

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]

IQ24-000089

Division/Agency: DIV - Digital Platforms Safety and Classification

Hansard Reference: Spoken, Page No. 58 (11 November 2024)

Topic: Consultation with DFAT on Explanatory Memorandum commentary

Matthew Canavan asked:

Senator CANAVAN: Did you ask the department of foreign affairs for any advice on the commentary in regard to other countries in this explanatory memorandum?

Mr Kursar: We have consulted.

Mr Chisholm: Yes, we consulted with all those agencies.

Senator CANAVAN: You did? Good. Maybe you need to take this on notice. Did you especially ask them about the commentary on the German and Italian political situation?

Mr Chisholm: We'll certainly take that on notice, but I want to reinforce—

Senator CANAVAN: I find it remarkable that we would make such commentary about an ally.

Mr Chisholm: It's not comment about the country.

Senator CANAVAN: It is.

Mr Chisholm: It's not even a comment about the candidates themselves. It's about the misinformation—

Senator CANAVAN: That the government party was spreading. The article accused the government party of spreading fake news.

Mr Chisholm: that had an influence over electoral preferences—.

Answer:

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts consulted with the Department of Foreign Affairs and Trade on a draft of the Explanatory Memorandum.

The Explanatory Memorandum to the Combatting Misinformation and Disinformation Bill 2024 (the Bill) cites a number of academic studies that are intended to provide a contextual reference only. These studies highlight the systemic challenges of misinformation and disinformation on digital communications platforms and provide a general context for how the amplification and automated spread of content online can have real world impacts.

The intent of the Bill is to set a high and targeted threshold for the definition of misinformation and disinformation. It does not intend to cover all dissemination of content that may be considered to be false, but rather, only focuses on dissemination of content (including asserted facts in opinions, claims, commentary and invective) that:

- is reasonably verifiable as being false, misleading or deceptive, and

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- is reasonably likely to cause or contribute to serious harm, and
- has significant and far-reaching consequences for Australians, or severe consequences for an individual in Australia.