

QUESTION ON NOTICE
Select Committee on Foreign Interference through Social Media
PUBLIC HEARING
Wednesday 12 July 2023

Agency: Australian Communications and Media Authority

Topic: Definitions of misinformation and disinformation

The Committee asked:

The Committee would appreciate clarification or, if necessary, correction in relation to the following exchange between yourself and Senator Chandler:

Senator Chandler: Do you think platforms are best placed to decide what is true and what is false?

ACMA Chair: I don't think that's what the code requires. The code requires them to deal with misinformation and disinformation on their platforms.

Senator Chandler: Aren't we talking about the same thing?

ACMA Chair: No. The definition is drawn out in the exposure draft about what misinformation definition, for the purpose of this activity, is defined as, not whether particular pieces of content are true or false.

Assuming the exposure draft you referred to in your answer is the exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023 (the Bill), the definitions of both misinformation and disinformation in that draft do require a determination on whether the content contains information that is 'false, misleading or deceptive' under section 7 (1) (a) and (2) (a) respectively.

It would appear from the definition of misinformation and disinformation in the exposure draft of the Bill that digital platforms will be required to make judgements regarding several criteria, including on whether content is false.

Please clarify your evidence on this matter.

Answer:

The definition of misinformation and disinformation in the exposure draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023, requires platforms to determine whether content is false, misleading or deceptive and that the content is reasonably likely to cause or contribute to serious harm.

The Australian Communications and Media Authority Chair's response was intended to clarify both that

- (a) False is only one part of the first limb of each test, and that content could be misleading or deceptive but not false, and
- (b) that platforms would be required to assess content against both limbs of each test not only if the content was false.

The definitions of misinformation and disinformation in the current voluntary code also require platforms to determine whether content is false or misleading or deceptive and that the dissemination of the content is reasonably likely to cause harm.