

From: Justin Sowden
Sent: Fri, 9 Apr 2021 12:57:58 +1000
To: Louise Parrott
Subject: RE: [COMPLAINT Political parties and candidates - Not listed]
 (4558) *WWW* [SEC=OFFICIAL]

§ 22

Hi Louise

Amended response below from our discussions with Tim:

Dear

§ 22

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.

Further information is available in the Electoral Communications Backgrounder on the AEC website [here](#).

Yours sincerely

Electoral Authorisation and Investigations Section | Legal & Procurement Branch
Australian Electoral Commission
13 23 26



AEC

Australian Electoral Commission

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From: Justin Sowden

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}

WWW [SEC=OFFICIAL]

Hi Louise

Draft response below for review/consultation:

.....

Dear ^{S 22}

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.

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Yours sincerely

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



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From: Jude Bremer <Jude.Bremer@aec.gov.au>
Sent: Wednesday, 7 April 2021 9:35 AM
To: Justin Sowden <Justin.Sowden@aec.gov.au>
Cc: Louise Parrott <Louise.Parrott@aec.gov.au>; Craig Batchelor <Craig.Batchelor@aec.gov.au>
Subject: FW: [COMPLAINT Political parties and candidates - Not listed]^{S 22}
WWW [SEC=OFFICIAL]

Hi Justin

Can you action and discuss with Louise as these do not relate to fraud.

Thanks

Jude

Jude Bremer | Senior Investigations Officer
Electoral Authorisation Section | Legal & Procurement Branch
Australian Electoral Commission
T: (02) 6271 4724 | X: 21820



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From: Louise Parrott <Louise.Parrott@aec.gov.au>
Sent: Wednesday, 7 April 2021 9:28 AM
To: Craig Batchelor <Craig.Batchelor@aec.gov.au>; Jude Bremer <Jude.Bremer@aec.gov.au>
Subject: RE: [COMPLAINT Political parties and candidates - Not listed] ^{S 22} [REDACTED]
 WWW [SEC=OFFICIAL]

Thanks Craig,

I don't have access yet so thanks for forwarding in the meantime.

Jude is this one you can look into with Craig's assistance if needed? It may be something that the complainant needs to take up with Facebook/the party.

Louise

Louise Parrott | Senior Government Lawyer
 Electoral Authorisation Section | Legal & Procurement Branch
 Australian Electoral Commission
 T: (02) 6271 4447 X: 21750



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From: Craig Batchelor <Craig.Batchelor@aec.gov.au>
Sent: Wednesday, 7 April 2021 7:44 AM
To: Louise Parrott <Louise.Parrott@aec.gov.au>
Cc: Jude Bremer <Jude.Bremer@aec.gov.au>
Subject: FW: [COMPLAINT Political parties and candidates - Not listed] ^{S 22} [REDACTED]
 WWW [SEC=OFFICIAL]

Good Morning Louise,

I am not sure if you have access to the electoral authorisations mailbox yet? The below email came in yesterday afternoon for your review and consideration.

Thanks

Warm regards,

Craig Batchelor | Investigations Officer, Fraud Investigation Unit
 Electoral Authorisation Section | Legal & Procurement Branch
 Australian Electoral Commission
 T: (02) 6271 4771 X: 22038 M ^{S 47F} [REDACTED]



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From: Complaints Management <Complaints.Management@aec.gov.au>

Sent: Tuesday, 6 April 2021 4:03 PM

To: Electoral Authorisation - NO <ElectoralAuthorisation-NO@aec.gov.au>

Subject: FW: [COMPLAINT Political parties and candidates - Not listed] S 22

WWW [SEC=OFFICIAL]

Hi Folks,

See below complaint, which I think should probably fall to you for consideration and response, please.

Thanks in advance.

Thanks

Peter

Peter Mahon | Assistant Director

Parliamentary and Party Registration Section | Disclosure, Assurance & Engagement Branch

Australian Electoral Commission

T: (02) 6271 4534 X: 21140 M: S 47F



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From: S 22 S 22 S 22 @ 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 *WWW* [SEC=OFFICIAL]

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.

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:

S 22

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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-lnp-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:

Locality:

State:

Postcode:

S 22

I am a silent elector: No