

**Senate Environment and Communications Legislation Committee
COMMUNICATIONS LEGISLATION AMENDMENT (COMBATTING
MISINFORMATION AND DISINFORMATION) BILL 2024 [PROVISIONS]**

**RESPONSE TO QUESTION ON NOTICE
Australian Electoral Commission**

Subject: Voice agents
Question date: 17 October 2024
Question type: Hearing Proof Hansard, page 33
Response date: 24 October 2024

Question

Senator DAVID POCOCK: Potentially. Just to clarify, if you have a voice agent making calls, then it's not a robocall and it's not prerecorded; it's, 'Hello, how are you doing?'

Mr Rogers: 'I'm a robot interacting with you'—effectively.

Senator DAVID POCOCK: Yes. Where would the authorisation sit under the Electoral Act?

Mr Rogers: Well, as it currently does—those matters are regulated at the moment under the Electoral Act. There would need to be an authorisation.

Senator DAVID POCOCK: If you're having a 15-minute conversation with a voter, when does the voice agent make an authorisation?

Mr Pope: It's currently, under the determination, at the start of the call.

Senator DAVID POCOCK: So, if you're voice banking, at the start of the call you have to disclose that you are?

Mr Pope: That's correct.

Senator DAVID POCOCK: And that would extend to non-human actors, under the legislation?

Mr Rogers: Senator, I'm going to give you an interim answer, which is yes. But it's a complex issue, and I might just view that a little more deeply and come back to you with a very detailed answer.

Senator DAVID POCOCK: Thanks very much. Thanks, Chair.

Response

Section 321D of the *Commonwealth Electoral Act 1918* (Cth) requires that communications of electoral matter be authorised if the communication is either a paid advertisement or communicated by or on behalf of a disclosure entity (i.e. a candidate, political party, associated entity, significant third party).

Commonwealth Electoral (Authorisation of Voter Communication) Determination 2021 requires that auditory communications which are not radio broadcasts to include a spoken authorisation at the beginning of the communication. Depending on the person or entity that is responsible for the call, the spoken authorisation must include as a minimum the name of the responsible person or entity and the town or city of that person or entity.

A telephone call communicating electoral matters that is paid or communicated by or on behalf of a disclosure entity, would require an authorisation at the beginning of the call. This could include communications via pre-recorded messages (robocalls), telephone operators, or machine-learning 'voice agents' that are communicating electoral matter on behalf of a disclosure entity or another paying individual or entity.