

From: media
Sent: Wed, 7 Apr 2021 11:50:39 +1000
To: Executive Leadership Team
Cc: media
Subject: RE: Guardian response re Laming FB authorisation [SEC=OFFICIAL]

FYI: Follow-up enquiries from 7 & ABC have now both been provided the same response. Will continue to provide the same for others

Evan Ekin-Smyth

Principal Media Advisor

Australian Electoral Commission

T: (02) 6271 4419 X: 21085 M: S 47F

www.aec.gov.au/media



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From: media <media@aec.gov.au>
Sent: Wednesday, 7 April 2021 11:40 AM
To: Tom Rogers <Tom.Rogers@aec.gov.au>; media <media@aec.gov.au>; Executive Leadership Team <ExecutiveLeadershipTeam@aec.gov.au>
Subject: RE: Guardian response re Laming FB authorisation [SEC=OFFICIAL]

Hi all,

Guardian Australia have [published our response](#) as part of their live news blog.

11m ago

11:27



Sarah Martin

The Australian Electoral Commission has confirmed that it will investigate Liberal National MP Andrew Laming over more than 30 Facebook pages that he operates without any disclosure of his involvement.

As reported by us on Tuesday, Laming has set up dozens of Facebook pages under the guise of community and news groups, including one that poses as a fake education institute.

According to the Australian Electoral Commission, political authorisation is required for “information that is a matter communicated, or intended to be communicated, for the dominant purpose of influencing the way electors vote in a federal election”.

“ *This includes, but is not limited to, a communication that expressly promotes or opposes a candidate, political party, member or senator.*

The disclosure laws, which were updated following the 2016 election, also explicitly include social media posts, requiring authorisation details either in the message or through the page’s biography details.

Laming is currently on leave for clinical and empathy counselling following revelations that he stalked two Brisbane online and took a cover photograph of a woman’s bottom with her underwear exposed.

Kind regards,

Alex Morris | Digital and Social Media Manager
 Communications Section | Digital Technology & Communications Branch
 Australian Electoral Commission
 T: (02) 6271 4786 X: 21303 M: s 47F

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From: Tom Rogers <Tom.Rogers@aec.gov.au>
Sent: Wednesday, 7 April 2021 11:27 AM
To: media <media@aec.gov.au>; Executive Leadership Team
 <ExecutiveLeadershipTeam@aec.gov.au>
Subject: RE: Guardian response re Laming FB authorisation [SEC=OFFICIAL]

Thanks, Evan – we'll need to make sure we move pretty smartly with this.

Tom Rogers | Electoral Commissioner
 Australian Electoral Commission
 T: (02) 6271 4400 X: 21000



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From: media <media@aec.gov.au>
Sent: Wednesday, 7 April 2021 11:25 AM
To: Executive Leadership Team <ExecutiveLeadershipTeam@aec.gov.au>
Cc: David Lang <David.Lang@aec.gov.au>; Bernadette O'Meara <Bernadette.OMeara@aec.gov.au>;
 media <media@aec.gov.au>; Louise Parrott <Louise.Parrott@aec.gov.au>; Justin Sowden
 <Justin.Sowden@aec.gov.au>; Alex Morris <Alex.Morris@aec.gov.au>; Mark Batistich
 <Mark.Batistich@aec.gov.au>; Isabella McCormick <Isabella.McCormick@aec.gov.au>
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

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

Hi ^{s 47F} [REDACTED]

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

Evan Ekin-Smyth
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From: ^{s 47F} [REDACTED] <[\[REDACTED\]@theguardian.com](mailto:[REDACTED]@theguardian.com)>
Sent: Tuesday, 6 April 2021 5:04 PM

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

Subject: Laming Facebook pages without political authorisation

CAUTION: This email originated from outside of the Australian Federal Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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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