

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiry Question on Notice

Environment and Communications

Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024 [Provisions]

IQ24-000076

Division/Agency: DIV - Digital Platforms Safety and Classification

Hansard Reference: Written (22 October 2024)

Topic: Transparency and accountability in decision-making

Karen Grogan asked:

1. What specific measures will be taken to ensure transparency and accountability in ACMA's decision-making process?
2. Should the bill proceed, there have been calls for transparency including the release of reports associated with ACMA's activities regarding misinformation and disinformation. What is your view of the level of public information that would be provided?

Answer:

The Bill contains the following transparency and accountability measures relevant to the Australian Communications and Media Authority (ACMA):

- certain regulatory actions by the ACMA, such as the making of digital platform rules, approval of codes, or the determination of standards, are all legislative instruments that would be subject to Parliamentary scrutiny as disallowable legislative instruments.
- clause 70 of the Bill requires the Minister for Communications to cause a review to be conducted on the operation of Part 2 of the Bill, and then for a report on that review to be prepared and tabled in Parliament. As part of that review, ACMA's regulatory actions, including in relation to the transparency and accountability of its decision making would be considered.
- clause 69 of the Bill will require the ACMA to publish, on its website, an annual report on the operation of the powers given under Part 2 of Schedule 9 of the *Broadcasting Services Act 1992*. The report must be given to the minister for presentation to the Parliament. The contents of the report will be a matter for ACMA, however could include a description of the ACMA's actions in relation to the operation of Part 2 of the Bill.

The ACMA would also be subject to the usual transparency and public accountability mechanisms relevant to government agencies. These include being subject to the *Freedom of Information Act 1982* and the jurisdiction of the Commonwealth Ombudsman.

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts considers that the Bill achieves an appropriate balance between providing a level of

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information to the general public, and the protection of legitimate concerns around privacy and sensitive commercial information.