15 June 2018

Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
CANBERRA ACT 2600

By email: pjcis@aph.gov.au

Dear Committee Secretary,

The Joint Media Organisations – whose logos appear above – appreciate the opportunity to make a submission to the Parliamentary Joint Committee on Intelligence and Security regarding the proposed Government amendments to the *Foreign Influence Transparency Scheme Bill 2017* (the Bill).

We thank the members of the Committee for the determined pursuit to invest the time to fully understand the issues raised by the media organisations and other submitters regarding the Bill. We also thank the Secretariat for its diligent work.

We also thank the Government for the proposed amendments to the Bill. By significantly narrowing the scope of the Bill the amendments substantially improve the Bill and markedly reduce the unintended consequences for media organisations as they undertake the ordinary course of their businesses.

This is not the first, and nor will it be the last, national security related Bill that is referred to the Committee for scrutiny. The Joint Media Organisations have, and will continue, to vigorously pursue the Australian public's right to know. We have, and will continue, to vigorously defend our democratic freedom to report these stories. We have, and will continue to, promote and ensure that our ability to report not be undermined and curtailed.

To that end we have previously, and will continue, to seek exemptions for media organisations where legislation directly and/or indirectly impacts the ability of media organisations to go about their business including public interest reporting. While we have yet to achieve this outcome, exemptions for media

organisations from such laws remains the optimal way to ensure that the fourth estate can most effectively discharge its role in a democratic society.

We request that the Committee recommend that the legislation (as passed by the Parliament) be reviewed three (3) years after its implementation. We request that such reviews become standard recommendations for Bills considered by the Committee.

We note that pursuant to discussions, the Government has agreed to consider inserting additional clarifications in the Explanatory Memorandum, so as to ensure the Government's intention regarding some matters is expressly understood. This would further assist media organisations in managing compliance with the Bill.

Specifically, we understand further clarification is being considered in relation to:

- Section 13(3) (as per the proposed amendments) – a possible clarification to express that 'producer' has a general meaning and denotes the person or organisation generally responsible for the content. This is as opposed to the media industry definition of 'producer', which specifies a person with a defined role within the content creation process;
- Section 13(3) (as per the proposed amendments) – a possible clarification that 'ordinary course of the disseminator's business' includes circumstances where a broadcaster broadcasts a channel, program or stream under an arrangement (content supply agreement) with a foreign principal; and
- Definition of 'general lobbying' – a possible clarification that political advertising is not intended to fall within this definition.

We note here that the PJCIS recently made 60 recommendations regarding the *National Security Amendment (Espionage and Foreign Interference) Bill 2017*. Some of these recommendations relate to the Government's proposed amendments that the media organisations submitted on in March 2018. The drafting to give effect to these recommendations is not yet available. We will review the drafting when it is available. Disappointingly, neither the Government amendments nor Committee recommendations include an exemption for public interest reporting.