

From: media
Sent: Wed, 7 Apr 2021 11:25:25 +1000
To: Executive Leadership Team
Cc: David Lang;Bernadette O'Meara;media;Louise Parrott;Justin Sowden;Alex Morris;Mark Batistich;Isabella McCormick
Subject: FYI: Guardian response re Laming FB authorisation [SEC=OFFICIAL]

Hi all

The below response has now been sent to The Guardian. The response simply confirms our investigation of the matter and otherwise provides minor extraneous details re application of the law. Receipt has been acknowledged & we can expect a follow-up article very soon with AEC investigation as a lead.

Twitter activity

There is a reasonable level of Twitter activity on the matter off the back of tweets like the ones below. The general response in relation to the AEC – from members of the public - is a mixture of “don’t expect AEC to do anything”, “the AEC is biased so won’t take action” and “they don’t have any power to take action”. As is standard on the channel – purple signs have been raised a number of times.

We will monitor Twitter traffic and provide some select responses – based on the below enquiry response.

Cheers
Evan



Virginia Trioli @LaTrioli · 17h

What. A. Story.



180 584 1.7K



Sarah Martin @msmarto · 20h

New from me: Liberal MP Andrew Laming has set up dozens of Facebook pages to attack his opponents, including a fake "institute" and phoney community news pages



122 671 1.2K

Evan Ekin-Smyth

Principal Media Advisor

Australian Electoral Commission

T: (02) 6271 4419 X: 21085 M ^{s 47F}

www.aec.gov.au/media



AEC

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From: media <media@aec.gov.au>
Sent: Wednesday, 7 April 2021 11:04 AM
To: s 47F @theguardian.com>
Cc: media <media@aec.gov.au>
Subject: RE: Laming Facebook pages without political authorisation [SEC=OFFICIAL]

Hi s 47F

Apologies for not getting back to you earlier.

As discussed yesterday afternoon, the AEC looks at information either referred to us or available in the public domain - including through media coverage. If there is a potential application of the *Commonwealth Electoral Act 1918* then we follow up on that information.

With regard to the Facebook activity mentioned in your article published yesterday, I can confirm that we will be investigating the requirement for electoral authorisation.

Again as discussed – and as outlined in our [electoral backgrounder on authorisations](#) – a key purpose of the authorisation laws is to allow voters to know who is communicating. To require an authorisation statement the communication needs to be deemed ‘electoral matter’. I’ve pasted a screen shot from the electoral backgrounder that provides a dot point around unpaid content by disclosure entities being one of the tests for determining if a piece of communication is ‘electoral matter’.

Q. What is an electoral communication?

A. An electoral communication is the communication of ‘electoral matter’:

- in the form of ‘paid for’ advertisements, including where all or only part of the distribution or production of the advertisement was ‘paid for’;
- in the form of promotional items, such as stickers, fridge magnets, leaflets, flyers, pamphlets, notices, posters and how-to-vote cards; or
- by, or on behalf of, a disclosure entity, that is intended to affect voting in a federal election.

Cheers
Evan

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From: s 47F @theguardian.com>
Sent: Tuesday, 6 April 2021 5:04 PM

To: media <media@aec.gov.au>

Subject: Laming Facebook pages without political authorisation

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Hi Evan, as discussed, here is the story,

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

And have a look at ^{s 47F} [REDACTED] Tweets which have pulled out some examples from some of the pages which he says suggests disclosure required.

[https://twitter.com/^{s 47F} \[REDACTED\]/status/1379303705447591936?s=20](https://twitter.com/^{s 47F} [REDACTED]/status/1379303705447591936?s=20)

Also keen to know if paid advertising makes any difference or not to the requirement of disclosure.

Thanks so much.

--

^{s 47F} [REDACTED]

Chief political correspondent
The Guardian | Australia

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