



**The Hon Michelle Rowland MP**

**Minister for Communications**

s47F

Twitter HQ  
1355 Market Street #900  
San Francisco CA 94103

s47F

@twitter.com

Dear s47F

I am writing to you to express my concerns about the safety of Australians who use Twitter.

As Australia's Minister for Communications, I am responsible for online safety policy, with Australia's online safety regulator, the eSafety Commissioner, falling within my portfolio. I am concerned that the Commissioner wrote to you on 8 November 2022 and, to date, Twitter has not provided a substantive response to the issues raised.

Recent media reporting has revealed that Twitter has cut its staff by more than half, including vital trust and safety personnel. I understand that the Australian presence has been substantially reduced, and the Australian public policy team disbanded.

I have sought advice from the eSafety Commissioner on the impact of the disbanding of Twitter's Australian public policy team, and have been advised that Twitter's current structure and approach to trust and safety is now lacking in the Australian context. I appreciate engagement between the eSafety Commissioner's office and Twitter's regional representative in Singapore, however, I regard local public policy and trust and safety personnel as a vital interface between the regulator and Twitter HQ staff.

Australian presence is important because government agencies need to engage quickly with Twitter representatives who understand the Australian context and can act on behalf of the company. The 2019 Christchurch terrorist attacks demonstrated the importance of such locally based representatives, when Twitter responded swiftly and identified and removed material that was in violation of the Twitter Rules. As this case demonstrated, local personnel assist us to jointly manage complex, sensitive, or contested matters of local significance and handle escalations, such as a potential online crisis event.

As an example, later in 2023, Australia will hold a referendum to recognise First Nations people in the Australian Constitution through a Voice to Parliament. Twitter and other

---

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

**OFFICIAL**

platforms are a key forum where we expect discussion around the Voice to occur. We need platforms to be mindful about how hateful content that violates terms of service plays out in the Australian context, particularly given First Nations Australians already experience disproportionately high levels of abuse and harassment online. This example highlights the importance of locally-based personnel who understand the cultural context and sensitivities, and can support the company to facilitate a healthy public discussion.

The Australian Government has also set out its expectations of platforms with regard to user safety under the Basic Online Safety Expectations (BOSE). This includes the expectation that services take reasonable steps to ensure that end-users are able to use the service in a safe manner. Under the *Online Safety Act 2021*, the eSafety Commissioner can require providers of online services covered by the BOSE – including Twitter – to report on steps they are taking to meet the expectations. As you know, the eSafety Commissioner has now issued a non-periodic reporting notice to Twitter, and a report must be provided to eSafety by 29 March 2023.

Earlier this year the Australian Government announced it will legislate to provide the Australian Communications and Media Authority (ACMA) with new powers to hold digital platforms to account and improve efforts to combat harmful misinformation and disinformation in Australia. The ACMA will also be empowered to register an enforceable industry code and to make a standard, should industry self-regulation measures prove insufficient in addressing the threat posed by misinformation and disinformation.

Notwithstanding the Australian Government's intention to regulate, we expect Twitter to continue to meet its obligations under the existing Australian Code of Practice on Disinformation and Misinformation.

It is in all of our interests that the internet is a safe and secure medium, able to deliver the benefits of digitalisation while protecting citizens from online harms. I urge you to do your part to keep Twitter users safe and ensure compliance with Australian law. In this context I assure you the Australian Government is prepared to regulate should Twitter's declining Australian presence have a detrimental impact on the safety of users.

Yours sincerely



Michelle Rowland MP

26 / 2 / 2023

Cc:

Mr Elon Musk, CEO, Twitter

Attorney-General, the Hon Mark Dreyfus KC MP

Minister for Home Affairs, the Hon Clare O'Neil MP

Ms Julie Inman Grant, eSafety Commissioner

**OFFICIAL**



## The Hon Michelle Rowland MP

Minister for Communications  
Federal Member for Greenway

MS23-003753

s47F

Twitter

138 Market Street, Capita Green  
SINGAPORE 048946

s47F [@twitter.com](#)

Dear s47F

I am pleased to inform you that I have released for public consultation the Australian Government's Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023.

In January, the Government announced that it would release a draft Bill to provide the independent regulator, the Australian Communications and Media Authority (ACMA), with new powers to combat online misinformation and disinformation.

The proposed powers are consistent with the key recommendations in the ACMA's *Report to government on the adequacy of digital platforms' disinformation and news quality measures* (the Report). A copy of the Report can be found here: [www.acma.gov.au/report-government-adequacy-digital-platforms-disinformation-and-news-quality-measures](http://www.acma.gov.au/report-government-adequacy-digital-platforms-disinformation-and-news-quality-measures).

In summary, the new ACMA powers would:

- enable the ACMA to gather information from, or require digital platform providers to keep certain records about matter regarding misinformation and disinformation
- enable the ACMA to request industry develop a code of practice covering measures to combat misinformation and disinformation on digital platforms, which the ACMA could register and enforce
- allow the ACMA to create and enforce an industry standard (a stronger form of regulation) should a code of practice be deemed to be ineffective in combatting misinformation and disinformation on digital platforms.

The Bill includes strong protections for privacy and freedom of speech. The Bill is directed at encouraging digital platform providers to have robust systems and measures in place to address misinformation and disinformation on their services.

The ACMA will not have the power to request specific content or posts be removed from digital platform services. In balancing freedom of expression with the need to address online harm, the code and standard making powers will not apply to authorised electoral and referendum content and other types of content such as professional news and satire

The release of the Bill provides an opportunity for industry and the wider community to provide feedback on whether the proposed legislation strikes an appropriate balance on a range of issues such as freedom of expression, potential constraints on platforms operationalising the Bill, the size of civil penalties and any other relevant issues.

The Government is now seeking submissions from interested individuals and organisations on the content of the draft Bill before the legislation is introduced to the Parliament later this year. The draft Bill and the process for lodging a submission can be found online at [www.infrastructure.gov.au/have-your-say/acma-powers](http://www.infrastructure.gov.au/have-your-say/acma-powers). Submissions are sought by Sunday, 6 August 2023.

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts will hold a number of briefing sessions with key stakeholders in early July, and will be directly in contact with you shortly to provide further details.

I trust this information is of assistance to you.

Yours sincerely

A handwritten signature in blue ink that reads "Michelle Rowland". The signature is fluid and cursive, with the first name "Michelle" and the surname "Rowland" clearly distinguishable.

Michelle Rowland MP

26 / 6 /2023

Hi <sup>s47F</sup> [REDACTED], it's Shervin here.  
Thanks for the chat just know The  
best contact in our department is  
[Bridget.Gannon@infrastructure.gov.au](mailto:Bridget.Gannon@infrastructure.gov.au)

2:19 pm ✓✓

Thank you Shervin for the call and  
noted.

2:20 pm

My email address is  
<sup>s22(1)(a)(ii)</sup> [REDACTED] [\[REDACTED\]@mo.communications.gov.au](mailto:[REDACTED]@mo.communications.gov.au)

And the best policy adviser  
contact in our office is

<sup>s22(1)(a)(ii)</sup> [REDACTED] [\[REDACTED\]@mo.communication.s.gov.au](mailto:[REDACTED]@mo.communication.s.gov.au)

2:20 pm ✓✓

Thank you. Appreciate this.

2:21 pm



Also to clarify one point. To confirm, protocols are only activated when specific material is identified - it's content based not time based. I.e Home Affairs technically don't stand them up in anticipation. They do however seek to alert providers of their interest and expectations of content to come

2:22 pm ✓✓

We have passed on your contacts and <sup>s47F</sup> [REDACTED] to ensure it's plugged into that process

2:22 pm ✓✓

That's clear, thank you. Giving our internal teams a heads up now.

2:23 pm

OFFICIAL

**The Hon Michelle Rowland MP**

---

**Minister for Communications  
Federal Member for Greenway**

s47F

X

Via: s47F @x.com  
cc: s47F @x.com

Dear s47F

The Australian Government is closely monitoring the situation following attacks on Israel by Hamas, which have included the targeting of civilians and taking of hostages. I am aware that photographs and videos of these horrific attacks are circulating online, and am writing to thank you in advance for your work to prevent the spread of distressing violent and terrorist content.

Further videos and footage of these attacks may emerge in coming days. It is therefore critical that the online industry take a proactive stance on monitoring for violent and terrorist content, and work swiftly to remove it. I also urge you to cooperate in a timely way with any formal or informal requests from the eSafety Commissioner to block or remove content.

I take this opportunity to remind you of your obligations with respect to violent and terrorist material under the Online Safety Act 2021 and the Criminal Code.

The Online Safety Act establishes an Online Content Scheme, which regulates harmful online content. Under the Online Content Scheme, material that promotes, incites or instructs in matters of crime or violence is designated as Class 1 content.

The Online Safety Act empowers the eSafety Commissioner to notify a service provider of the existence of Class 1 content on its service; and order the removal of Class 1 content within 24 hours.

Failure to comply with a blocking or removal notice is punishable by fines of up to 500 penalty units. Where an order for removal is not complied with, eSafety may exercise other powers to have the content removed or made inaccessible – for example, by:

- Ordering an internet service provider to block access to a website within 24 hours;
- Issuing a link deletion notice to a search provider; or
- Issuing an app deletion notice to an app store.

---

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

**OFFICIAL**

The Online Safety Act also provides the eSafety Commissioner with powers in respect of materials that promote, incite, instruct in or depict abhorrent violent conduct. The eSafety Commissioner may issue a blocking request, blocking notice or removal notice to an internet service provider. Failure to comply with a blocking or removal notice is punishable by fines of up to 500 penalty units.

***Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019***

Abhorrent Violent Material (AVM) is material that depicts abhorrent violent conduct, produced by the person engaging in the act or their accomplice. This conduct can include attempted or actual acts of terrorism, murder, torture, rape and violent kidnapping.

Internet service providers and internet content hosts must expeditiously remove AVM that is accessible in Australia, as soon as they become aware of it on their service. Failure to do so is a criminal offence and punishable by fines of up to 50,000 penalty units or 10% annual turnover of the company (whichever is greater).

The eSafety Commissioner may issue an AVM notice to an internet service provider or content host making them aware that AVM is accessible on their service. Should the provider fail to swiftly remove the content, the existence of a notice creates the presumption that the provider was reckless for continuing to provide access to AVM from the time of notification.

I thank you again for your efforts to prevent the spread of harmful violent material and in making the internet safer for Australians.

Yours sincerely



Michelle Rowland MP

11 / 10 / 2023

cc The Hon Clare O'Neil MP, Minister for Home Affairs  
Ms Kathryn King, Acting eSafety Commissioner

**OFFICIAL**