

From: Louise Parrott
Sent: Fri, 9 Apr 2021 11:18:27 +1000
To: Tim Courtney
Cc: Justin Sowden; Authorisation Section
Subject: For your review/communication with ELT if needed - Draft response to Complaint regarding Guardian article - ^{S 22} [REDACTED] *WWW* [SEC=OFFICIAL]

Hi Tim

Justin has drafted a response for him to send to the complaint we received regarding the Guardian article. This draft response is consistent with similar responses sent in 2019 when we were looking into an issue raised in a complaint.

Given ELT asked to be kept abreast of communications regarding this issue I am sending it to you for your review before we send out the response.

We would be happy to discuss.

Louise

Louise Parrott | Principal Government Lawyer
 Electoral Authorisations & Fraud Investigations Section | Legal & Procurement Branch
 Australian Electoral Commission
 T: (02) 6271 4759 X: 21418



AEC

Australian Electoral Commission

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From: Justin Sowden <Justin.Sowden@aec.gov.au>
Sent: Friday, 9 April 2021 11:13 AM
To: Louise Parrott <Louise.Parrott@aec.gov.au>
Subject: RE: [COMPLAINT Political parties and candidates - Not listed] ^{S 22} [REDACTED]
 WWW [SEC=OFFICIAL]

Hi Louise

Draft response below for review/consultation:

.....

Dear ^{S 22} [REDACTED]

I refer to your submission through the Australian Electoral Commission (AEC) website below. I have been asked to respond on behalf of the AEC.

Under the *Commonwealth Electoral Act 1918* (Electoral Act), certain communications of electoral matter are required to include an authorisation so that voters know who is communicating electoral matter to them.

Section 4AA(1) of the Electoral Act defines 'electoral matter' as:

"matter communicated or intended to be communicated for the dominant purpose of influencing the way electors vote in an election (a **federal election**) of a member of the House of Representatives or of Senators for a State or Territory, including by promoting or opposing:

- (a) a political entity, to the extent that the matter relates to a federal election; or
- (b) a member of the House of Representatives or a Senator."

Where a communication contains 'electoral matter', it is then only required to include an authorisation where:

- (a) the matter is an electoral advertisement where all or part of the distribution or production of the advertisement was paid for and the content of the advertisement was approved by a person;
- (b) the matter forms part of a sticker, fridge magnet, leaflet, flyer, pamphlet, notice, poster or how-to-vote card; or
- (c) the matter is communicated by, or on behalf of, a disclosure entity (which is defined to include a member of the House of Representatives, a Senator, etc.) and it is not an item mentioned in (a) or (b).

These requirements are set out in Part XXA of the Electoral Act.

In regards to the Facebook pages referred to in The Guardian article cited in your submission below, I can confirm that the AEC is currently investigating these Facebook pages to determine which person is responsible for the administration of these pages and therefore whether these pages should have been authorised at the relevant time.

Failure to authorise the communication of electoral matter where required may result in the courts imposing a civil penalty of 120 penalty units. The value of a penalty unit is currently \$222. This penalty is set out in section 321D(5) of the Electoral Act.

Yours sincerely

Justin Sowden | Senior Lawyer
Legal Services Section | Legal & Procurement Branch
Australian Electoral Commission
T: (02) 6271 4595



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From: [REDACTED] S 22 [REDACTED] S 22 [REDACTED] S 22 [REDACTED] S 22
Sent: Tuesday, 6 April 2021 3:13 PM
To: Complaints Management <Complaints.Management@aec.gov.au>
Subject: [COMPLAINT Political parties and candidates - Not listed] S 22 [REDACTED] *WWW*
[SEC=OFFICIAL]

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Form submitted: 06/04/2021 03:13 PM

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Complaint

Category Political parties and candidates - Not listed

Primary Details

Given name(s):

Surname:

Organisation:

Email:

Phone number:

Electoral division:

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Complaint Details

I would like to see these allegations investigated, please.

<https://www.theguardian.com/australia-news/2021/apr/06/liberal-mp-andrew-laming-used-dozens-of-facebook-pages-to-promote-1np-and-attack-opponents>

Expected Outcome

If these allegations are in fact true, what the consequences for the politician and the party? Thank you.

Additional Information

Address:

Line 2:

S 22

Locality:

State:

Postcode:



I am a silent elector: No