



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

BILLS

**Criminal Code Amendment (Impersonating
a Commonwealth Body) Bill 2017**

Second Reading

SPEECH

Monday, 5 February 2018

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Monday, 5 February 2018</p> <p>Page 105</p> <p>Questioner</p> <p>Speaker O'Brien, Ted, MP</p>	<p>Source House</p> <p>Proof Yes</p> <p>Responder</p> <p>Question No.</p>
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Mr TED O'BRIEN (Fairfax) (16:49): This is the 'Mediscare' bill. This Criminal Code Amendment (Impersonating a Commonwealth Body) Bill is the bill that, if enacted, would send Labor operatives to jail for up to two years if they ever again try to impersonate a Commonwealth agency in order to try and steal an election from the Australian people with a lie. In the 2016 election campaign, Labor and its mates in the union movement made over one million mock Medicare cards, deliberately designed to look like the real thing, in order to trick people into believing that the coalition intended to privatise Medicare—to sell it off. Labor and, of course, unionised Labor had their people manning polling booths that said 'Save Medicare'; pushing literature, often quite aggressively, onto voters; and framed by Australian Council of Trade Unions funded and authorised placards also bearing the Medicare logo, declaring that the coalition would privatise Medicare. Labor even sent out a text message on the very morning of 2 July 2016, election day, that identified Medicare as the sender of the message, which said:

Mr Turnbull's plans to privatise Medicare will take us down the road of no return. Time is running out to save Medicare.

The Labor campaign was built almost exclusively on expanding the essential 'Mediscare' message—that the coalition would privatise Medicare.

Labor, right throughout the campaign, knew very well there was no plan to privatise Medicare. However, Labor also knew that there would be an electoral advantage if it could convince enough people, hoodwink enough people, that there was a plan to privatise Medicare. So it carefully prosecuted a preposterous lie—the biggest campaign lie, I dare say, in the history of politics in this country—and brought it to a climax of deception right on polling day to try and steal the election. And you know what? It nearly worked. It nearly worked, as Labor and its shady operatives have repeatedly boasted since. Sally McManus, now Secretary of the ACTU, and ACTU campaign director during the 2016 election, has boasted about the effectiveness of the 'Mediscare' campaign in winning votes for the Labor Party. She said:

Just look at the statistics—we got a 5.5 per cent swing in the seats we targeted.

And there were over 20 seats. The overall swing to Labor in the election was two per cent. In nine of the 13 seats that Labor won at the election, the margin was well within the 5½ per cent swing Labor said it achieved in seats targeted by the 'Mediscare' blitz. A couple more seats were just outside. So, if the 'Mediscare' lie had been accepted by only a few thousand more Australians, Labor would be in government today—on the back of a bold-faced lie that it sought to dupe voters into thinking was from Medicare itself. What a complete absence of decency and morality. What a stain on the principles of our democracy. In 2016, Labor decided that their policies couldn't win the election. Only a disgraceful, dishonest scare campaign could make up for their threadbare policy platform and give them any chance of winning. What complete losers you must perceive yourselves to be that you have to come up with such a vile distortion of the old adage 'whatever it takes'.

The opposition leader was comprehensively pinged for it mid-campaign, on the 7.30 program, and his response just underscores how slippery, how dishonest and how defeatist this whole thing was. Leigh Sales asked:

Isn't the message that you're sending with your hyperbole around Medicare that you don't think that the truth alone can win you the election?

She got some disassembling nonsense from the opposition leader in reply, so she tried again. Leigh Sales said:

... put your hand on your heart and look Australians in the eye and say that the Coalition has a policy to privatise Medicare?

Do you think the opposition leader did that? No, he didn't. He didn't, because he simply couldn't. Not once did the Leader of the Opposition have the guts to face off with Leigh Sales and go on the record to perpetrate the lie.

The Leader of the Opposition knew 'Mediscare' was a lie—after all, he was most assuredly at the table when Labor made it up. He also knew it was incredibly effective, so effective, in fact, that it quickly became the centrepiece of Labor's campaign. Indeed, the very next day after Leigh Sales' interview was the Labor Party's campaign launch in Penrith. It was billed as a 'save Medicare' rally, and it was where—surprise, surprise!—the opposition leader wasn't nearly as wary of the issue that he'd been dodging the night before. 'They're pretending,' the opposition leader told the rally in reference to the claim that privatising Medicare was in fact part of the coalition's plan. But, as we now know, it was in fact the opposition leader who was pretending. He was pretending that there was such a plan, because he knew there was not. Why was he pretending? The opposition leader was pretending simply because he knew that, if Labor could fool enough people, he may well become Prime Minister. Whatever it takes: forget about respecting the electorate, forget about being straight with the Australian people and forget about that old phrase we use 'fair dinkum'. Is this what today's Labor Party has become: to win at any cost, including the complete loss of one's morality? No matter how many lies and no matter how much political muckraking they have to wade through, it's all about whatever it takes.

That episode alone—those 24 hours in July 2016—epitomises precisely why the Australian Labor Party and this Leader of the Opposition are totally unfit for government. They are unfit to govern when they resort to tactics which usually belong to tin-pot dictatorships with make-believe, rigged elections. Any party and any leader so bereft of good ideas and good policies that they feel the need to deliberately concoct for the Australian people the likes of 'Mediscare', as their only hope of winning an election, is clearly unfit not only for government but also to represent even one solitary citizen of this great country.

The extraordinary thing is that Labor was so reliant on and so enamoured of this scam that by the halfway point it was effectively, and probably by design, the sole focus of virtually every aspect of Labor's national campaign and seat-by-seat campaigns. It was ramping up steadily, via a coordinated plan, ever building to a crescendo of fabrication. The opposition leader's bus that he used to tour the country underwent a mid-campaign repaint to emphasise the now all-pervasive 'Mediscare' theme. Election events for the opposition leader became almost exclusively rallies allegedly to save Medicare from, as we now know, a fictitious privatisation plan. And you know what? It almost worked.

And even more extraordinarily, without the measures contained in this bill, Labor would most assuredly do it all again if they had the opportunity. That's obvious from the lack of contrition, and indeed the bragging, that has been displayed time and again by Labor luminaries indulging in retrospectives on this issue. They defend it. They say it wasn't against the law to do what they did. They make the point that the Australian Federal Police, after the matter was referred to them, found that there had been no breach of Commonwealth statutes—no offence committed. And, indeed, there wasn't any such breach, because what Labor had done with this campaign was drive a truck through a loophole in the law—a loophole they had tested and no doubt determined was there, just waiting for them to exploit it.

It is illegal to impersonate a Commonwealth official. It is not illegal to impersonate an arm of the Commonwealth, an agency of the Commonwealth, such as, pointedly, Medicare. Labor's National Secretary, Noah Carroll, actually told the Joint Standing Committee on Electoral Matters that the 'Mediscare' text message was all about freedom of speech—political debate. He said, and I quote, 'This is a healthy thing.' He also said, and I quote directly from his evidence:

I do not think it necessarily mattered who people thought that message came from; I think the reality of it is that people believed it full stop. That is why it was effective.

Therefore, according to the man who will probably be running Labor's next federal campaign, together with this Leader of the Opposition, the message to their troops is: 'Whatever it takes. No matter how immoral it is, whatever it takes. If you can get away with it, never mind the truth; just do it.' That's their approach. 'If it effectively sways even short-lived opinion, then run with it.' That is their strategy. This is gutter politics. Unfortunately, it is also the politics of today's Australian Labor Party. This is the politics of wilful deception, akin to deliberately releasing a pernicious virus that exploits digital and social media, infecting whole electorates with a lie.

This bill before the House today aims to stop the Labor Party from ever being able to run such a campaign again. It extends the illegality of impersonating a Commonwealth officer to also include impersonating a Commonwealth

agency such as Medicare. The maximum penalty for doing so will be two years in prison, which is commensurate with the current penalty for impersonation of a Commonwealth official. This bill also creates a mechanism for injunctions against such behaviour, which is important if in the future any political party or organisation attempts to run a similar deception campaign.

Can I also say it is immensely telling within the context of this debate that, if reports are right, Labor has indicated an amendment to the bill to make it a defence if offending communications—that is, communications falsely claiming to come from a Commonwealth body—are authorised under electoral legislation. Can you believe the guile of the Australian Labor Party? We assume they, on the one hand, accept the proposition that it should be unlawful to deliberately deceive the Australian people, but on the other they seek to add 'except where the lie is officially authorised during an election campaign'. Good God! Just how morally bankrupt has the Australian Labor Party become?

Australia requires the passage of this bill, with no self-serving amendments and no 'get out of jail free' cards. At the end of the day they can dodge all they like, but it is time they are held to account.