

s22

From: Penprase, James
Sent: Thursday, 16 April 2020 6:24 PM
To: Sullivan, Pauline
Subject: B&C COVID Response Taskforce - Issues and Direction - 16 April 2020.docx
[SEC=PROTECTED, DLM=Sensitive:Cabinet]
Attachments: B&C COVID Response Taskforce - Issues and Direction - 16 April 2020.docx

Hi Pauline

This is just a starting draft, and there are half finished sections that I'm trying to progress in between the other stuff.

However, I reckon it is only a day away if I can get a clear run at it.

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BROADCASTERS AND CONTENT COVID-19 RESPONSE TASKFORCE PROJECT SCOPE AND DIRECTION

THE NEED FOR REFORM

The traditional Australian media has been in structural decline for two decades. This decline has paralleled the shift of media production, distribution and consumption online, and the upheaval that this change has wrought on media business models that were once dominant and lucrative. The most significant changes have occurred in advertising markets. Online and digital media has enabled advertisers to target very precise cohorts of consumers and (more importantly) has vastly expanded the range of available advertising opportunities. With greater efficiencies and an overwhelming increase in supply, the price of advertising – and the returns available to traditional media outlets – have plummeted.

The effects of these structural changes were first felt in the early 2000s as the internet became mainstream. However, these changes began to accelerate from 2012 as digital platforms – Google, Facebook and Apple – came to dominate the intersection of media consumers, advertisers and media companies. Through acquisitions of nascent businesses (WhatsApp, Instagram and DoubleClick, to name a few) and innovative product development (iTunes, Facebook, Google Search, Google Maps, among others), these platforms became the gateways for advertisers to reach ‘eyeballs and ears’, and for consumers to purchase content and services on an ‘atomised’ rather than ‘bundled’ basis.

Newspapers, television channels and radio stations were no longer the ‘conduits’ bringing content and consumers together, with advertisers paying for the (albeit imprecise) access to these consumers. Although digital platforms did not initiate that changes that have broken traditional media business models, they have sped up their decline. COVID-19 has exposed the fragile financial position of Australia’s media companies and brought many of them – larger and small – to the brink of collapse.

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However, Government can and does have a legitimate role in dampening the shock of the COVID-19 on already stressed media businesses. It also has a legitimate role in driving structural change – regulatory and non-regulatory – to equip Australian media businesses to continue to deliver services with clear public policy benefits, including credible and reliable news and journalism compelling Australian stories.

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PROPOSITIONS AND PROPOSALS

This section sets out seven propositions in relation to the future structure and regulation of the media industry in Australia and a number of a possible responses. These propositions and proposals have no status, but are presented at this early stage to stimulate consideration of the issues that the Taskforce will need to grapple with in fulfilling its mandate.

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Arguments

- Digital media and changing patterns in content consumption have driven profound, structural changes in advertising markets. While consumers were willing to tolerate advertising at a time when their choices for entertainment and news were limited to a handful of broadcasting stations and newspapers, this is no longer the case.
- Digital media has also upended the supply chain for advertising. Ad rates and the cost to reach potential consumers have shrunk to a fraction of what they were in an analogue environment, driven by a massive increase in supply of advertising opportunities and the ability to harvest consumer data to target particular consumers or groups of consumers.
- The advertising opportunities made available by media companies and other intermediaries are now a bulk commodity, traded on thin margins often through automated exchanges. The value capture in this supply chain has moved from those providing the supply of advertising opportunities (media companies) to those trading and placing the ads (digital platforms and other players in the ad tech supply chain).
- This is a change in market structure and value creation that will not be reversed, and the returns available to media companies are now minimal (and certainly nothing like the super profits that may have been able to be earned in previous decades). Media companies need to move from being intermediaries between advertisers and consumers (a space now dominated by digital platforms), to businesses that develop commercial relationship directly with viewers, listeners and readers. Media companies know this, and most have been attempting to forge direct consumer offerings for some years: streaming services, podcasts, news subscription services, among others.
- Success thus far has been modest, and limited to the larger companies. Few regional newspaper or broadcasters have been able to generate any material returns from non-advertising sources, and don't have the capital to invest in what will be a return with an uncertain and long term payback period.
- Concerns have also been raised about the bargaining power imbalance between media companies (particularly news media companies) and digital platforms, and the inability for content creators to seek fair remuneration for the use of their intellectual property by the platforms.

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- A number of jurisdictions have attempted to utilise copyright law to redress this issue of fair remuneration. Germany and Spain attempted (although failed) to create an 'ancillary copyright'

for works published on digital platforms (failed only in the sense that Google has sufficient power to withdraw its services or require news publisher to waive their copyright fees.

- Article 15 of the EU Directive on Copyright in the Digital Single Market, which came effect in June 2019, is based on the German law and grants publishers copyright over online use of their publications by “information society providers”.
 - France was the first member state to have implemented the Directive (albeit in a slightly different form). In response to the French legislation, Google announced it would no longer display snippets in France from a European publisher unless explicitly requested publishers who agree to waive payment (hyperlinks and very short extracts are not however caught and can still be included).
 - The matter was considered by the French competition regulator (upon a complaint by publishers of abuse of dominance by Google), which was upheld.

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Arguments

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- The ACMA has oversight of regulatory arrangements for broadcasting, and this covers media ‘goods’: things that, from a policy perspective you want more of, such as media diversity, the provision of Australian content, the provision of local content, among others. This also covers media ‘harms’: things that you want less of or that warrant controls and restrictions, such as exposure to inappropriate or harmful broadcasting content, political advertising, illegal gambling and the advertising of illegal gambling, alcohol advertising, among others
- The eSafety Commissioner has oversight of regulatory arrangements for online harms: exposure to inappropriate or harmful online content, cyberbullying of Australian children, image-based abuse, harms to vulnerable groups from technology-facilitated abuse.
- In effect, this delineates regulatory responsibilities by *outlet* (broadcasting on one hand and online on the other), rather than the *impact or effect of the media content*. This means that potentially harmful content is dealt with by one regulator (and one regulatory framework) if it is broadcast, and then by another regulator if the same content is streamed or otherwise made available online.

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Arguments

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- Media services that provide news content are the key point of regulatory focus. The current diversity protections capture only commercial television and radio broadcasters and some newspapers.
- A large global or even domestic news business could seek to acquire another online news provider without any regulatory scrutiny of the impact of the acquisition of the provision of news services in affected markets, other than by the ACCC from a competition law perspective.
- The current media control rules do, however, prevent one commercial television broadcaster from acquiring another in a given market, even if the market is unable to sustain three free-to-air broadcasters (a scenario playing out at the moment with Network Ten close to being placed in receivership for the second time in as many years). They also prevent consolidation of the ownership of radio, television or newspaper holdings in many regional markets, despite the fact that many outlets have suspended publication, consolidated or ceased operations.

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Arguments

- A
- B
- C
- D

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Proposal

Arguments

- The PING program, proposed copyright changes and tax measures will provide some support for regional media.
- But there are additional pressures

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[Potential reform to Australian content obligations and production incentives will be guided by the process currently underway with the *Supporting Australian stories on our screens* will guide the development Australian content measures. The following is drawn from and consistent with the options paper, and identifies a proposition and

and proposition draws on the options paper and is presented for completeness.]

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Arguments

- There is a strong policy imperative to have a vibrant and sustainable Australian production sector and for Australian content and stories to be widely available to Australian audiences.
 - A
 - B
 - C

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- The regulatory obligations that support the transmission of Australian content are mismatched to way Australian audiences are viewing content, and therefore increasingly ineffective. They are also lopsided, applying to a sector of the media industry (traditional broadcasting) that is struggling to support the levels content production, commissioning and acquisition needed to meet them.
- Productions incentives are also in need of readjustment. [Details]

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Arguments

- A
- B
- C
- D

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Proposal

Arguments

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- [VAST]

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BROADCASTERS AND CONTENT COVID-19 RESPONSE TASKFORCE WORK PROGRAM AND STAFFING

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STRUCTURE AND WORK PROGRAM

The Taskforce will be operate under a **‘hub and spoke’** model.

The **‘hub’** of the Taskforce will be established within the Content Division and will second a core group of staff with relevant skills and capabilities. The hub will be comprised of two teams: a Content and Copyright Reform team and a News Media Reform team. Staff in these two teams will be **primarily dedicated to the work of the Taskforce** and their normal responsibilities will be redistributed and absorbed within their ‘home’ areas. While there will some instances where these staff may need to contribute to existing work (for example, international copyright negotiations), this should be minimal.

An alternative approach would be to establish the Taskforce as a **simple coordination point** for work undertaken across the Department. This would require fewer staff and would be less disruptive to existing structures and teams. However, it is unlikely to be able to progress the work quickly enough nor provide the depth of analysis needed to support a comprehensive package of reforms.

The proposed work program for the ‘hub and spoke’ arrangement is described below.

Hub teams

Content and Copyright Reform Team

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News Media Reform Team

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Spoke teams

The 'spokes' of the Taskforce will constitute a set of **distributed work projects**. These are the aspects of the Taskforce's agenda that are better undertaken within existing structures and arrangements on efficiency or capability grounds. Staff in these work areas would **report through to the Taskforce** in relation to their delegated tasks. However, this won't comprise their full workload. In effect, these staff will need to **balance the work of the Taskforce with the work of their normal sections**, and the home areas will need to accommodate this additional Taskforce work by redistributing or stopping a number of existing functions. These work items are sketched out below.

- Creative Industries Branch

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- Spectrum Branch

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- Media Branch

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Governance

The Taskforce will be overseen by a **steering committee** comprising the First Assistant Secretaries from the three divisions contributing to the work program.

Staffing

The staffing for the Taskforce and reporting lines are depicted at Attachment B.

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DELIVERABLES AND EXPECTED TIMINGS

The tables below articulate the key work items for the Taskforce and the expected timings.

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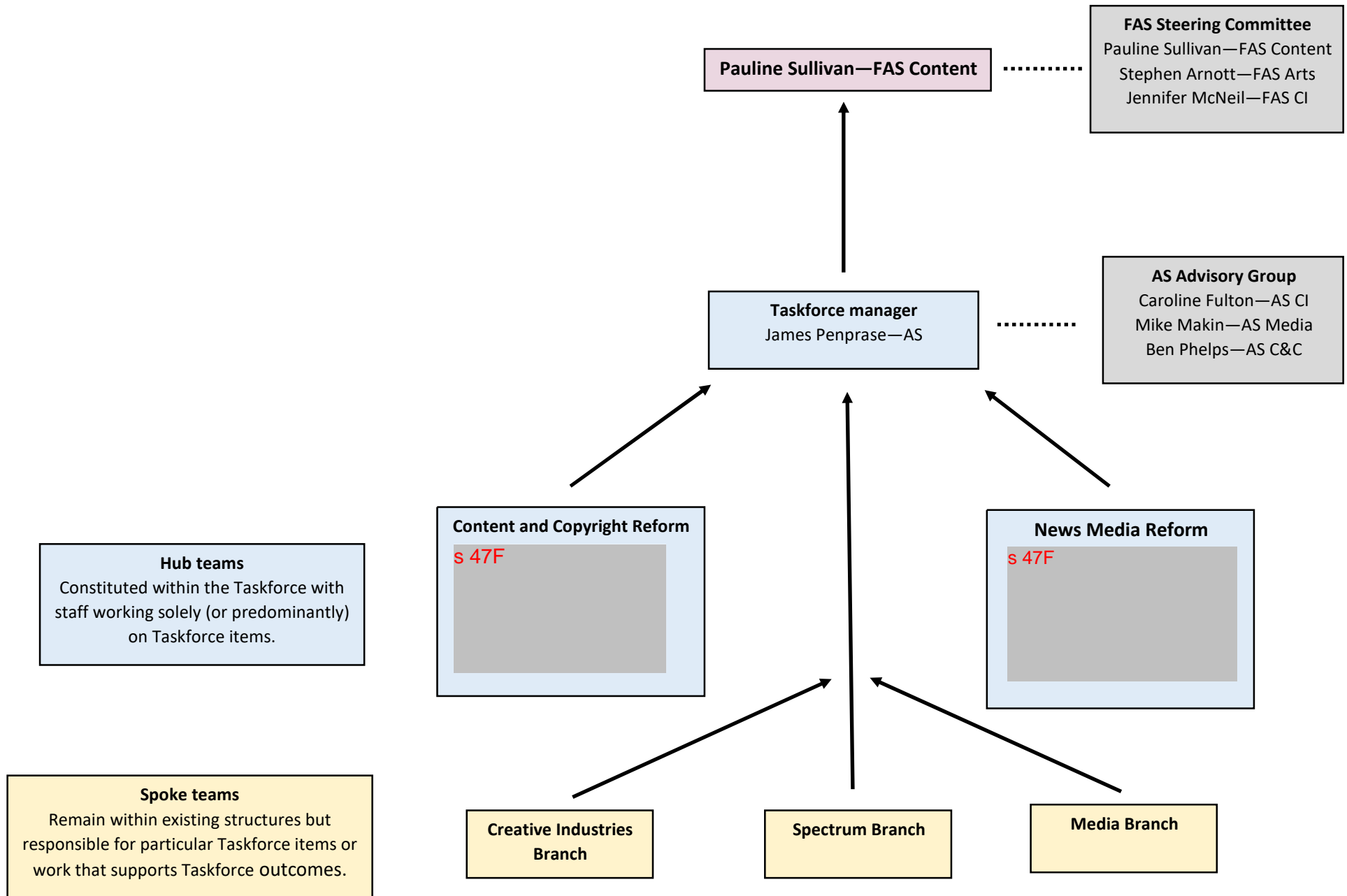


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- Spectrum Branch

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- Media Branch

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GOVERNANCE AND STAFFING

Attachment B sets out proposed governance and staffing for the Taskforce.

The Taskforce will report to the First Assistant Secretary, Content Division.

Given the involvement of other Divisions in the work of the Taskforce, there will be Advisory Committees established at both AS and FAS level to provide advice to the Taskforce on cross-cutting issues.

CONSULTANCIES

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DELIVERABLES AND EXPECTED TIMINGS

The tables below articulate the key work items for the Taskforce and the expected timings. All tasks being led by areas outside of the Taskforce are identified below.

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DRAFT

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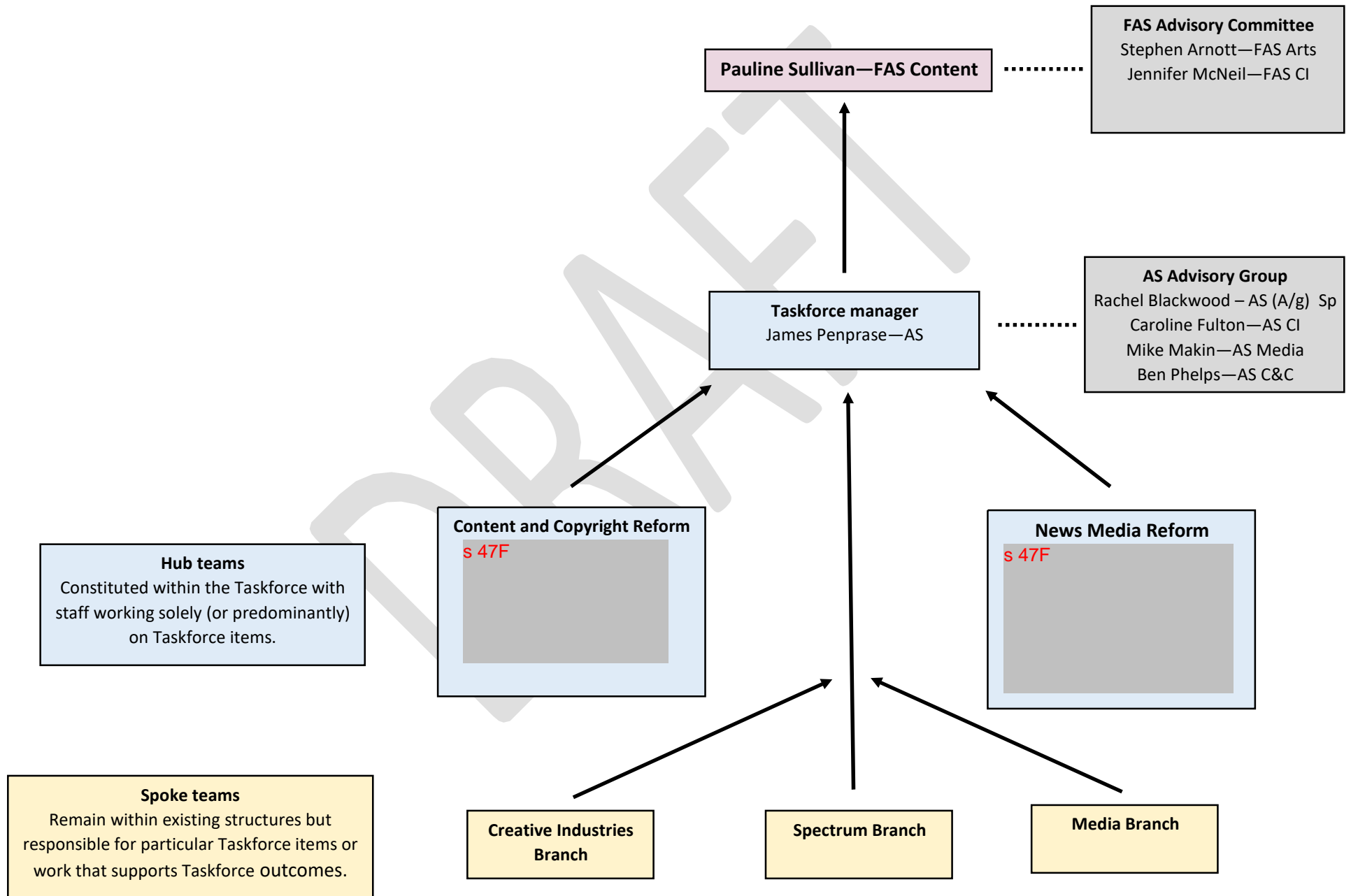
s34(3)



s34(3)



DRAFT



s22

From: [REDACTED] TREASURY.GOV.AU>
Sent: Tuesday, 14 April 2020 8:38 PM
To: Penprase, James
Cc: s 47F
Subject: s34(3)

Attachments: s34(3)

Follow Up Flag: Follow up
Flag Status: Completed

PROTECTED//CABINET

Dear James

s34(3)

Kind regards

[REDACTED]
Senior Adviser, Business Conduct Unit | Market Conduct Division | Markets Group
The Treasury, 1 Langton Cres, Parkes, ACT 2600

s47F

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From: s 47F @TREASURY.GOV.AU>
Sent: Wednesday, 15 April 2020 11:39 AM
To: Penprase, James
Cc: s 47F
Subject: s34(3)

Attachments:

Follow Up Flag: Follow up
Flag Status: Completed

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Hi James
 The next version of the cab sub is attached.
 Apologies, but we'd appreciate comments by 3pm please.
 I've also attached s34(3)
 Kind regards

s 47F

s 47F

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s 47F s47F

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From: Penprase, James <James.Penprase@communications.gov.au>
Sent: Wednesday, 15 April 2020 8:00 AM
To: s 47F @TREASURY.GOV.AU>
Cc: s 47F @TREASURY.GOV.AU>; s 47F @TREASURY.GOV.AU>
 s34(3)

OK, will do.

PROTECTED, SH_CAVEAT=CABINET

s 47F @TREASURY.GOV.AU>
Sent: Wednesday, 15 April 2020 7:59 AM
To: Penprase, James <James.Penprase@communications.gov.au>
Cc: s 47F @TREASURY.GOV.AU>; s 47F @TREASURY.GOV.AU>
 s34(3)

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Hi James
 Please hold off making any comments on the draft cab sub from last night – we will be circulating another draft this morning.
 Regards

s 47F

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s 47F

Sent: Tuesday, 14 April 2020 8:38 PM

To: 'james.penprase@communications.gov.au' <james.penprase@communications.gov.au>

Cc: s 47F <@TREASURY.GOV.AU>; s 47F <@TREASURY.GOV.AU>

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s 22

From: Penprase, James
Sent: Wednesday, 15 April 2020 2:54 PM
To: s47F
Subject: s34(3)
Attachments: s34(3)

s 47F

I'll call to discuss.

PROTECTED, SH_CAVEAT=CABINET

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Cc: Barron, Christine <Christine.Barron@TREASURY.GOV.AU>; Moore, Ruth <Ruth.Moore@TREASURY.GOV.AU>
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And now with some comments and edits to the back end.

PROTECTED Sensitive: Cabinet

OFFICIAL

 <p>Australian Government Department of Infrastructure, Transport, Regional Development and Communications</p>	<p>Meeting Brief MB20-000148</p>
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To: Minister for Communications, Cyber Safety and the Arts, the Hon Paul Fletcher MP
(for information)

Subject: Meeting with Facebook to discuss the Code with the Australian news media companies

Recommendation for Minister Fletcher: That you

<p>1. Note the information contained in this Brief.</p> <p>Minister's signature:.....</p>	<p>Noted / Please Discuss</p> <p>Date:...../...../ 2020</p>
Minister's Comments	Quality Rating
	<p>1. Very Poor 2. Poor 3. Satisfactory 4. Good 5. Excellent</p>

Purpose of Meeting:

1. To discuss Facebook's participation in negotiations with Australian news media businesses as part of the development of a code of conduct, pursuant to the Government's response to the Australian Competition and Consumer Commission's (ACCC's) Digital Platforms Inquiry.

Main Issues and Expected Outcomes:

2. Recommendation 7 of the ACCC's Final Report on the Digital Platforms Inquiry proposed that codes of conduct be developed to govern the relationships between large digital platforms and Australian news media businesses. The recommendation was intended to address a bargaining power imbalance identified by the ACCC. The ACCC recommended that the code of conduct include minimum commitments in relation to:

- a) sharing of data with news media businesses;
- b) early notification of changes to the ranking or display of news content; and
- c) fair negotiation on revenue sharing or compensation where digital platforms derive value from news media content.

s 47C

4. News media businesses have continued to campaign for immediate, mandatory codes of conduct. The intensity of these arguments has increased in recent weeks, following the closure of the Australian Associated Press and the suspension of print production for many community publications. Additional pressure exerted on the news media sector by the COVID-19 pandemic has prompted further calls for action by the industry, particularly News Corp.

Facebook's Public Position

5. Facebook lodged a substantial submission (141 pages) in response to the ACCC's Final Report on its Digital Platforms Inquiry, in which it strongly opposed a code of conduct to govern its relationships with news media businesses. A summary of their submission is attached at **Attachment A**.

6. Facebook disputed the existence of a bargaining power imbalance or unreasonable commercial terms between Facebook and news media businesses, and was highly critical of the ACCC's report for overlooking the significant power and influence of large media businesses. Facebook argued that digital platforms lower barriers to entry, and that a code of conduct would constitute an unwarranted market intervention serving to shelter established media businesses from competition. Facebook also noted that, even if the ACCC's figures were accepted, Facebook accounted for only a small proportion of news referral traffic.

7. Facebook argued that, to the extent that its terms are highly favourable to news publishers. Facebook reasoned that it provides a free distribution channel, including detailed data on the performance of content and audience demographics. News publishers are free to choose how they engage with this channel, and are not required to provide free content. Facebook enumerated the revenue-generating tools it provides.

Facebook's Alternative Proposal

8. Facebook advocated for a consumer-focused approach which included addressing the adverse impacts of digital platforms on the distribution of news. Facebook proposed a Digital News Distributor Oversight Body (the Body) as an alternative to the ACCC's recommended codes of conduct. The Body would be industry-funded and would assess the performance of digital platforms against a set of principles, supported by both public reporting and complaint-handling functions.

Facebook's Participation in Negotiations

9. Consistent with their public position, Facebook has continued to willingly engage with news media businesses in relation to algorithmic transparency and issues impacting the consumer experience. Facebook argued for a broader public consultation rather than commercial negotiation, and outlined their preferred approach in a public blog post on 18 March 2020 (**Attachment B**). The post expanded upon their proposed Digital News Distributor Oversight Body.

10. The ACCC has advised the Department that Facebook has resisted negotiation with Australian news media businesses in relation to many of the other issues identified through the Digital Platforms Inquiry, particularly in relation to value exchange and payment for content. Facebook indicated an increased level of engagement on these issues in a letter to the ACCC on 6 April. It is not yet clear whether this has resulted in tangible outcomes.

Department Funding: N/A

Sensitivities: N/A

Consultation: N/A

Background: N/A

Attachments:

Attachment A: Summary of Facebook's Submission.

Attachment B: Facebook's Blog Post: 'A Digital News Distributor Code for the Australian News Ecosystem'.

Contact Officer: James Penprase

Position: Assistant Secretary

Branch: Broadcasters & Content (COVID)


Phone/Mobile: (02) 6271 1932 /s 47F

Cleared by:

Position: Assistant Secretary

Branch: Broadcasters & Content (COVID)

Phone/Mobile: (02) 6271 1932 s 47F

 <div>Australian Government Department of Communications and the Arts</div>	<div>Biography Attachment A</div>
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DIGITAL PLATFORM

BUSINESS

CRITICAL

S077 – Facebook

Submission Content

Portfolio Recommendations

6	7	8	9	10	11	12	13	14	15	22	23
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Other Comments

1	2	3	4	5	16	17	18	19	20	21	Other
---	---	---	---	---	----	----	----	----	----	----	-------

■ Opposes
 ■ Supports
 ■ Alternative
 ■ Other
 ■ None

Portfolio Recommendations

Recommendation 6

Facebook supports the recommendation in principle and indicates a desire to participate in the ACMA's review. Facebook favours platform-neutral regulation which applies consistently to similar functions across organisations. However, Facebook cautions against superficial comparisons which may overlook critical differences between media platforms.

Review Process

Facebook recommends that the review start by defining priority policy problems to be addressed in a competitively-neutral fashion. Facebook states that the review should not start with the presumption of applying existing regulation to digital platforms and suggests platforms may be subject to greater regulation than media businesses in some areas, such as where print media is self-regulated or broadcasters are subject to industry codes.

Facebook suggests that if platform-neutral regulation is sought, the review will need to clearly define what constitutes a platform and how they would be compared. Facebook notes the mixed terminology of sectors, silos, industries, platforms, businesses, broadcasters, publishers, aggregation providers, channels and stakeholders. Facebook suggests that, of the six benefits identified by the ACCC, only one is linked to a platform-neutral approach and may not result.

Facebook is sceptical of the benefits of a platform-neutral approach. Facebook suggests that business functions may not be comparable from all perspectives, particularly in multi-sided markets. Facebook suggests that existing regulatory frameworks recognise legitimate considerations of technology and public policy.

Advertising Restrictions

Facebook supports consistent advertising restrictions. However, Facebook notes that, if it is required to avoid advertising certain materials to certain subsets of its audience, it must retain the ability to target advertisements accordingly. Facebook is concerned that a uniform set of rules may not be workable, such as time-based restrictions for broadcasters.

Local and Australian Content

Facebook notes the need to consider the differences in the ways content is distributed, and that Facebook does not typically control the content uploaded to its platform. Facebook also notes that all of the content Facebook Australia funds is Australian. User select the content they consume.

Content Standards

Facebook supports a modernised classification system, but suggests that digital platforms which provide a distribution platform for content “chosen by others” should not be subject to all of the rules applied to media providers which actively select the content they distribute.

Recommendation 7

Facebook opposes the recommendation and rejects the finding that its relationships with large news media businesses are imbalanced or unreasonable. Facebook criticises the ACCC for misdiagnosing the problem on the basis of inaccurate conflation of products and services provided by Google and Facebook; and factual errors in the report’s consideration of the existing relationships between Facebook and media businesses. Facebook suggests that a bargaining code would serve only to protect the interests of powerful media businesses in a highly concentrated market, without any evidence of market failure.

Facebook is highly critical of the ACCC’s reliance on hypothetical future conduct in the absence of demonstrable harms. Facebook criticises the speculative nature of these claims, and also argues that they are inconsistent with Facebook’s practices and systems. Facebook insists that its interests are aligned with those of its users, on the basis that user retention is critical to its business model.

Facebook advocates for a consumer-focused approach which includes addressing the adverse impacts of digital platforms on the distribution of news. Facebook proposes the development of a consumer-focused ‘digital news distributor code of practice’ between users and each of the digital services that play a role in news. The purpose of the code would be to improve transparency and accountability to the Australian public. Facebook proposes three components:

1. Principles to guide digital services in the distribution and display of news, in alignment with the interests of users.
2. Complaint adjudication procedures to hold digital services accountable for meeting commitments to their users.
3. Transparency arrangements, including the publication of information about “industry trends and adherence to these principles across industry.”

Facebook suggests that each service develop its own code separately; and that commitments might include publication of information about the values and factors that inform the news content people see, and procedures for providing notice about significant changes to algorithms or features.

Bargaining Power

Facebook disputes the existence of a bargaining power imbalance or unreasonable commercial terms between Facebook and news media businesses. Facebook criticises the report for overlooking the significant power and influence of large media businesses in a highly concentrated market. Facebook notes the role of digital platforms in lowering barriers to entry, and suggests that a bargaining code would constitute an intervention into commercial relationships serving only to protect the interests of powerful media businesses and shelter them from competition, without any evidence of market failure.

Facebook is highly critical of the ACCC’s evidence-base and findings. The ACCC notes that, even by the ACCC’s own calculations, Facebook accounts for only a small proportion of news referral traffic; and that the ACCC misrepresents the findings of the Digital News Report. The ACCC claims that 36 per cent of surveyed Australians use Facebook for news, when the actual number is approximately 16 per cent (36 per cent of 46 per cent). A similar error is made for Generation Z Australians. Facebook is similarly critical of the report’s limited consideration of other social media platforms, such as YouTube, and

other sources of referral traffic. Facebook indicates that publishers have complained that referral traffic does not generate significant revenue, further undermining the suggestion that refusing referral services would result in a substantial loss.

Facebook also argues that, even if it were an 'essential trading partner', its current terms are highly favourable to news publishers. Facebook claims that publishers choose how to engage with a free distribution channel which provides detailed data on the performance of their content and the demographics of their audience; and whether to adopt the custom-made, revenue-generating tools that Facebook provides. Facebook stresses that while "some publishers have developed their businesses so that they distribute their content (for free) to a greater extent than others via Facebook", this represents "strategic and business model choices for each publisher". Facebook does not require publishers to provide free content, and highlights their investment in Australian content. Facebook provides details on their arrangements, including Instant Articles which provide publishers with 100 per cent of the revenue. Facebook corrects factual errors about the share of advertising revenue.

Facebook rejects the ACCC's suggestion that there is a separate market for 'news referral services'; and suggests that, if there were, Facebook would not have substantial power in that market.

Algorithmic Transparency

Facebook highlights its 'Why am I seeing this post?' feature as an example of the steps it is taking to address public concerns about the role of algorithms.

Recommendation 8

Facebook does not support the recommendation in its current form. Facebook argues that the ACCC report mischaracterises its practices, including the adequacy of its processes and turnaround times, consistency of takedown decisions, rights holder access to tools, and ability to takedown mass content. Facebook outlines that its IP Operations team operates in several continents 24/7 and is able to process Australian reports through rights manager and of live content in 3 minutes. Facebook indicates that it has partnered with Australian broadcasters and sports entities to provide appropriate support during special events, taking less than five minutes to process reports.

Facebook considers that this approach should be considered under the notice and takedown regime under safe harbour provisions, given the long history of engagement and Government consideration of this solution. Facebook supports the appropriate apportionment of obligations between rights holders and digital platforms.

Recommendations 9-11

Facebook supports the intent of the recommendations and highlights its own investment in the creation of Australian content and support for publishers. Facebook claims that it has business incentives to partner with publishers and distributors. Facebook notes research indicating that Facebook consumers desire access to local and breaking news. Facebook outlines the products and services it has developed for news businesses.

Recommendations 12 & 13

Facebook supports the recommendation, and indicates a willingness to invest in relevant initiatives. Facebook is of the view that digital literacy is a responsibility shared between publishers, platforms, educational institutions, civil society and government. Facebook outlines its approach to digital media literacy and highlights its investment in research, philanthropy, and education. Facebook also outlined its products, including: the 'Context Button' which gives people more information about publishers and articles; 'Related Articles', which display relevant articles from third-party fact checkers.

Recommendation 14

Facebook opposes the recommendation. Facebook supports (in principle) engagement with the ACMA, but opposes new regulatory powers. Facebook suggests there is a lack of evidence to justify new powers, and no indication of the standard against which Facebook will be measured. Facebook outlines its existing measures, including: fact checking, the 'Context Button', 'Breaking News', publisher logos on articles, and updates to the 'Page Quality' tab. Facebook cautions that platforms should not become "the arbiter of truth", and that the Government should not prescribe what news is 'high-quality' or otherwise, nor censor journalism.

Recommendation 15

Facebook opposes the recommendation. Facebook endorses a code similar to the European Union Disinformation Code of Practice, and requests the Government consult more widely to ensure that it fully understands the issues. Facebook raises the implications for freedom of speech resulting from government officials or a private company censoring the opinions of elected officials and the Australian public. Facebook suggests that any code should focus on improving transparency, supporting quality journalism, clearly indicating trustworthiness, and long-term solutions.

Facebook criticises the report, which it suggests lacks an accurate or comprehensive evidence base establishing a policy problem for which a regulator-enforced code would be an effective solution. Facebook suggests that the report is not informed by appropriate consultation; does not accurately describe the issue nor existing measures; and fails to make a case for the recommended intervention.

Facebook suggests that the proposed code is unnecessary as both Facebook and the Government are already undertaking work to address disinformation and malinformation. Facebook outlines its approach to remove content that violates its Community Standards; reduce the distribution of misleading content; and inform users when they do encounter misleading content. Facebook cites research which indicates that existing efforts are effective.

Facebook highlights that existing policies and laws already address each of the items that the ACCC suggests the code would cover, including Facebook policies on incorrect electoral information and laws such as defamation regarding inaccurate allegations. Facebook questions why a code would apply to 'doctored and dubbed video footage' and not material in other formats, and questions whether it would be required to remove prominent political advertisements.

Recommendations 22 & 23

Facebook supports the recommendations, but would not support the ombudsman providing binding legal avenues for large media companies. Facebook notes practical design considerations such as scalability, complexity and compatibility with diverse business models.

Other Recommendations

Recommendation 1

Facebook supports the recommendation, but suggests that the Government clarify that the factors are not exhaustive; that the ACCC may already consider these factors; and that the ACCC will consider them where appropriate.

Facebook stresses that there must be clear evidence that a company is "in fact" a potential competitor whose removal would substantially lessen competition. Facebook argues that a simple assertion or speculation should be insufficient, particularly given the pace of technological change and dynamic markets.

Facebook makes similar arguments regarding data or technology acquisition, suggesting there must be clear evidence that it would result in excluding rivals, raising barriers or harming competition.

Facebook suggests the ACCC should consider the following characteristics: uniqueness, imitability, value, and substitutability.

Facebook opposes any further reform, such as a rebuttable presumption, without wider consultation.

Recommendation 2

Facebook oppose the recommendation, citing a lack of evidence of any problem that would justify the measures and an inappropriate focus on two companies. Facebook is highly critical of the ACCC's "equivocal assertions... based on speculative analysis" about Facebook's acquisitions. Facebook is notably critical of the 'counterfactual' speculation about its acquisition of Instagram, particularly the conclusion that Instagram had "at least the potential to develop into an effective competitor" which Facebook points out falls short of a finding that it was "likely to substantially lessen competition".

Facebook also argues that the existing merger regime is effective and flexible, and that the ACCC has ample powers. Facebook suggests that the report does not provide evidence of a shortcoming. Facebook cautions that imposing obligations on a subset of companies would result in anti-competitive outcomes.

Recommendation 3

Facebook note the recommendation, but express concern about the ACCC's rationale. Facebook stress that product bundling should not be treated as inherently anti-competitive. Facebook also criticise the ACCC for targeting a single company, which would "[distort] the competitive process" and create an uneven playing field.

Recommendation 4

Facebook support efforts to increase expertise, capability and understanding with government. However, Facebook does not endorse the ACCC and raises concerns about the "largely unconstrained nature of the public inquiry proposed in [the recommendation]". Facebook highlights the substantial resources it has committed to the Digital Platforms Inquiry, and raises concerns about the burden, cost and intrusiveness. Facebooks requests greater certainty and limits on the scope of any additional inquiries. Facebook also recommends that the branch's remit be expanded to include "digital, data and technology more generally" rather than just digital platforms. Facebook also recommend that the ACCC be granted no additional powers, given their existing broad powers.

Facebook raises concern about empowering the ACCC to compel information over a five year period, with little restriction in scope and without suspicion that the law has been breached. Facebook suggest this is an unwarranted intrusion. Facebook oppose any new powers for the ACCC. Facebook advises the Government to consider a series of targeted inquiries or consultations as needed, with focused terms of reference and timeframes. Facebook notes the 18-month Digital Platforms Inquiry and anticipated 18-month inquiry into online advertising. Facebook also recommends that the ACCC be required to consult with parties before issuing a mandatory notice to enable more targeted notices.

Facebook notes that the ACCC already possess sufficient powers to compel provision of information and documents in a market study directed by the Treasurer, or where it has reason to believe that the information relates to a contravention of the Competition and Consumer Act. An open-ended inquiry would undermine important safeguards around the use of these powers.

Recommendation 5

Facebook supports the recommendation, but disputes the ACCC's finding that Facebook is vertically integrated in the ad tech supply chain. Facebook notes the importance of transparency in the market. Facebook advocates for the benefits of programmatic advertising in general, and Facebook's services (including metrics) in particular. Facebook criticises the ACCC's findings and suggests that an inquiry may help them to better understand the market.

Recommendation 16-17

Facebook supports elements of the recommendations consistent with GDPR, but opposes other elements. Facebook supports recommendation 16(a) insofar as the definition of personal information is aligned with the GDPR, but cautions against wider scope. Facebook also seeks clarity on how de-identified information will be considered.

Facebook opposes recommendation 16(b) on the basis that it would result in a significant increase in the number and length of notices presented to consumers; consumers are likely to experience notice fatigue and disregard notices; rigid rules are likely to deter innovation. Facebook suggests that the proposal disregards the ACCC's own findings in this regard. Facebook advocates for a principles-based approach which targets outcomes, rather than process. Facebook promotes its 'best-practice' activities.

Facebook opposes recommendation 16(c), which it suggests is based on a misunderstanding of current privacy law; does not align with the GDPR; undermines consume welfare; and its application is uncertain. Facebook cites case law as evidence of limitations on the purposes for use of personal information. Facebook suggests further guidance from the OAIC would resolve any remaining clarity issues. Facebook claims that the ACCC selectively draws on the GDPR and, by dismissing the 'legitimate interests' test, creates an unworkable consent framework which will exacerbate consent fatigue. Facebook also cites UK and EU reports which draw favourable conclusions about the 'legitimate interests' purpose, and the Productivity Commissions of Australia and New Zealand (and academic research) on consent-driven regulation.

Facebook recommends further consultation to identify an appropriate balance between providing a broad range of services and information to children, and ensuring legal and regulatory compliance.

Facebook supports recommendation 16(d) insofar as it is consistent with international standards, such as the GDPR. Facebook highlights its existing erasure functionality, and cautions that any right should be implemented practically. Facebook recommends exceptions where: erasure is impractical for technical reasons or where data is de-identified; or retention is required for compliance, public interest, or legal defence purposes. Facebook also advocates for broader public consultation.

Facebook notes recommendation 16(e) and suggests it may overlap with recommendation 19, which Facebook supports. Facebook suggests the overlap risks burdening the court system and undermining the administration of justice.

Facebook supports recommendation 16(f) entirely.

Facebook supports recommendation 17 but recommends comprehensive consultations led by the Attorney-General's Department. Facebook would be willing to contribute to those consultations.

Recommendation 18

Facebook opposes the recommendation, noting that industry-agnostic and consistent regulation would avoid distorting the market and would provide consistent, clear protections. Facebook notes that the vast majority of privacy concerns identified by the ACCC are not specific to digital platforms.

Recommendation 19

Facebook supports the recommendation, noting concerns about overlap with recommendation 16(e). Facebook recommends the Government implement only one of these recommendations or, if both are implemented, that steps are taken to explicitly eliminate the overlap. Facebook favours recommendation 19 over recommendation 16(e).

Recommendation 20

Facebook is of the view that existing remedies under the ACL are adequate, and suggests it would be disproportionate to impose penalties on a business for seeking to rely on terms it believed to be fair.

Recommendation 21

Facebook raises concerns that the recommendation may duplicate existing privacy laws and consumer protections.

Other Comments

General Comments

Facebook highlights the benefits of digital platforms and targeted advertising; and the risks of inappropriate regulation. Facebook is concerned that the report often conflates the two major platforms, despite important differences; and that much of the analysis is highly speculative.

Facebook suggests that the ACCC's evidence base is flawed or inadequate; and that after an exhaustive review, the ACCC could find no anti-competitive behaviour by Facebook. Facebook suggests that the ACCC's analysis was selective and incomplete; based on outmoded distinctions between advertising services; and departs from established competition law principles.

Facebook's Power

Facebook suggests that digital platforms have brought significant benefits to advertisers, particularly small and medium sized businesses. They cite larger audiences, greater accessibility and more effective targeting; as well as specific service characteristics such as no minimum commitment. Facebook notes that lower prices and higher quality services traditionally indicate a well-functioning market.

Facebook also restates that it is in direct competition with other advertising services, including Google. Facebook cites recent market developments as evidence that the distinction between display and search advertising is obsolete. Facebook also claims that there is significant substitution between online and offline advertisements, which imposes further competitive constraint and indicates that advertisers have ample choice.

Facebook disputes the extent of competitive benefits derived from data, citing academic research by Professor Catherine Tucker. Facebook criticises the lack of evidence in the ACCC's report. Facebook also highlights competition with a wider range of highly substitutable services to attract and retain user attention. Facebook is critical of the ACCC's failure to consider these matters.

Privacy

Facebook notes the economy-wide implications of the privacy recommendations, and suggests a broader consultation process is warranted. Facebook also advocates for globally-consistent privacy regulation, strongly suggesting the GDPR is appropriate. Facebook notes that harmonised regulation would reduce complexity and compliance burden, and facilitate more effective data sharing. Thus, Facebook argues, harmonising with GDPR would better advance Australia's international engagement and competitiveness.

Facebook is critical of the privacy recommendation in the report, suggesting they exclude important elements of the GDPR. Facebook describes them as "a substandard version of European privacy laws". Facebook suggest the proposals would limit benefits to Australians and increase barriers to trade. Facebook highlights the exclusion of the GDPR's "legitimate interests" test for processing data.

Facebook suggests that "the guiding principle behind the Australian Government's privacy reform should be to increase consumer understanding of, and engagement with, their own privacy."

Data Portability

Facebook supports enhanced data portability for digital platforms and highlights its unilateral efforts and engagement with industry initiatives, such as the Data Transfer Project with Google, Twitter, Microsoft and others. Facebook notes privacy considerations.

A Digital News Distributor Code for the Australian News Ecosystem

FACEBOOK AUSTRALIA & NEW ZEALAND POLICY · TUESDAY, 17 MARCH 2020 · 6 MINUTES

By Mia Garlick, Director of Policy - Australia, New Zealand & the Pacific

As Australia and the world responds to the growing COVID-19 health crisis, Australia's news ecosystem plays an important role in keeping people informed and updated about the rapidly changing situation. At Facebook, we recognise we have a role to play in ensuring that Australians connect with official sources in reducing misinformation and in building community and connection between people in difficult times. This is why we [have taken steps](#) to serve prompts to Australians in their News Feed to connect with official government health information. We are also taking steps to ensure harmful health misinformation is removed and our third-party fact-checking program is reducing the distribution of viral misinformation. To support fact-checkers in this work, we're partnering with The International Fact-Checking Network (IFCN) to launch a [\\$1 million grant program](#) globally to increase their capacity during this time; this is in addition to our existing commercial terms.

In addition to our direct COVID-19 response, we have also been progressing our work to implement the Government's roadmap *Regulating in the digital age*, specifically around ensuring that there continues to be successful commercial relationships between digital platforms and Australian media businesses. We have continued this work, throughout the COVID-19 crisis, to meet the timeframe requested by the Australian Government. The increased digitisation of news raises policy questions about how to encourage sustainable business models for publishers. Facebook is committed to being part of that important conversation.

As part of its response to the ACCC's Digital Platforms Inquiry, the Australian Government announced a voluntary code to cover the relationship between digital platforms and news media businesses, with a focus on improving transparency in the operations of digital platforms for Australian media businesses. We published [our initial response](#) to this recommendation in February this year, welcoming the development of a voluntary code that would address the policy concerns about the role algorithms play in the distribution of news. We proposed a Digital News Distributor Code that would set principles that could potentially be adhered to by all digital platforms that distribute news.

We have an ongoing and deep commitment to work with publishers in a range of ways - collaborating with publishers in product development, programs such as our [reader revenue Accelerator](#) and paying them directly to develop premium content in Australia. We're proposing a Digital News Distributor Code to support -- rather than replace or interfere with -- the commercial relationships that already exist between platforms such as Facebook and Australian media businesses.

We believe that it is important to be transparent about the development of a Code, given many of the companies involved in its development are sizeable commercial entities and competitors for ad revenue. We want to ensure that all Australian media businesses are able to participate in the conversation about its development, and so, we are providing some further thinking about a Digital News Distributor Code. **We welcome feedback from interested parties who are Australian news media business or other digital platforms.**

Scope of the Code

The [Government's response to the Digital Platforms Inquiry](#) nominated transparency as the main area that they expect to be the focus of the Code: *"the Government agrees that the digital platforms need to do more to improve the transparency of their operations for news media providers"*.

We have concentrated our thinking in this area and agree that more can be done to provide transparency about the role that algorithms that rank content in News Feed play in the distribution of news in Australia.

Facebook News Feed is a personalised collection of posts from family and friends, the Pages someone follows (including news publishers), and the Groups they are a member of. We rank content in News Feed to prioritise the material that we believe people care about most.

We make regular improvements and changes to the algorithm that rank content in News Feed. However, from time to time, we may make more significant changes that can change how content from all Pages, including publisher pages, is ranked. We propose a Digital News Distributor Code that could provide greater transparency and accountability for these changes, including potentially giving news publishers advance notice before significant changes to the News Feed algorithm.

Digital platforms covered by the Code

The Australian digital news industry is highly complex and dynamic, with new platforms and publishers entering the ecosystem each month.

While search engines, social media, messaging and news aggregator platforms all have different approaches to the distribution of digital news, we believe they should be subject to consistent principles - through a Code - that protect the interests of Australian consumers and news publishers.

We are extending the offer to participate in this conversation about the ultimate shape of this Code to all other digital platforms that play a role in the distribution of news.

We believe a Digital News Distributor Code would ideally cover multiple digital platforms because:

- Australians read their news and information from a range of different services (according to the [University of Canberra's 2019 Digital News Report](#), consumers are

increasingly accessing news from a variety of sources), and the news ecosystem is rapidly evolving.

- We will not solve the important public policy questions raised in the relationship between digital platforms and news publishers by a Code that covers Facebook alone.
- A common agreement across industry will be best for users and news publishers to have a consistent experience across all platforms.

It is important to keep any Code separate to -- what the Government acknowledged in their Response was -- a “complex two-way commercial value exchange that occurs between digital platforms and Australian news media businesses”, given these will differ by platform and according to the specific characteristics of the Australian news media business and their specific goals for each digital platform.

Potential elements of a Digital News Distributor Code

In addition to greater transparency measures, we would welcome feedback on the following proposed elements of a Digital News Distributor Code:

- Principles that guide digital platforms in surfacing news that meets the interests of users. Digital platforms could be required to publish information about the values and factors that inform the news content that people see, and the order in which they see it.
- Oversight including the establishment of an independent body to oversee digital platforms’ adherence with the Digital News Distribution Code.
- Complaint adjudication to ensure digital news distributors are held accountable to the commitments they make to the people who use their services. This could involve the establishment of a complaints procedure to assess complaints from users and news publishers who believe that the principles (committed under the previous requirement) have not been met. Members should reach decisions on complaints and communicate those decisions to an independent body.
- Transparency to regularly provide the public with information about industry trends and adherence to these principles across industry. This would be in addition to the possibility (outlined earlier) of articulating procedures for digital platforms to provide notice about significant changes to algorithms or product features.
- Accountability of digital platforms subject to the Code. We would welcome further feedback, including on accountability mechanisms and possible sanctions for non-compliance.

Invitation to engage on a Digital News Distributor Code

We welcome feedback from interested parties, specifically Australian news media businesses and other digital platforms, on the thinking presented above. Interested parties are welcome to provide feedback in writing - or to indicate their interest in participating in further consultation - before 30 March 2020. Please send through any comments to policyanz@fb.com.

s 22

From: Penprase, James
Sent: Thursday, 16 April 2020 11:31 AM
To: ARNOTT, Stephen
Cc: Sullivan, Pauline; s47F
Subject: s34(3)

Attachments:

Importance: High

Hi Stephen

At 10 this morning the MO requested s34(3)

s34(3)

I've prepared the attached, which has been cleared by Pauline.

We'll bring up a hard copy.

Appreciate your review and clearance as soon as you are able.

Thanks

James

PROTECTED Sensitive: Cabinet

s22

From: Penprase, James
Sent: Thursday, 16 April 2020 11:35 AM
To: ARNOTT, Stephen
Cc: Sullivan, Pauline
Subject: s34(3)

Done, ta.
 PROTECTED Sensitive: Cabinet

-----Original Message-----

From: ARNOTT, Stephen <Stephen.ARNOTT@arts.gov.au>
 Sent: Thursday, 16 April 2020 11:33 AM
 To: Penprase, James <James.Penprase@communications.gov.au>
 Cc: Sullivan, Pauline <Pauline.Sullivan@communications.gov.au>

s34(3)

Thanks James - in the interests of time this is fine to go.

Appreciate you looping me in.

Stephen
 PROTECTED Sensitive: Cabinet

-----Original Message-----

From: Penprase, James <James.Penprase@communications.gov.au>
 Sent: T s34(3) 11:31 AM
 To: ARNOTT, Stephen <Stephen.ARNOTT@arts.gov.au>
 Cc: Sullivan, Pauline <Pauline.Sullivan@communications.gov.au>; s47F

s47F communications.gov.au>; s47F @communications.gov.au>
 s34(3)

Importance: High

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Thanks

James

PROTECTED Sensitive: Cabinet

s22

From: Penprase, James
Sent: Thursday, 16 April 2020 11:38 AM
To: s47F
Cc: Sullivan, Pauline; ARNOTT, Stephen; s47F
Subject: s34(3)

Attachments: s34(3)

Importance: High

Hi s 47F

Please find attached a s34(3)
s34(3)

Of course, Pauline or I happy to discuss.

Regards

James

James Penprase
Assistant Secretary / Digital Platforms and Online Safety Department of Infrastructure, Transport, Regional
Development and Communications P +61 2 6271 1932 s47F james.penprase@communications.gov.au

2 Phillip Law Street, Canberra ACT 2601
GPO Box 594 Canberra, ACT 2601

PROTECTED Sensitive: Cabinet
PROTECTED Sensitive: Cabinet

s22

From: Penprase, James
Sent: Thursday, 16 April 2020 12:16 PM
To: s47F
Subject: s34(3)

Good question, and I don't know. But I've made an assumption.
PROTECTED Sensitive: Cabinet

-----Original Message-----

From: s47F @communications.gov.au>
Sent: Thursday, 16 April 2020 11:54 AM
To: Penprase, James <James.Penprase@communications.gov.au>

s34(3)

Hi James,

Thanks for copying me in on the briefing. s 47C

s 47F

s47F

Senior Policy Officer / Digital Platforms / Digital Platforms & Online Safety Department of Infrastructure, Transport,
Regional Development and Communications s47F

s47F communications.gov.au

PROTECTED Sensitive: Cabinet

-----Original Message-----

From: Penprase, James <James.Penprase@communications.gov.au>
Sent: Thursday, 16 April 2020 11:31 AM
To: ARNOTT, Stephen <Stephen.ARNOTT@arts.gov.au>
Cc: Sullivan, Pauline <Pauline.Sullivan@communications.gov.au>; s47F

s47F
s34(3)

Hi Stephen

At 10 this morning the MO requested s34(3)

s34(3)

I've prepared the attached, which has been cleared by Pauline.

We'll bring up a hard copy.

Appreciate your review and clearance as soon as you are able.

Thanks

James

s 22

From: s 47F
Sent: Thursday, 16 April 2020 12:31 PM
To: Penprase, James
Cc: Sullivan, Pauline; ARNOTT, Stephen; s47F
Subject: s34(3)

Thanks James :)

Sent - on the run - from my iPhone

> On 16 Apr 2020, at 11:38 am, Penprase, James <James.Penprase@communications.gov.au> wrote:

>

> Hi s 47F

>

> Please find attached s34(3)

s34(3)

>

> Of course, Pauline or I happy to discuss.

>

> Regards

>

> James

>

>

> James Penprase

> Assistant Secretary / Digital Platforms and Online Safety Department

> of Infrastructure, Transport, Regional Development and Communications

> P +61 2 6271 1932 s47F

> james.penprase@communications.gov.au

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> 2 Phillip Law Street, Canberra ACT 2601 GPO Box 594 Canberra, ACT 2601

>

>

>

> PROTECTED Sensitive: Cabinet

> PROTECTED Sensitive: Cabinet

s34(3)

s22

From: Penprase, James
Sent: Wednesday, 15 April 2020 11:01 AM
To: Sullivan, Pauline
Subject: s34(3)

Pauline

This text seems fine in the broad.

s34(3)

Regardless, suggest these could go to Ryan.

s34(1)(d)

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PROTECTED Sensitive: Cabinet

s22

From: Sullivan, Pauline
Sent: Wednesday, 15 April 2020 11:06 AM
To: s 47F s47F
Cc: Penprase, James
Subject: s34(3)
Attachments:

Follow Up Flag: Follow up
Flag Status: Completed

s s47F

further to our discussion – s34(3)

s34(3)

apologies for the delay – computer problems

Free to discuss.

Pauline

s34(1)(d)

Pauline Sullivan

First Assistant Secretary

Content Division

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communications.gov.au / @CommsAu

arts.gov.au / @artsculturegov

infrastructure.gov.au / @infra_regional

I would like to acknowledge the traditional custodians of this land on which we meet, work and live. I recognise and respect their continuing connection to the land, waters and communities. I pay my respect to Elders past and present and to all Aboriginal and Torres Strait Islanders.

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s22

From: Cabinet <cabinet@infrastructure.gov.au>
Sent: Wednesday, 15 April 2020 9:05 PM
To: Cabinet; Executive; Middleton, Vicki; MILNES Gayle; MEDLAND Brad; QUIGLEY Janet; WOOD Richard; Sullivan, Pauline; FULTON, Caroline; HALL Jessica; Smith Philip; VINE-CAMP Kerryn; STANKEVICIUS Adam; McNeill, Jennifer; Paterson, Lachlann; PURVIS-SMITH Marisa; FOULDS Alex; Cabinet and Central Coordination Unit; s 47F
Cc: OPOKU Naa; s47F; DLO McCormack; s47F; s47F; s47F; CASTELLINO s47F; treasury.gov.au; s47F; Regional Outreach; Cabinet; Kathage, Tristan; s 47C; CASTELLINO Joe; s47F; WIELAND Donna; FARIS Chris; HOLM Oliver; s47F; s 47F; s47F; s47F; PEARSON Nicole; JOHNSON Andrew; RICHARDS Oliver; MANSON Hilary; s47F; DOLMAN Gary; WOLFE Jim; REDMOND Ann; s47F; HOWLETT Claire; s47F; STAGG Paula; Cabinet; DYMOWSKI Jason; s47F; Paterson, Lachlann; s47F; s 47F; s47F; DYMOWSKI Jason; HOLM Oliver; s47F; s 47F; s47F; s47F; PURVIS-SMITH Marisa; s47F; s47F; CASTELLINO Joe; s47F; Curnow, Justine; MILNES Gayle; s47F; s47F; Sullivan, Pauline; s47F; MOORE Simon; MEDLAND Brad; DARROUGH Mark; WOOD Richard; s47F; STAGG Paula; QUIGLEY Janet; s 47F; CHAPPLE Clare; s47F; STANKEVICIUS Adam; PEARSON Nicole; s47F; CARUSO Daniel; s 47F; s47F; Penprase, James; JOHNSON Andrew; WALL Ruth; RICHARDS Oliver; MANSON Hilary; FULTON, Caroline; s47F; DOLMAN Gary; MCCLURE Phil; FARIS Chris; Kathage, Tristan; Madsen, Andrew; s 47F; Blackwood, Rachel; Holloway, Leonie; Campton, Ann; s47F; Makin, Mike; RUSH, Rebecca; s47F; s47F; Silleri, Kathleen; RICHARDS Oliver; s47F; s47F; s 47F; RUSH, Rebecca; s47F; Cabinet; s47F
Subject: s34(3)
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

PROTECTED, SH:CABINET

Good evening,

s34(3)

s34(3)

Kind regards,

s47F

Cabinet Liaison Officer | Ministerial and Parliamentary Services
Governance, Parliamentary & Integrity | People, Governance & Parliamentary Division
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594, Canberra ACT 2601

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**Department of Infrastructure, Transport,
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s22

From: ARNOTT, Stephen
Sent: Thursday, 16 April 2020 10:13 AM
To: Sullivan, Pauline
Subject: s34(3)

Attachments:

Importance: High

One for you Pauline. Stephen

From: Cabinet
Sent: Thursday, 16 April 2020 10:03 AM
To: s47F ; Makin, Mike ; Middleton, Vicki ; McNeill, Jennifer ; Holloway, Leonie ; Sullivan, Pauline ; Cabinet ; ARNOTT, Stephen ; Windeyer, Richard
Cc: Cabinet and Central Coordination Unit ; s47F ; OPOKU Naa ; MILNES Gayle ; s47F ; s47F DOIT ; s47F DOIT ; s 47F ; Cabinet

s34(3)

Hi s and Communications FAS
 17

s34(3)

thanks and regards

s47F

Cabinet Liaison Officer

Ministerial and Parliamentary Services Section | Governance, Parliamentary and Integrity Branch | People, Governance and Parliamentary

Department of Infrastructure, Transport, Regional Development and Communications

s47F

e: Cabinet@infrastructure.gov.au

GPO Box 594, Canberra ACT 2601

From: Cabinet <cabinet@infrastructure.gov.au>
Sent: Wednesday, 15 April 2020 9:05 PM
To: Cabinet <cabinet@infrastructure.gov.au>; Executive <Executive@infrastructure.gov.au>; Vicki Middleton <vicki.middleton@communications.gov.au>; MILNES Gayle <Gayle.Milnes@infrastructure.gov.au>; MEDLAND Brad <Bradley.MEDLAND@infrastructure.gov.au>; QUIGLEY Janet <Janet.Quigley@infrastructure.gov.au>; WOOD Richard <Richard.Wood@infrastructure.gov.au>; Pauline Sullivan <Pauline.Sullivan@communications.gov.au>; caroline.fulton@arts.gov.au; HALL Jessica <Jessica.Hall@infrastructure.gov.au>; Smith Philip <Philip.Smith2@infrastructure.gov.au>; VINE-CAMP Kerry <Kerry.VINE-CAMP@infrastructure.gov.au>;

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 Cc: OPOKU Naa <Naa.Opoku@infrastructure.gov.au>; s 47F @infrastructure.gov.au; DLO
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 <Cabinet@communications.gov.au>; Tristan Kathage <tristan.kathage@communications.gov.au>; s 47F
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s34(3)

PROTECTED, SH:CABINET

Good evening,

s34(3)

Kind regards,

s47F

Cabinet Liaison Officer | Ministerial and Parliamentary Services
Governance, Parliamentary & Integrity | People, Governance & Parliamentary Division
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594, Canberra ACT 2601

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s22

From: Sullivan, Pauline
Sent: Thursday, 16 April 2020 10:15 AM
To: ARNOTT, Stephen
Subject: s34(3)

Yes - saw it. It is underway.

Sent from my iPhone

On 16 Apr 2020, at 10:13 am, ARNOTT, Stephen <Stephen.ARNOTT@arts.gov.au> wrote:

One for you Pauline. Stephen

From: Cabinet <cabinet@infrastructure.gov.au>
Sent: Thursday, 16 April 2020 10:03 AM
To: s 47F <[REDACTED]@communications.gov.au>; Makin, Mike <Mike.Makin@communications.gov.au>; Middleton, Vicki <Vicki.Middleton@communications.gov.au>; McNeill, Jennifer <Jennifer.McNeill@communications.gov.au>; Holloway, Leonie <Leonie.Holloway@communications.gov.au>; Sullivan, Pauline <Pauline.Sullivan@communications.gov.au>; Cabinet <Cabinet@communications.gov.au>; ARNOTT, Stephen <Stephen.ARNOTT@arts.gov.au>; Windeyer, Richard <Richard.Windeyer@communications.gov.au>
Cc: Cabinet and Central Coordination Unit <central.coordination@infrastructure.gov.au>; s 47F <[REDACTED]@infrastructure.gov.au>; OPOKU Naa <Naa.Opoku@infrastructure.gov.au>; MILNES Gayle <Gayle.Milnes@infrastructure.gov.au>; s 47F <[REDACTED]@infrastructure.gov.au>; s 47F <[REDACTED]@infrastructure.gov.au>; s 47F <[REDACTED]@infrastructure.gov.au>; s 47F <[REDACTED]@infrastructure.gov.au>; s 47F <[REDACTED]@infrastructure.gov.au>; Cabinet <cabinet@infrastructure.gov.au>

s34(3)

Hi s [REDACTED] and Communications FAS

s34(3)

thanks and regards

s47F

Cabinet Liaison Officer

Ministerial and Parliamentary Services Section | Governance, Parliamentary and Integrity Branch | People, Governance and Parliamentary Services
 Department of Infrastructure, Transport, Regional Development and Communications

s47F

e: Cabinet@infrastructure.gov.au
 GPO Box 594, Canberra ACT 2601

From: Cabinet <cabinet@infrastructure.gov.au>
Sent: Wednesday, 15 April 2020 9:05 PM
To: Cabinet <cabinet@infrastructure.gov.au>; Executive <Executive@infrastructure.gov.au>; Vicki

Middleton <vicki.middleton@communications.gov.au>; MILNES Gayle
 <Gayle.Milnes@infrastructure.gov.au>; MEDLAND Brad
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 Cc: OPOKU Naa <Naa.Opoku@infrastructure.gov.au>; s 47F
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 STAGG Paula <Paula.Stagg@infrastructure.gov.au>; Cabinet <Cabinet@communications.gov.au>;
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s 47F @infrastructure.gov.au>; CASTELLINO Joe <Joe.Castellino@infrastructure.gov.au>;
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s 47F @communications.gov.au>; Rebecca Rush
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s 47F @communications.gov.au>; Cabinet <Cabinet@communications.gov.au>;
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s 47F @communications.gov.au>

s34(3)

PROTECTED, SH:CABINET

Good evening,

s34(3)

s34(3)

Kind regards,

s47F

Cabinet Liaison Officer | Ministerial and Parliamentary Services
Governance, Parliamentary & Integrity | People, Governance & Parliamentary Division
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594, Canberra ACT 2601

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