



AUSTRALIA

Submission by Free TV Australia

***Communications
Legislation Amendment
(Combatting
Misinformation and
Disinformation) Bill 2024***

October 2024



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1. About Free TV and Australia's commercial FTA TV broadcasters

Free TV is the peak industry body for Australia's commercial free-to-air (FTA) TV broadcasters. We advance the interests of our members in national policy debates, position the industry for the future in technology and innovation and highlight the important contribution commercial FTA TV makes to Australia's culture and economy.



Australia's commercial FTA TV broadcasters create jobs, provide trusted local news, tell Australian stories, give Australians a voice and nurture Australian talent. A 2020 report by Deloitte Access Economics, *Everybody Gets It: The economic and social benefits of commercial television in Australia*, highlighted that, in 2019, the commercial TV industry supported 16,300 full-time equivalent jobs and contributed a total of \$2.3 billion into the local economy. Further, advertising on commercial TV provided an additional \$4.4 billion worth of economic benefit.

The industry's unique contribution to Australia's shared culture and civic life cannot and should not be understated. In FY23, commercial television networks spent \$1.67 billion on Australian content, dedicating 87% of their content expenditure to local programming, an increase of 8% on the previous year. Commercial television networks spent more than \$400 million on accountable news and current affairs alone.

Free TV members are vital to telling Australian stories to Australians, across news, information and entertainment. FTA TV broadcasters understand and appreciate the cultural and social dividend that is delivered through the portrayal of the breadth and depth of Australian culture on television, and Australians prefer local stories. The 2020 Deloitte Access Economics report found that 95 percent of people think that losing commercial television would have an impact on society and 89 percent think commercial television is a valuable service. The report also found that during peak times, half of all TV viewers watch together with family or friends.

Additionally, research from C|T Group in 2021 found that 67% of respondents considered that commercial FTA TV services are inherently egalitarian because they can be accessed by all Australians no matter where they live or how much they earn and 72% of respondents agreed that 'Free TV means I can enjoy television without straining my budget'.

The audiences of Free TV's members increasingly access that content online. The trend of audiences seeking that content online will inevitably continue.

2. Key issues

- Free TV appreciates this opportunity to provide a submission to the Senate Environment and Communications Legislation Committee (**Committee**) in relation to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024 (**Bill**).

The policy intent of the Government's Bill is to put in place a regime to monitor and remove online content, posted by unknown actors, which is seriously harmful to Australians. The policy intent of the Bill is not to regulate the services and content of Australian media companies, such as Free TV's members, who are known and accountable to their audiences and already appropriately regulated under other Australian laws. To ensure the Bill, if enacted, will achieve its aims, all online Australian media services and content, not limited to the services and content of Free TV's members, should be removed from the scope of the proposed regime. If changes are not made, the Bill will have the unintended consequence of inhibiting accurate and credible news sources which are essential to dispelling online misinformation and disinformation.

Policy intent of the Bill

- The Bill proposes to introduce a new Schedule 9 in the Broadcasting Services Act 1992 (**BSA**), to regulate defined digital communications platforms and the dissemination of content on those platforms, subject to limited exceptions. The proposed Schedule 9 requires digital communications platform providers to make certain information publicly available, and comply with rules made by the Australian Communications and Media Authority (**ACMA**) in relation to risk management, media literacy plans and complaints and dispute handling. In addition, the Bill provides information gathering powers to the ACMA, together with rule, code and standards making powers, to address online misinformation and disinformation.
- It is clear that the policy intent of the Bill is to regulate harmful end-user generated content that is not otherwise subject to any form of meaningful regulation in Australia, where the end-user that created the content cannot be identified. The type of harm that is intended to be regulated is stated to be limited, relating to electoral or referendum processes, health measures, vilification and harms to the physical safety of individuals, critical infrastructure, emergency services or the Australian economy.
- Free TV recognises the concerns expressed by the Government regarding the negative impacts that online misinformation and disinformation have. We also recognise that a very significant majority of Australians are concerned about online mis- and disinformation, as has been noted in the Explanatory Memorandum for the Bill. While this is the case, the manner in which this issue is regulated must be appropriately calibrated and structured to minimise unintended consequences. The Bill does not achieve the appropriate calibration and will have negative implications for Free TV's members and the Australian media sector more broadly. We urge the Committee to take this opportunity to highlight these issues and to recommend appropriate and sensible limitations to the scope of the Bill.



Online services and content of Free TV's members are not within the policy scope of the Bill

- Free TV's members are subject to Australian law, including for example the Australian Consumer Law, in all of their activities. If Australian consumers or regulators have concerns with the online services or content, whether it is programming or advertising content, made available online by any Free TV member, complaints may be made to that Free TV member. If there is a potential breach of law arising from the actions of a Free TV member, regulatory or other legal action may be taken.
- More importantly, regardless of the platform on which their content is made available, commercial free-to-air (**FTA**) television broadcasters take their obligations to provide accurate information to their audiences very seriously—not only because Free TV's members are bound by Australian law, but because providing accurate news content (and other content) is a principle that underpins audience trust. This is an important distinction between Free TV's members (and Australian media companies more broadly) and social media (and similar) digital platforms. Those digital platforms currently accept no liability for the content on their platforms.
- In summary, the services and content that our members provide are not of the types that are intended to be subject to the proposed regulation. In fact, Australian audiences look to our members to provide accurate content that debunks the misinformation and disinformation that is circulated online from unknown sources. Accordingly, the online content and services of Free TV's members should be excluded from the scope of the Bill.
- The fact that the services and content of Free TV's members should not be subject to the regime is already recognised in the existing exclusionary provisions of the Bill. The Bill provides that neither FTA television broadcast services nor broadcast video on demand (**BVOD**) services will be subject to the regime. It cannot be the policy intent of the Bill that the services or content of our members that is otherwise made available online, whether through websites or apps directly offered by our members or websites or apps of third parties, is captured by the regime. But that is the consequence of the Bill in its current form, simply because of overly broad definitions that are incorporated in the Bill.
- A further layer of regulation – particularly in circumstances where there would be mandated policing of the content of Free TV's members by platforms such as X – through the proposed Schedule 9 is both inappropriate and unnecessary. While Free TV's members have agreements in place with different platforms allowing our members to provide services, and post content on those platforms, those contractual arrangements provide for a different regime to that proposed in the Bill. The Bill gives a statutory framework for platforms to police the content of Free TV's members. This is an unintended consequence of the Bill that should be urgently addressed.

What amendments are required to the Bill?

- We have set out our core amendments to the Bill in section 3.
- We have set out in the Attachment to this submission further detail of our concerns with the scope of the Bill.
- As demonstrated by the detailed analysis in the Attachment, to achieve its intended purpose, the Bill requires amendment to appropriately target the type of mis- and disinformation content



that is of concern to Australians. The Bill should not, through broad definitions, apply to the content of Free TV's members – as Free TV members stand behind their content and are accountable to their audiences.

- Free TV strongly recommends that the proposed Schedule 9 should be limited to exclude not only all of the online services of Free TV's members, but all online dissemination of the content made available by Free TV's members, even when that content appears on a regulated digital communications platform. We have suggested drafting in section 3 of this submission that would achieve that outcome. Free TV supports extending the recommended exclusions in section 3 of this submission to the Australian media sector more broadly.



3. Proposed amendment to the Bill

The core amendments that are required to be incorporated into the Bill to exclude relevant services and content from the scope of the proposed Schedule 9 regime are set out below.

Exclusion of Excluded Media Online Services

The amendments below would exclude the relevant services from the scope of the regime.

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;
- (f) an Excluded Media Online Service; or
- (g) a datacasting service.

The following definitions would also be incorporated in section 3 of the proposed Schedule 9:

Australian Media Entity means any person:

- (a) who, or whose related bodies corporate, produces and publishes online 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 (collectively, the **Online Content**),
- (b) where an ordinary reasonable person would conclude that the Online Content is targeted at individuals who are physically present in Australia or is likely to appeal to the public, or a section of the public, in Australia; and
- (c) who is subject to or who produces Online Content that is subject to (or who is a related body corporate of a person that is subject to or who produces Online Content that is subject to) any of the following:



- (i) the rules of the Australian Press Council Standards of Practice or the Independent Media Council Code of Conduct;
- (ii) the rules of the Commercial Television Industry Code of Practice, the Commercial Radio Code of Practice or the Subscription Broadcast Television Codes of Practice;
- (iii) rules of a code of practice mentioned in paragraph 8(1)(e) of the Australian Broadcasting Corporation Act 1983 or paragraph 10(1)(j) of the Special Broadcasting Service Act 1991;
- (iv) rules or internal editorial standards that are analogous to the rules mentioned in subparagraph (i), (ii) or (iii) of this paragraph to the extent that they relate to the provision of quality journalism; or
- (v) rules specified for the purposes of this paragraph in the digital platform rules.

Excluded Media Online Service means a digital service delivered by or on behalf of an Australian Media Entity including a digital service that is part of or accessed through another digital service (including an online channel or social media account).

related body corporate has the meaning given to that term in the *Corporations Act 2001* (Cth).

Exclusion of the dissemination of content of Free TV's members

The amendments below would exclude the relevant content from the scope of the regime.

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) dissemination of content that is available on an Excluded Media Online Service, irrespective of whether it is accessed from that Excluded Media Online Service or from any other digital service;
 - (d) reasonable dissemination of content for any academic, artistic, scientific or religious purpose.

Attachment

Media Exclusion is appropriate

The policy intention of the Bill is to provide powers to the ACMA to combat online misinformation and disinformation. It is intended to regulate the end-user generated content that is posted on digital communications platforms such as Facebook, X and TikTok. This end-user generated content, which is often distributed anonymously, is not currently appropriately regulated. Digital communications platforms do not accept responsibility for this content. It is very difficult for third parties, such as Australian regulators, to track this content and also it is very difficult, if not impossible, to determine the identity of the persons behind that content.

The Bill proposes to incorporate a new Schedule 9 in the BSA to give effect to this policy intention. The proposed Schedule 9 provides that broadcasting services – and the provision of broadcast content – is exempt from the new regime. However, as discussed below, all media services provided by Free TV’s members, and the dissemination of their content online, may nonetheless be subject to Schedule 9. This is inconsistent with the policy intention of the Bill.

The online services of Free TV’s members, and the content provided on them, are not the types of services and content that are misinformation or disinformation. While those online services and content may not be subject to regulation under the BSA, these services and content are overseen by editorial codes and professional standards and are regulated under Australia’s legal framework. For example, the Australian Consumer Law applies to these online services and content, as does anti-discrimination legislation. Importantly, Free TV’s members stand behind these online services, and that content. As those online services and content are identifiable with media companies, the audiences of Free TV’s members may easily contact every media company that are members to make complaints about online services and content. Equally, individuals and regulators such as the ACCC may take action if these online services and content are considered to breach any existing law, for example, if content is considered to be misleading and deceptive.

As Free TV’s members, and their online services and content, are already appropriately overseen by editorial standards and regulated under Australian laws and the FTA broadcasters stand behind that content, there is no reason to add another layer of regulation, which is the unintended consequence of overly broad drafting in the Bill. If the changes Free TV has proposed to the Bill are not incorporated, then one of the most effective means of combatting online misinformation and disinformation, which is the free available trusted content provided by FTA commercial TV broadcasters, will be adversely impacted.

Broadcaster online services likely to be regulated digital communications platforms

The proposed Schedule 9 will apply to:

- (a) services that are “**digital communications platforms**”. Digital communications platforms are a subset of “**digital services**”; and
- (b) “**content**”, which is very broadly defined to include any type of content.

The proposed section 4 of Schedule 9 provides that (subject to additional requirements and exclusions not currently relevant) a digital service is a “service” provided to the public 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.

Importantly, broadcasting services are excluded. The term “service” is a critical element of the definition of digital service in the Bill and therefore also the definition of digital communications platform. Notwithstanding how critical this term is, service is not defined. Instead, the proposed section 2 provides that service “includes” a website. No guidance is given as to what else it might include.

The proposed section 5 provides that a digital service will be a digital communications platform if it falls within one of five listed categories. Of most relevance here is the “media sharing services” category. Media sharing services include those with the primary function of providing audio-visual content to end-users (and which meet any other conditions set out in the ACMA’s rules, though based on the commentary in the Explanatory Memorandum for the Bill, no rules currently appear to be contemplated). Given the definition of media sharing services, all digital services provided by any of Free TV’s members would be digital communications platforms.

In addition, the scope of the term “service” creates confusion as to what online “services” of Free TV’s members would be considered to be digital services and, accordingly, digital communications platforms. Looking at the online services that Free TV’s members may offer, it is clear that a broadcaster video on demand (BVOD) service, or a website of one of our members, would be both a digital service and a digital communications platform. But this issue is not clear cut when other types of online services are considered, given that service is undefined and also the breadth of the definition of digital service.

To take one example, given the general law meaning of “service”, and the broad scope of the definition of digital service in the Bill, as Free TV raised in its comments to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (**Department**) regarding the earlier consultation draft of the Bill the conclusion would seem to inevitably be reached that (for example) not only would YouTube be a digital service and digital communications platform, but also each separate channel, such as a channel of a commercial FTA TV broadcaster on YouTube, would be likely to be a digital service and accordingly a digital communications platform. This is because each separate channel, of itself, would fall within the general ordinary meaning of the word “service” and delivers content to end-users using the internet (i.e., is a digital service as defined in the Bill).

The same argument could apply to, for example, a social media platform such as Facebook where a number of Free TV’s members have one or more accounts through which users may access the content of the relevant broadcaster. Again, it seems that the conclusion must be reached that each separate account would be a “service” that delivers content to end-users using the internet. This would mean that each of the social media platform *and* the separate account would be a digital service and a digital communications platform.

As a result, all of these different types of online services made available by certain of Free TV’s members, that is, BVOD services, websites and separate services (such as channels or accounts) on the platforms of third parties, will be regulated services under the proposed Schedule 9 of the BSA, unless an exclusion applies. Therefore, it is also necessary to look at the exclusions from regulation that are provided in the Bill. Divisions 2 to 5 of Part 2 of the Bill will not apply in the circumstances set out in section 12 of the Bill.



Under section 12, Divisions 2 to 5 of Part 2, as well as approved misinformation codes and misinformation standards, will not apply (as relevant to Free TV's members) to media sharing services that do not have defined "interactive" features. The definition of interactive feature is contained in section 6 of the Bill and remains substantially unchanged from the definition contained in the earlier consultation draft of the Bill. While BVOD services do not have interactive features and at least some broadcaster's websites may not have interactive features, most, if not all, of the other online services of Free TV's members would be likely to have one or more interactive features. Those other services will therefore be regulated under the proposed Schedule 9.

Take for example the Facebook account of a commercial FTA TV broadcaster. For those Free TV members that provide online services, having a Facebook account is important as this is one of the many different ways Australians access the content of those members. Each Facebook account would have interactive features. This is because, on Facebook:

- (a) end-users may post content;
- (b) end-users may share content from Facebook with other Facebook end-users; and
- (c) interactions between users of Facebook, or interactions by users of Facebook with content provided on Facebook, is observable to other users of Facebook.

Accordingly, in considering which online services of Free TV's members may be regulated by the proposed new regime, the following conclusions are reached:

- (a) terrestrial broadcasting services are excluded, because these are not digital services;
- (b) BVOD services and potentially some websites made available by Free TV members are excluded on the basis that while these are digital services and digital communications platforms these are excluded under section 12 of the proposed Schedule 9;
- (c) Websites of Free TV's members which have even the most innocuous interactive functions such as the potential for users to "like" content will be regulated services; and
- (d) the services of Free TV's members on the platforms of others will be regulated services.

As can be seen, the different treatment of different services also means that services that provide *the same content* may either be within, or excluded, from the proposed Schedule 9 regime. It is assumed that such inconsistent treatment cannot be the intention of the Government in proposing the regime.

The limited operation of section 12 appears to be deliberate as the Explanatory Memorandum states that the types of media sharing services which will have the benefit of this exemption are "*broadcast video on demand services, subscription video on demand services or podcasts without interactive features*".¹ However, this outcome does not reflect the policy intention of the Bill. This submission makes clear that the content that is made available by our members online is not the type of content that is intended to be regulated by the proposed new regime. This is acknowledged even in the ACMA's own guidance on misinformation and disinformation. For example, that guidance recognises that not knowing the source of content is particularly problematic. The ACMA suggests, as one of the quick ways to determine whether content is misinformation or disinformation, to:

¹ As referred to on page 43 of the Explanatory Memorandum.



Check the source. Does the story come from a credible website or a verified account? Check if other credible sources are covering the story.²

All of the online sites that Free TV's members provide, whether these are "stand alone" BVOD services or websites or pages or channels on third party platforms, are credible sites and should be excluded from the proposed Schedule 9 regime.

Australian media online content will be regulated content

There is a separate question of whether the content that Australian media businesses including broadcasters make available online is regulated content for the purposes of the Bill. This is an important issue because – as discussed below – regulated content will be subject to the proposed Schedule when it is shared from a digital service (irrespective of whether that initial digital service is itself a regulated digital communications platform) to a digital communications platform. Examples of this would include where an audio-visual news clip was shared by a user on Facebook from the website of the relevant broadcaster.

For the purposes of this discussion, it is helpful to look at Part 2 the proposed Schedule 9 of the BSA in more detail. Under Part 2, the key requirements are:

- (c) 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;
- (d) the ACMA may obtain information and documents from digital communications platform providers and others relating to the matters set out in subparagraph (a) and publish information in relation to those matters on its website;
- (e) if the ACMA approves a misinformation and disinformation code developed by a relevant digital industry body, digital platform providers in the relevant section of the digital platform industry must comply with the code while it is in force; and
- (f) in some cases, the ACMA may determine legally binding standards relating to misinformation or disinformation (which is extensively defined in the proposed Schedule 9) on digital communications platforms.

There are certain types of content dissemination that are excluded from regulation under Part 2. As noted in the Explanatory Memorandum for the Bill:

Clause 16 explains the meaning of excluded dissemination for the purposes of Schedule 9. The obligations imposed on digital communications platform providers in relation to misinformation and disinformation on their platforms, and the ACMA's regulatory powers in relation to misinformation and disinformation, would not cover this type of excluded dissemination.

As relevant to broadcasters, the exclusions are dissemination of the following types of content:

- (a) content that would reasonably be regarded as parody or satire. This is a significant limitation on the equivalent exclusion as contained in the earlier consultation draft of the Bill which

² See: <https://www.acma.gov.au/online-misinformation>



provided an exclusion for “content produced in good faith for the purposes of entertainment, parody or satire”. In other words, there is now no exemption at all for entertainment content;

- (b) professional news content;
- (c) reasonable dissemination of content for any academic, artistic, scientific or religious purpose.

These categories are very limited. For example, category (c) will not apply at all. This is because the excluded dissemination is not of content that is “academic, artistic, scientific or religious”. Instead that paragraph requires that the *purpose* of the dissemination must be “academic, artistic, scientific or religious”. The dissemination of the content of Free TV’s members would not be made for those purposes, but instead for entertainment and information purposes.

As is clear from the above, the dissemination of any type of entertainment content made available by Free TV’s members is not excluded. To take another example, the dissemination of educational programs produced by one of Free TV members would not fall within these categories of excluded dissemination – it cannot be said that this content is disseminated for “academic” purposes but to inform and entertain.

The second category of excluded content, that is, professional news content (category (b)), is defined on broadly similar terms as “core news content”, as used in the mandatory news media bargaining code provisions of Part IVBA of the Competition and Consumer Act 2010 (CCA). The definition of this term in the Bill remains largely unchanged from the earlier consultation draft of the Bill. In summary, it is news content produced by a news source which is subject to some form of journalism rules where the news source has editorial independence. Free TV and its members commented extensively on the difficulties with that definition as part of the stakeholder consultation regarding Part IVBA of the CCA. Those difficulties remain with the definition of professional news content in the Bill.

The Explanatory Memorandum states that “digital platform services should not be in the position of determining if professional news content is misinformation or disinformation”.³ However, inevitably platforms *will* be required to make such determinations because they will be required to determine what is professional news content.

One simple example demonstrates this issue, which is an example that Free TV provided to the Department in its submission on the earlier consultation draft of the Bill. Take a TV morning breakfast show. It contains both news bulletins and other content. If a segment of that show is watched by a viewer on a regulated digital communications platform such as Facebook, that segment is *prima facie* subject to Schedule 9. Therefore, it will be necessary to establish that dissemination of the segment obtains the benefit of the dissemination exemption for professional news content. Considering the definition of professional news content, it is only the specific items on the program that are produced by the broadcaster and that constitute “news content” that will have the benefit of the dissemination exemption. If the segment viewed is not a news bulletin, the segment will not obtain the benefit of the excluded dissemination exemption.

Another obvious problem with the definition of professional news content is that it relates only to news content produced *by* a person who also “produces, and publishes online, news content” in particular formats as set out in section 16(2)(a) of the proposed Schedule 9. Both requirements must be satisfied – that is, there must be a “person” who produces news content and that same “person” must also produce and publish online news content. The simplest example will demonstrate how

³ As referred to on page 63 of the Explanatory Memorandum.



difficult it would be to satisfy this requirement. In a corporate group of a Free TV member, a specific company may be directly responsible for the production of news content (**Company 1**). But it would not be unusual for a different company in the group to be responsible for the online services of that broadcaster. The definition of professional news content in the Bill would not, in those circumstances, cover the news content produced by Company 1 – because Company 1 does not produce, and publish online, news content.

In addition to the problems regarding the scope of the dissemination exclusion set out above there is a more significant and fundamental problem with this exemption. This relates to the question of which entity actually makes the determination as to whether or not dissemination of particular content is excluded from the operation of the proposed Schedule 9 of the BSA under section 16 of the proposed Schedule 9.

Keeping with the example of a segment from a TV breakfast show on Facebook, it would be Meta, as a regulated digital communications platform, that would make the determination as to whether or not dissemination of content on Facebook was excluded dissemination or whether the content potentially could be seen as misinformation or disinformation. Even where the accounts that our members have on Facebook are determined to be separate digital communications platforms, as we have argued above, it would remain the case that Facebook itself would be a digital communications platform and Meta would need to determine whether *any* of the content of our members made available on Facebook was potentially regulated content for the purposes of complying with its obligations under the proposed Schedule 9.

This problem is even more apparent when content aggregation services are considered. Content aggregation services are defined in the Bill as those which have the primary function of collating and presenting to end-users content from a range of online sources. Content aggregation services are regulated digital communications platforms – there is no category of such services that is exempt. Google News would be an example of a content aggregation service. This would mean that Google would be required, in order to comply with its obligations under the proposed Schedule 9, to make a determination as to whether or not the dissemination of content of our members was excluded dissemination (and, if not, whether it was misinformation or disinformation) before making it accessible to end-users through Google News.

These examples demonstrate very clearly that global digital platforms, without deep commitments to Australia, whether it is Facebook, Google, X, TikTok or others, will truly be gatekeepers of the content of our members that is made available online if the Bill remains in its current form. Their decision-making processes will be opaque and Free TV's members will be unable to take action to object to the decisions of these platforms. Their processes may result in content that is able to be broadcast by our members, in full compliance with all laws, being banned from different online platforms. It is assumed that this outcome cannot be the intention of the Bill.

This outcome is not consistent with the current contractual arrangements that exist between our members and the different social media platforms. While it is theoretically possible for social media platforms to exclude content of a Free TV member from its platform under such contracts, if the Bill was passed, this would give social media platforms a legislatively mandated "gatekeeper" role to police that content. This is not the intent of the Bill. Further, if any social media platform did in fact make a determination that the content of a FTA commercial TV broadcaster was misinformation or disinformation, purporting to rely on the proposed Schedule 9 regime, this has the potential to cause reputational damage to that broadcaster. Again, that cannot be the intent of the Bill.