



Australian Government
**Department of Health
and Aged Care**



Australian Government
**Australian Institute of
Health and Welfare**

To: Senator Penny Allman-Payne, Chair of Community Affairs References Committee
Cc: Senator the Hon Sue Lines, President of the Senate

Complaint re Senator Babet's misrepresentation of evidence presented by witnesses at the Senate Inquiry into Excess Mortality

Dear Senator,

On 16 June, Senator Babet posted videos to his social media accounts from the hearings for the Senate Inquiry into Excess Mortality on 13 June.

The videos Senator Babet posted were heavily edited and highly misleading. For example, the videos showed the Senator's questions and excluded witnesses' responses, making it falsely appear that witnesses were unable to answer questions.

Thank you for your actions in writing to Senator Babet on 19 June and asking him to immediately remove the video material from all his social media accounts.

We are writing to raise further concerns about the Senator's actions and the treatment of public officials who engaged with the inquiry in good faith.

Some of Senator Babet's followers posted threatening statements towards officials whose official evidence was misrepresented in the edited social media post. For example, statements included reference to 'hunting [witnesses] down' and ensuring they are 'shown the gallows'. This was distressing for witnesses and has the potential to cause harm.

While the Senator cannot control what others post, these kinds of responses were foreseeable given the manipulated videos posted. While the worst of these responses were removed from the comments, by either the Senator or the authorised administrator of the account, the videos remained on Senator Babet's social media accounts until he was instructed to remove them. Several other derogatory comments also remained.

All government officials are bound by the Australian Public Service Values. One of these Values is the requirement to be impartial (including apolitical). Officials have limited ability to publicly correct any misrepresentation of their evidence that may also potentially damage their reputations.

We note this may be even more challenging for three of the witnesses who provided evidence on behalf of the ABS, the Department of Health and Aged Care, and the Australian Institute of Health

and Welfare, who hold positions more junior to Senior Executive Service officials. These witnesses were selected to appear as they have the technical expertise to assist the inquiry.

In our view, the publication of the manipulated video material does not aid the public debate or the legitimate contest of ideas. Some of the material continues to circulate online through engagement that occurred prior to removal of the original post.

The videos posted by Senator Babet appear to fall within the Parliamentary privilege covering 'matters constituting contempts'— resolutions agreed to by the Senate on 25 February 1988 orders. In particular, provision (7) states: 'A person shall not wilfully publish any false or misleading report of the proceedings of the Senate or of a committee'.

The videos also breached several clauses of the [Conditions of use – audio visual material](#) as prescribed by the Australian Parliament House Media Rules:

- a) broadcasting material shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:
 - i. political party advertising or election campaigns; or
 - ii. commercial sponsorship or commercial advertising;
- b) reports of proceedings shall be such as to provide a balanced presentation of differing views;
- c) broadcast material may not be digitally manipulated.

We would ask the Senate leadership to ensure that appropriate steps are taken to ensure Senator Babet's future actions are in line with Senate standing orders and rules, and that all Senators understand their obligations to adhere to these orders and rules.

The Work Health and Safety Act and Regulations require us to protect our workers from harm by eliminating or minimising risk. We need to ensure our staff can safely participate in senate processes. To fulfil our duty of care, we may need to carefully consider who appears as witnesses for future inquiries from a safety perspective.

Mr Blair Comley PSM
Secretary
Department of Health and Aged Care
26 June 2024

Ms Teresa Dickinson PSM
A/g Australian Statistician
26 June 2024

Dr Zoran Bolevich
Chief Executive Officer
Australian Institute of Health and Welfare
26 June 2024