



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

BILLS

**Electoral and Other Legislation
Amendment Bill 2017**

Second Reading

SPEECH

Tuesday, 5 September 2017

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Tuesday, 5 September 2017 Page 73 Questioner Speaker O'Brien, Ted, MP</p>	<p>Source House Proof Yes Responder Question No.</p>
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Mr TED O'BRIEN (Fairfax) (18:37): I thank the members opposite for supporting the Electoral and Other Legislation Amendment Bill 2017. It does not surprise me that they will not be supporting other measures that will be pursued from a trigger in the last federal election, which, of course, was Labor's 'Mediscare' campaign. It was a campaign that was corrupt. It was deceitful. It was deliberate. Sadly, as we heard from the member for Rankin, they still to this day are proud of their deceitfulness, of their deliberate communicative corruption. If you heard the member's speech, there was a threat. Lessons have not been learnt, apparently. They have every intention to do such things again.

One million counterfeit Medicare cards that looked absolutely like the real thing in terms of size, colour, graphic design and even the Medicare logo were printed, and they carried this message:

1. SAVE BULK BILLING
 2. STOP MEDICARE PRIVATISATION
 3. KEEP TESTS AND MEDICINES AFFORDABLE
- PUT THE LIBERALS LAST

That was all there was on the face of the fake cards that very deliberately looked just like the real thing, and the key word was 'privatisation', something that was not, never has been and never will be contemplated by coalition.

On the opposite side of the card, on the mock card that it was, was the authorisation that was behind other dishonest messaging, including 'Vote to save Medicare'. The authorisation read: 'Authorised by Dave Oliver, ACTU Secretary, 365 Queen Street, Melbourne. Printed by Kosdown Printing, 10 Rocklea Drive, Port Melbourne, Victoria.' This fake card, purported to carry a Medicare backed message, became the centrepiece of a highly coordinated, highly orchestrated, totally dishonest and deceitful campaign by the Australian Labor Party. They were trying to do nothing less than steal the 2016 election, based on palpable untruths.

The ACTU handed out one million of these cards, mostly at polling booths in the final two weeks of the campaign. Its members often heaved their way into poll position at pre-poll booths. They also dominated, where they could organise it, with corflutes that carried similar messages. The very local message at these booths that was barked at everybody who went through the door was 'Save Medicare'. GetUp!—the left-wing activist organisation that was partly formed by Labor—(*Quorum formed*) Isn't it interesting that we had a member of the opposition calling for quorum because he wanted to hold back debate. He wanted to ensure I had less time to speak. Do you know why he wanted to do that? Because I mentioned those terrible words they don't want to hear: the GetUp! organisation. They understand that their leader was instrumental in funding this left-wing political activist group that helped them purport dishonesties and a disgraceful Mediscare campaign in the 2016 election, and they will do whatever it takes to take GetUp! off the political agenda. But we will not take it off the political agenda, and that is why, despite the member for Rankin's previous protestations, we will ensure that the subsequent measures associated with this bill will, indeed, be pursued. The member for Rankin made it very clear that the Labor Party intends to do it all over again in 2019, or whenever the next federal election is held.

The very high degree of thought that Labor put into this deliberate effort to hoodwink the country and sidestep the law as it exists, pending reforms proposed by this and other bills, is apparent on a couple of levels. One giveaway concerns Labor's sidestepping of the constraints on impersonation that exists in current legislation or just too glib—too obvious. It is illegal under the Criminal Code to impersonate a Commonwealth official. The act is silent, however, on the impersonation of an agency of the Commonwealth, a situation that will soon be remedied under a supplementary bill to the amendment being considered today.

So when the ACTU printed those one million fake Medicare cards, as if they were generated by Medicare itself, they were technically within the law. Even though it is obvious that if Medicare was, indeed, behind the card, then someone at Medicare, an official at Medicare, would have to enable the cards to be printed. Obviously, there was no such involvement by anyone at Medicare. And Labor, and its mates at the ACTU, knew that what they were doing by mimicking the Medicare logo and precise card format wasn't actionable under current law due to that technicality, just as the ACTU knew that the current law around authorisation for electoral material had a loophole large enough for them to drive their dishonest intent through.

Under the current law, requirements relating to authorisation on electoral material are designed to ensure that people know just who is presenting them with election information. That has been the case through various iterations of the electoral laws since their first form in 1902. Obviously, just who it is that is presenting information aimed at influencing your vote is important, relevant information to have on a range of levels. If an extraordinary proposition is being put, such as a suggestion that one party in a political contest intends to privatise an agency as critical as Medicare, then the impact of that message on people and potentially on their voting intention is going to be significantly downgraded if the authorisation makes clear that the suggestion is being made by a direct opponent.

At another level, the authorisation gives the recipient and, indeed, electoral authorities, an avenue of contacting whoever produced the material. That is important if there are questions about the information or, indeed, there is an intention to launch legal action. There are quite specific requirements in relation to these authorisations across a range of methods of transmission of electoral material, but Labor obviously went looking for and found the loopholes in order to engage in what they hoped would be election-winning corruption. If the electoral information is, for example, a how-to-vote card, then there must be an authorisation on both sides of the card because it is clearly possible, indeed it is even likely, that someone who looks at a how-to-vote card only looks at that side of the card that has the relevant information on it for them to cast their vote. If there is no need to turn it over, often they don't. It is because of this danger—and only recently has it become so apparent—that the parliament instructed that the name of the person authorising how-to-vote cards, along with their address, had to be printed on both sides to overcome just that possibility, even that probability. That is why the how-to-vote cards ended up being authorised on both sides.

What was missed, however, by the parliament, when that decision was made, was that some forms of other published material were left with the requirement, as had previously been the case, whereby authorisation was only required at the end of the information—at the end of the document. Arguably, at least in the legal sense, therefore, the authorisation that Dave Oliver of the ACTU put on the flip side of the card, which he self-evidently wanted everybody to think was a real Medicare card with Medicare-endorsed messages, was right at the end of the information, even though the dangers in relation to missing it were no doubt crystal clear, indeed central, to Mr Oliver's purpose and intent.

His punt, his belief, was that people wouldn't turn the card over. His hope was that people would think the card was actually from Medicare, endorsed by Medicare. Because he was impersonating a Commonwealth agency and not a Commonwealth official, he and his intended beneficiary, the Labor Party, would be in the clear. Indeed, that is what the Australian Electoral Commission found when it considered whether it ought to take action over this fake card. It couldn't. The authorisation information was there, however deliberate the effort was to cover it up. The Australian Federal Police also realised that they could not take action because the impersonation was of the agency itself and not of the official.

So Labor and its patsies, in perpetrating 'Medicare', took full advantage of the letter of the law and totally ignored the spirit of the law governing electoral material to try and steal the 2016 federal election. This bill, as presented before the House today, seeks to close a loophole that will not be open to Labor, the unions or even their best mates GetUp! at the next election. A range of changes to the authorisation regime will be put in place by the Australian Electoral Commission, which will gain broad new powers. It will have new injunctive powers and information-gathering powers to support enforcement. The AEC will also be able to issue legislative instruments to explain how communications in various media should be authorised as they emerge.

As much as the Labor Party celebrate the corrupt activity of the 'Medicare' campaign, change is required. That change needs to be legislative change. It is the only way we can close these loopholes for the Australian vote of the Australian people.