code

(a) a misinformation code approved under this Division that:

(i) applies to participants in a particular section of the digital platform industry; and

(ii) deals with 2 or more matters relating to the operation of digital communications platforms by those participants;

has been in force for at least 180 days; and

(b) clause 57 does not apply to the code; and

(c) the ACMA is satisfied that the code is deficient (as defined by subclause (6) of this clause) to the extent to which the code deals with one or more of those matters (the ***deficient matter*** or ***deficient matters***); and

(d) the ACMA has given the body or association that developed the code a written notice requesting that deficiencies in the code be addressed within a specified period; and

(e) that period ends and the ACMA is satisfied that it is necessary for the ACMA to determine a standard that:

(i) applies to participants in that section of the digital platform industry; and

(ii) deals with the deficient matter or deficient matters;

in order to provide adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms.

(2) The period specified in a notice under paragraph (1)(d) must run for at least 30 days.

(3) The ACMA may, by legislative instrument, determine a standard that applies to participants in that section of the digital platform industry and deals with the deficient matter or deficient matters. A standard under this subclause is to be known as a ***misinformation standard***.

(4) If the ACMA is satisfied that a body or association represents that section of the digital platform industry, the ACMA must consult the body or association before determining a standard under subclause (3).

(5) On and after the day on which the standard commences, the code ceases to be in force to the extent to which it deals with the deficient matter or deficient matters. However, this subclause does not affect:

(a) the continuing approval, registration or effect of the remainder of the code; or

(b) any investigation, proceeding or remedy in respect of a contravention of the code that occurred before that day.

(6) For the purposes of this clause, a misinformation code approved under this Division that:

(a) applies to participants in a particular section of the digital platform industry; and

(b) deals with 2 or more matters relating to the operation of digital communications platforms by those participants;

is ***deficient*** to the extent to which it deals with a particular one of those matters if, and only if, in relation to that matter, the code is not operating to provide adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms.

59 ACMA may determine standards—emerging circumstances

(1) This clause applies if the ACMA is satisfied that:

(a) it is necessary for the ACMA to determine a standard that:

(i) applies to participants in a particular section of the digital platform industry; and

(ii) deals with one or more matters relating to the operation of digital communications platforms by those participants;

in order to provide adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms; and

(b) there are exceptional and urgent circumstances justifying the determination of the standard under this clause; and

(c) it is unlikely that a code dealing with that matter or matters could be developed under this Division within a reasonable period in the circumstances.

(2) The ACMA may, by legislative instrument, determine a standard that applies to participants in that section of the digital platform industry and deals with that matter or those matters. A standard under this subclause is to be known as a ***misinformation standard***.

(3) If the ACMA is satisfied that a body or association represents that section of the digital platform industry, the ACMA must consult the body or association before determining a standard under subclause (2).

60 Variation of misinformation standards

(1) The ACMA may, by legislative instrument, vary a misinformation standard that applies to participants in a particular section of the digital platform industry if it is satisfied that it is necessary to do so to provide adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on digital communications platforms of those participants.

(2) Before varying the standard, the ACMA must be satisfied that the standard (as varied):

(a) is reasonably appropriate and adapted to achieving the purpose of providing adequate protection for the Australian community from serious harm caused or contributed to by misinformation or disinformation on the platforms; and

(b) goes no further than reasonably necessary to provide that protection.

61 Revocation of misinformation standards

The ACMA may, by legislative instrument, revoke a misinformation standard.

62 Compliance with misinformation standard

(1) If:

(a) a misinformation standard that applies to participants in a particular section of the digital platform industry is in force; and

(b) a digital communications platform provider is a participant in that section of the digital platform industry;

the provider must comply with the standard.

(2) Subclause (1) is a civil penalty provision.

63 Remedial directions—contravention of misinformation standard

(a) a misinformation standard that applies to participants in a particular section of the digital platform industry is in force; and

(b) a digital communications platform provider is a participant in that section of the digital platform industry; and

(c) the ACMA is satisfied that the provider has contravened, or is contravening, the standard.

(2) The ACMA may give the provider a written direction requiring the provider to take specified action directed towards ensuring that the provider does not contravene the standard, or is unlikely to contravene the standard, in the future.

(3) A digital communications platform provider must not contravene a direction under subclause (2).

(4) Subclause (3) is a civil penalty provision.

Subdivision E—Register of misinformation codes and misinformation standards

64 ACMA to maintain Register of misinformation codes and misinformation standards

(1) The ACMA is to maintain a Register in which the ACMA includes:

(a) all misinformation codes approved under this Division; and

(b) all misinformation standards; and

(c) all requests made under clause 48; and

(d) all notices under clause 49.

(2) The Register is to be maintained by electronic means.

(3) The Register is to be made available for inspection on the internet.

Variation of misinformation codes and misinformation standards

(4) If the ACMA approves a draft variation of a misinformation code under subclause 50(3), the ACMA must update the misinformation code included in the Register accordingly.

(5) If the ACMA varies a misinformation standard under subclause 60(1), the ACMA must update the misinformation standard included in the Register accordingly.

Revocation of misinformation codes and misinformation standards

(6) If a misinformation code or a provision of a misinformation code is revoked or otherwise ceases to be in force, the ACMA must remove the code or provision from the Register.

(7) If a misinformation standard or a provision of a misinformation standard is revoked or otherwise ceases to be in force, the ACMA must remove the standard or provision from the Register.

Legislative instruments

(8) If the ACMA is required to include a legislative instrument in the Register, it is not required to do so until after the legislative instrument is registered under the *Legislation Act 2003*.

Subdivision F—Miscellaneous

65 Misinformation standards prevail over inconsistent misinformation codes

If a misinformation code is:

(a) approved under this Division; and

(b) applicable to a digital communications platform provider;

the code has no effect to the extent to which it is inconsistent with a misinformation standard that is:

(c) determined under this Division; and

(d) applicable to the provider.

66 Digital platform rules prevail over inconsistent misinformation codes and standards

An approved misinformation code or misinformation standard has no effect to the extent to which it is inconsistent with the digital platform rules.

Division 5—General provisions

67 Removing content and blocking end‑users

(1) Nothing in this Part, digital platform rules made for the purposes of this Part, an approved misinformation code or a misinformation standard requires a digital communications platform provider to:

(a) remove from a digital communications platform content disseminated using the platform where the dissemination is not disinformation on the platform that involves inauthentic behaviour; or

(b) prevent an end‑user from using a digital communications platform where the end‑user is not engaged in disinformation on the platform that involves inauthentic behaviour.

(2) Nothing in this Part, digital platform rules made for the purposes of this Part, an approved misinformation code or a misinformation standard prevents a digital communications platform provider from:

(a) removing content posted by an end‑user from a digital communications platform; or

(b) preventing an end‑user from using a digital communications platform.

(3) This clause does not limit any other law that requires removal of content from a digital communications platform.

68 Investigations and hearings—limitation on scope

Investigations

(1) Despite section 170, an investigation for the purposes of the performance or exercise of the ACMA’s function under paragraph 10(1)(mb), (mc), (md), (me), (mf) or (mg) of the *Australian Communications and Media Authority Act 2005* must not relate to particular content posted on a digital communications platform by a single end‑user identifiable by the ACMA.

(2) Despite section 171, the Minister may not direct the ACMA to investigate particular content posted on a digital communications platform by a single end‑user identifiable by the ACMA.

Hearings

(3) Despite section 182, a hearing for the purposes of the performance or exercise of the ACMA’s function under paragraph 10(1)(mb), (mc), (md), (me), (mf) or (mg) of the *Australian Communications and Media Authority Act 2005* must not relate to particular content posted on a digital communications platform by a single end‑user identifiable by the ACMA.

(4) Despite section 183, the Minister may not direct the ACMA to hold a hearing in relation to particular content posted on a digital communications platform by a single end‑user identifiable by the ACMA.

Part 13 otherwise unaffected

(5) Apart from as provided by this clause, this Part does not limit the operation of Part 13 of this Act.

69 Annual reporting by ACMA

(1) After the end of a financial year, the ACMA must:

(a) prepare a report on the operation of this Part during the financial year; and

(b) give the report to the Minister for presentation to the Parliament.

(2) The ACMA must cause a copy of a report under subclause (1) to be published on the ACMA’s website.

70 Review of operation of this Part

(1) As soon as possible after the third anniversary of the commencement of this Schedule and afterwards at intervals of not longer than 3 years, the Minister must cause to be conducted a review of the operation of this Part.

(2) The review must:

(a) include an assessment of the impact of this Part on freedom of expression; and

(b) consider whether this Part should be amended; and

(c) if the review is the first review under this clause—consider the need for a scheme requiring digital communications platform providers to give accredited independent researchers access to data relating to misinformation or disinformation on digital communications platforms.

(3) The review must be conducted in a manner that provides for public consultation.

(4) The Minister must cause to be prepared a report of a review under subclause (1).

(5) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the report.

71 Relationship with other laws

This Part, digital platform rules made for the purposes of this Part, approved misinformation codes and misinformation standards do not limit the operation of any of the following:

(a) Schedule 8 to this Act;

(b) the *Commonwealth Electoral Act 1918*;

(c) the *Competition and Consumer Act 2010*;

(d) the *Criminal Code*;

(e) Parts 4 and 9 of the *Online Safety Act 2021*;

(f) the *Referendum (Machinery Provisions) Act 1984*;

(g) the *Telecommunications Act 1997*.

Part 3—Miscellaneous

Division 1—Enforcement

72 Separate contraventions

A person who contravenes any of the following provisions commits a separate contravention of that provision in respect of each day (including a day of the making of a relevant civil penalty order or any subsequent day) during which the contravention continues:

(a) subclause 17(1) (publish information);

(b) subclause 17(4) (give information to the ACMA);

(c) subclause 18(3) (remedial directions—publication of information);

(d) subclause 20(1) (compliance with digital platform rules regarding risk management);

(e) subclause 21(3) (remedial directions—risk management);

(f) subclause 26(1) (compliance with digital platform rules regarding complaints and dispute handling);

(g) subclause 27(3) (remedial directions—complaints and dispute handling);

(h) subclause 31(1) (compliance with digital platform rules regarding records and reports);

(i) subclause 32(3) (remedial directions—records and reports);

(j) subclause 33(4) (information and documents from digital communications platform providers);

(k) subclause 34(5) (information and documents from other persons).

73 Designated infringement provisions

The following provisions are designated infringement notice provisions:

(a) subclause 17(1) (publish information);

(b) subclause 17(4) (give information to the ACMA);

(c) subclause 20(1) (compliance with digital platform rules regarding risk management);

(d) subclause 23(1) (compliance with digital platform rules regarding media literacy plan);

(e) subclause 26(1) (compliance with digital platform rules regarding complaints and dispute handling);

(f) subclause 31(1) (compliance with digital platform rules regarding records and reports);

(g) subclause 33(4) (information and documents from digital communications platform providers);

(h) subclause 34(5) (information and documents from other persons);

(i) subclause 52(1) (compliance with misinformation code);

(j) subclause 62(1) (compliance with misinformation standard).

74 Warnings

(1) If the ACMA is satisfied that a person has contravened any of the following provisions, the ACMA may issue a formal warning to the person:

(a) subclause 17(1) (publish information);

(b) subclause 17(4) (give information to the ACMA);

(c) subclause 20(1) (compliance with digital platform rules regarding risk management);

(d) subclause 23(1) (compliance with digital platform rules regarding media literacy plan);

(e) subclause 26(1) (compliance with digital platform rules regarding complaints and dispute handling);

(f) subclause 31(1) (compliance with digital platform rules regarding records and reports);

(g) subclause 33(4) (information and documents from digital communications platform providers);

(h) subclause 34(5) (information and documents from other persons);

(i) subclause 52(1) (compliance with misinformation code);

(j) subclause 62(1) (compliance with misinformation standard).

(2) For the purposes of this Act and the *Australian Communications and Media Authority Act 2005*, a warning under subclause (1) is taken to be a notice under this Schedule.

75 Remedial directions

(1) For the purposes of this Act and the *Australian Communications and Media Authority Act 2005*, a direction under any of the following provisions is taken to be a notice under this Schedule:

(a) subclause 18(2) (remedial directions—publication of information);

(b) subclause 21(2) (remedial directions—risk management);

(c) subclause 24(2) (remedial directions—media literacy plan);

(d) subclause 27(2) (remedial directions—complaints and dispute handling);

(e) subclause 32(2) (remedial directions—records and reports);

(f) subclause 53(2) (remedial directions—contravention of misinformation code);

(g) subclause 63(2) (remedial directions—contravention of misinformation standard).

(2) A direction under any of the provisions mentioned in subclause (1) is not a legislative instrument.

76 No ancillary contravention of civil penalty provisions in this Schedule

Section 205E (ancillary contravention of civil penalty provision) does not apply in relation to a civil penalty provision in this Schedule.

Division 2—Other matters

77 Service of notices by electronic means

Paragraphs 9(1)(d) and (2)(d) of the *Electronic Transactions Act 1999* do not apply to:

(a) a notice under this Schedule; or

(b) a notice under any other provision of this Act, so far as that provision relates to this Schedule.

Note: Paragraphs 9(1)(d) and (2)(d) of the *Electronic Transactions Act 1999* deal with the consent of the recipient of information to the information being given by way of electronic communication.

78 Service of summons, process or notice on corporations incorporated outside Australia

Scope

(1) This clause applies to:

(a) a summons or process in any proceedings under, or connected with, this Schedule; or

(b) a notice under this Schedule; or

(c) a notice under any other provision of this Act, so far as that provision relates to this Schedule;

where:

(d) the summons, process or notice, as the case may be, is required to be served on, or given to, a body corporate incorporated outside Australia; and

(e) the body corporate does not have a registered office or a principal office in Australia; and

(f) the body corporate has an agent in Australia.

Service

(2) The summons, process or notice, as the case may be, is taken to have been served on, or given to, the body corporate if it is served on, or given to, the agent.

(3) Subclause (2) has effect in addition to section 28A of the *Acts Interpretation Act 1901*.

Note: Section 28A of the *Acts Interpretation Act 1901* deals with the service of documents.

79 Acquisition of property

The provisions of this Schedule have no effect to the extent (if any) to which their operation would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph).

80 Concurrent operation of State and Territory laws

It is the intention of the Parliament that this Schedule is not to apply to the exclusion of a law of a State or Territory to the extent to which that law is capable of operating concurrently with this Schedule.

81 Schedule not to affect performance of State or Territory functions

A power conferred by this Schedule must not be exercised in such a way as to prevent the exercise of the powers, or the performance of the functions, of government of a State, the Northern Territory or the Australian Capital Territory.

Division 3—Digital platform rules

82 Digital platform rules

(1) The ACMA may, by legislative instrument, make rules (the ***digital platform rules***) prescribing matters:

(a) required or permitted by this Act to be prescribed by the digital platform rules; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Schedule.

Note: An assessment of whether digital platform rules are compatible with human rights must be prepared and included in the explanatory statement for the rules: see section 9 of the *Human Rights (Parliamentary Scrutiny) Act 2011* and section 15J of the *Legislation Act 2003*.

(2) To avoid doubt, the digital platform rules may not do the following:

(a) create an offence or civil penalty;

(b) provide powers of:

(i) arrest or detention; or

(ii) entry, search or seizure;

(c) impose a tax;

(d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;

(e) directly amend the text of this Act.

(3) Digital platform rules may make provision for or in relation to a particular matter by empowering the ACMA to make decisions of an administrative character.

(4) Digital platform rules that are inconsistent with the regulations have no effect to the extent of the inconsistency, but digital platform rules are taken to be consistent with the regulations to the extent that the digital platform rules are capable of operating concurrently with the regulations.

Schedule 2—Consequential amendments and transitional provisions

Part 1—Main amendments and transitional provisions

Australian Communications and Media Authority Act 2005

1 Section 3 (subparagraph (b)(i) of the definition of *authorised disclosure information*)

After “or 13 of”, insert “, or Schedule 9 to,”.

2 After paragraph 10(1)(ma)

Insert:

(mb) to assist bodies or associations that the ACMA is satisfied represent sections of the digital platform industry to develop codes under Division 4 of Part 2 of Schedule 9 to the *Broadcasting Services Act 1992*;

(mc) to develop standards under Division 4 of Part 2 of Schedule 9 to the *Broadcasting Services Act 1992*;

(md) to monitor compliance with Schedule 9 to the *Broadcasting Services Act 1992*, digital platform rules, misinformation codes and misinformation standards;

(me) to conduct investigations relating to misinformation and disinformation on digital communications platforms;

(mf) to inform itself and advise the Minister in relation to misinformation and disinformation on digital communications platforms;

(mg) to make available to the public information about matters relating to misinformation and disinformation on digital communications platforms;

3 Paragraph 53(2)(k)

After “Schedule 8” (wherever occurring), insert “or 9”.

Broadcasting Services Act 1992

4 Title

Omit “**and content services**”, substitute “**, content services and digital communications platforms**”.

5 After paragraph 3(1)(hb)

Insert:

(hc) to encourage digital communications platform providers to protect the Australian community against certain kinds of harm caused or contributed to by misinformation or disinformation on digital communications platforms; and

(hd) to provide end‑users in Australia with visibility in relation to decision‑making by digital communications platform providers in managing misinformation and disinformation on digital communications platforms; and

(he) to strengthen transparency and accountability requirements in relation to misinformation and disinformation on digital communications platforms;

6 At the end of subsection 3(1)

Add:

Note: Clause 11 of Schedule 9 sets out other objects of Part 2 of that Schedule.

7 Subsection 3(2)

Insert:

***digital communications platform*** has the same meaning as in Schedule 9.

***digital communications platform provider*** has the same meaning as in Schedule 9.

***disinformation*** has the same meaning as in Schedule 9.

8 After subsection 4(3AB)

(3AC) The Parliament also intends that digital communications platforms be regulated, in order to prevent and respond to misinformation and disinformation on the platforms, in a manner that:

(a) enables public interest considerations in relation to misinformation and disinformation on digital communications platforms to be addressed in a way that does not impose unnecessary financial and administrative burdens on digital communications platform providers; and

(b) will readily accommodate technological change; and

(c) encourages the provision of digital communications platforms to the Australian community; and

(d) encourages the development of technologies relating to digital communications platforms.

9 Subsection 4(4)

Insert:

***digital communications platform*** has the same meaning as in Schedule 9.

***digital communications platform provider*** has the same meaning as in Schedule 9.

***disinformation*** has the same meaning as in Schedule 9.

***misinformation*** has the same meaning as in Schedule 9.

10 Paragraph 5(1)(a)

Omit “and the online content service industry”, substitute “, the online content service industry and the digital communications platform industry”.

11 Subsection 5(4)

Insert:

***digital communications platform*** has the same meaning as in Schedule 9.

12 Subsection 6(1) (definition of *newspaper*)

Before “means”, insert “, other than in Schedule 9,”.

13 Subsection 98D(2)

Omit “or section 43AC”, substitute “, section 43AC or Schedule 9”.

14 Subsection 204(1) (at the end of the table)

Add:

|  |  |  |
| --- | --- | --- |
| To give a remedial direction | Subclause 18(2), 21(2), 24(2), 27(2), 32(2), 53(2) or 63(2) of Schedule 9 | The person to whom the direction was given |
| Variation of a remedial direction | Subclause 18(2), 21(2), 24(2), 27(2), 32(2), 53(2) or 63(2) of Schedule 9 | The person to whom the direction was given |
| Refusal to revoke a remedial direction | Subclause 18(2), 21(2), 24(2), 27(2), 32(2), 53(2) or 63(2) of Schedule 9 | The person to whom the direction was given |
| To publish information under clause 38 of Schedule 9 after giving a person notice under subclause 40(2) of Schedule 9 | Subclause 40(3) of Schedule 9 | The person to whom the notice was given |
| Refusal to approve a misinformation code or part of a misinformation code | Subclause 47(3) of Schedule 9 | The body or association that developed the misinformation code |
| Refusal to approve a draft variation of a misinformation code | Subclause 50(3) of Schedule 9 | The body or association that developed the draft variation |

15 After subsection 204(4)

Insert:

Decisions under the digital platform rules

(4A) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the ACMA under the digital platform rules, so long as those rules provide that the decision is a reviewable decision for the purposes of this section.

16 Subsection 204(5) (heading)

Repeal the heading, substitute:

Definitions

17 Subsection 204(5)

Insert:

***digital platform rules*** has the same meaning as in Schedule 9.

18 At the end of section 205E

Add:

Note: This section does not apply in relation to a civil penalty provision in Schedule 9 (see clause 76 of Schedule 9).

19 Subsection 205F(4)

Omit “or subclause 25(1) or 26(4) of Schedule 8”, substitute “, subclause 25(1) or 26(4) of Schedule 8 or a provision in Schedule 9”.

20 After subsection 205F(5D)

Insert:

(5E) The pecuniary penalty payable by a person in respect of a contravention of a civil penalty provision in Division 2 of Part 2 of Schedule 9 or Subdivision A of Division 3 of Part 2 of Schedule 9 must not exceed:

(a) if the person is a body corporate—5,000 penalty units; or

(b) if the person is not a body corporate—1,000 penalty units.

(5F) The pecuniary penalty payable by a person in respect of a contravention of subclause 33(4) or 34(5) of Schedule 9 must not exceed:

(a) if the person is a body corporate—40 penalty units; or

(b) if the person is not a body corporate—30 penalty units.

(5G) The pecuniary penalty payable by a person in respect of a contravention of subclause 52(1) or 53(3) of Schedule 9 must not exceed:

(a) if the person is a body corporate—the greater of:

(i) 10,000 penalty units; and

(ii) 2% of the annual turnover of the body corporate during the period (the ***turnover period***) of 12 months ending at the end of the month in which the conduct constituting the contravention occurred; or

(b) if the person is not a body corporate—2,000 penalty units.

(5H) The pecuniary penalty payable by a person in respect of a contravention of subclause 62(1) or 63(3) of Schedule 9 must not exceed:

(a) if the person is a body corporate—the greater of:

(i) 25,000 penalty units; and

(ii) 5% of the annual turnover of the body corporate during the period (the ***turnover period***) of 12 months ending at the end of the month in which the conduct constituting the contravention occurred; or

(b) if the person is not a body corporate—5,000 penalty units.

21 At the end of section 205PA

Add:

• The Federal Court may also grant injunctions in relation to contraventions of civil penalty provisions in Schedule 9 (which deals with digital communications platform services).

22 Section 205Q

Omit “or subsection 121FG(3) or section 136A, 136B, 136C, 136D or 136E or subclause 49(3) of Schedule 6”, substitute “, subsection 121FG(3), section 136A, 136B, 136C, 136D or 136E, subclause 49(3) of Schedule 6 or a civil penalty provision in Schedule 9”.

23 Section 205XA

After “Part 9E”, insert “or Schedule 9”.

24 At the end of subsection 205Y(5)

Add “or Schedule 9”.

25 After paragraph 205ZA(1)(aa)

Insert:

(ab) if the infringement notice relates to subclause 33(4) or 34(5) of Schedule 9 and the person is a body corporate—8 penalty units; or

(ac) if the infringement notice relates to subclause 33(4) or 34(5) of Schedule 9 and the person is not a body corporate—6 penalty units; or

(ad) if the infringement notice relates to a provision of Schedule 9 other than subclause 33(4) or 34(5) of Schedule 9 and the person is a body corporate—60 penalty units; or

26 Paragraph 205ZA(1)(a)

Before “and the person”, insert “, or a provision mentioned in paragraph (ab), (ac) or (ad),”.

27 Section 216E (heading)

Omit “**(online content services)**”, substitute “**(online content services—gambling promotional content)**”.

28 Schedule 8 (heading)

After “**services**”, insert “**(gambling promotional content)**”.

29 After clause 30 of Schedule 8

Insert:

31 This Schedule does not limit Schedule 9 (digital communications platforms)

This Schedule does not limit the operation of Schedule 9.

Online Safety Act 2021

30 Section 231 (heading)

After “**Schedule 8**”, insert “**or 9**”.

31 Section 231

After “Schedule 8”, insert “or 9”.

Telecommunications Act 1997

32 Section 116 (heading)

Omit “**codes and standards under Part 9 of**”, substitute “**certain codes and standards under**”.

33 At the end of section 116

Add “or a code approved, or standard determined, under Schedule 9 to that Act”.

34 Transitional provisions

Misinformation and disinformation

(1) Subclauses 13(1) and (2) of Schedule 9 to the *Broadcasting Services Act 1992* as amended by this Act apply in relation to any content disseminated using a digital service, whether disseminated before or after the commencement of this item.

Information gathering

(2) For the purposes of subclauses 33(1) and 34(1) of Schedule 9 to the *Broadcasting Services Act 1992* as amended by this Act, it does not matter whether the information or document came into existence before or after the commencement of this item.

Annual reporting

(3) Clause 69 of Schedule 9 to the *Broadcasting Services Act 1992* as amended by this Act applies in relation to any financial year starting at or after the commencement of this item.

Part 2—Contingent amendments

Broadcasting Services Act 1992

35 Subsection 204(4A)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.