

21<sup>st</sup> March 2011

Committee Secretary  
Joint Standing Committee on Electoral Matters (JSCEM)  
Department of House of Representatives  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600  
[jscem@aph.gov.au](mailto:jscem@aph.gov.au)

Dear Sir/Madam,

### **MISLEADING CLAIMS OF INDEPENDENCE BY THIRD PARTIES**

#### **Introduction:**

Thank you for the opportunity to make this late submission to JSCEM's inquiry into the 2010 election. I wish to address the involvement by the left-wing, activist group GetUp! in the 2010 election campaign and, specifically, its misleading claims to be independent when this is not the case and the most appropriate response to such disingenuous political activity.

In my previous capacity as Special Minister of State I recognised the growing phenomenon of continuous campaigning by Third Parties. In consequence I introduced the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005 to amend the Commonwealth Electoral Act (CEA), *inter alia*, to require annual disclosure by such organisations. I am not aware of any criticism of this reform. It has worked well by enhancing the accountability of Third Parties involved in campaigning and should continue.

With regard to GetUp!, this organisation was not legally required to disclose the sources of its start-up funding as the annual disclosure requirement did not take effect until after it was established. (Legalities aside, given GetUp!'s protestations of transparency, I believe it should disclose the source of its start-up funds, particularly since it has been reported that it was established with start-up money from the trade unions.)<sup>1</sup> Regardless, GetUp!'s annual returns to the Australian Electoral Commission (AEC), together with the disclosure of a

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<sup>1</sup> <http://www.themonthly.com.au/monthly-essays-kathy-marks-exclamation-politics-GetUp!-2788>  
<http://www.griffithreview.com/edition-24-participation-society/223-reportage/642.html?start=1>

\$1.12m donation from the CFMEU in August 2010, do show that GetUp! has been funded by the union movement to the tune of at least \$1.2m.

This is all well and good and in the main Third Parties making political expenditures, be they trade unions, environment groups or business lobbies, are generally understood by the public to be representing particular interests. Except for GetUp! the overwhelming majority do not claim to be independent and herein lies my concern. While GetUp! may be independent in the sense that it is a stand-alone entity – although this is debatable – it is far from independent in a political sense. Yet it trades on this perception, as does the Climate Institute – another Third Party – and as do other left-wing think tanks, not directly involved in election campaigns, like The Australia Institute.

In the course of this submission I will argue that, far from being independent, GetUp! is a union ‘front’, which aims to dupe people concerned about particular issues into supporting Labor and the Greens at elections.

In the past various interest groups, particularly environmental groups, have conducted sham policy analyses which have downgraded the Coalition and endorsed the Greens and Labor on particular policies. However, such groups have not explicitly claimed to be independent, they have generally not organised marginal seats campaigns and their focus has been on single policy issues. GetUp! crosses a new threshold of disingenuousness, because it habitually and misleadingly claims to be independent, it is always actively involved in federal election campaigns, and particularly in marginal seats campaigns, and because it purports to rate parties on a variety of issues and does so on a misleading or partisan basis.

In 2007 the AEC had to warn GetUp! that its website [www.HowShouldIVote.com.au](http://www.HowShouldIVote.com.au) – accessed by over 1% of the voting population – breached S329 of the Commonwealth Electoral Act in that, without caveats, it was “misleading and deceptive” in that it always placed Coalition candidates last. Prior to the 2010 election the AEC warned GetUp! against any similar approach which “crossed the line”<sup>2</sup> In the last few days of the 2010 election campaign, GetUp! distributed 1.1m party ‘scoresheets’ which, as I will show below, were equally mendacious.

So, while the continuous disclosure provisions for Third Parties do show the degree to which GetUp! has been funded by the unions, this by itself has not protected the general public from GetUp! misleadingly claiming to be independent. I have no quarrel with GetUp!’s involvement *per se* in the political process but for such ubiquitous, misleading and spurious claims and ruses and for its reluctance to admit to being a left-wing organisation.

Were GetUp! to be deemed an Associated Entity, this would have some impact on its characterisation by the media and public profile. However, online and professional activism is a comparatively new phenomenon, not envisioned when the CEA was enacted, nor adequately addressed by any amendments since. To date GetUp! has escaped being deemed an Associated Entity because its deceptive operating model – at face value, issues focussed – has not been viewed as necessarily favouring a particular side of politics. In fact, as I will demonstrate below, GetUp! takes up issues as a means of identifying concerned individuals and grooming them to vote for Labor and the Greens.

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<sup>2</sup> Additional Estimates hearings, Senate Finance and Public Administration Legislation Committee, 22/02/2011

There are a couple of approaches to rectifying this situation, which might be considered, including tightening the definition of Associated Entity in the CEA or preventing Third Parties from claiming to be independent. If a Third Party is incurring electoral expenditure it is *ipso facto* not being independent. My view is that, in the event GetUp! is not held by the AEC or the Courts to be an Associated Entity, the neatest solution is to amend the CEA to prevent Third Parties which incur electoral expenditure from claiming to be independent, non-partisan, impartial or not to back any particular party, or such like. This would not affect the campaigns of *bona fides* Third Parties in the slightest. The only organisation involved in federal election campaigns able to claim independence should be the AEC.

#### The scale of GetUp!'s involvement:

GetUp!'s participation in both the 2007 and 2010 federal elections easily rivalled that of a minor party in scale. In 2009-10 GetUp! spent \$1.96m on political expenditure, including \$1.68m on the public expression of views on issues in a federal election.<sup>3</sup> In addition, on 13/8/10, eight days before the election, GetUp! received \$1.12m from the CFMEU, which it reportedly spent airing a TV advertisement critical of Opposition Leader, Tony Abbott.<sup>4</sup>

Although GetUp! does not make monetary donations to the Greens and Labor, it has rendered them massive assistance by effectively advocating on their behalf at these successive federal elections.<sup>5</sup> GetUp! benefactor and current board member, Anne Coombs, has noted that, "*GetUp! invested such extraordinary effort and passion into defeating the Coalition government...*"<sup>6</sup> In 2007-08 – an election year - 62% of GetUp!'s expenditure was "electoral".<sup>7</sup>

GetUp!'s 2007 and 2010 Election Reports detail its massive efforts securing the election of a Labor Government and the ascendancy of the Greens in the Senate. Its 2007 federal election report shows that it was able to field up to 7,000 active volunteer campaigners during that election campaign. Its 2010 election report shows that GetUp! also fielded 7,000 volunteers during the 2010 campaign, including 3,000 who manned polling booths, concentrating its activities in marginal seats. In addition it ran 700 television ads and distributed over 1.1m issue scorecards which purported to ranked the three major parties on GetUp!'s core election issues.<sup>8</sup> To quote GetUp! 2010 election report:

*This election GetUp! volunteers proved a force to be reckoned with in marginal seats – outnumbering representatives from political parties in many electorates.... We focused our resources on 10 marginal, high-impact seats that gave GetUp! the greatest opportunity to effect change and the national agenda.*

<sup>3</sup> <http://periodicdisclosures.aec.gov.au>Returns/24/NRZA2.pdf>

<sup>4</sup> <http://www.theage.com.au/national/ad-cash-sparks-hypocrisy-claim-20101112-17r8j.html>

<sup>5</sup> <http://www.GetUp!.org.au/files/media/GetUp!ElectionAnalysis.pdf>  
[https://www.GetUp!.org.au/files/about/GetUp!\\_annual\\_report\\_2010.pdf](https://www.GetUp!.org.au/files/about/GetUp!_annual_report_2010.pdf)

<sup>6</sup> <http://www.griffithreview.com/edition-24-participation-society/223-reportage/642.html?start=1>

<sup>7</sup> <http://GetUp!.org.au-assets.s3.amazonaws.com/AnnualReports/AnnualReport2007-2008.pdf>

<sup>8</sup> <http://www.GetUp!.org.au/files/media/GetUp!ElectionAnalysis.pdf>  
[https://www.GetUp!.org.au/files/about/GetUp!\\_annual\\_report\\_2010.pdf](https://www.GetUp!.org.au/files/about/GetUp!_annual_report_2010.pdf)

GetUp! boasts that it has more members than all Australian political parties combined.<sup>9</sup>

The point is that claims by GetUp! to be independent and activities such as producing supposedly independent How-To-Vote cards and ‘scorecards’ have the potential to mislead large numbers of people in critical areas.

#### Claims by GetUp! to be independent:

In all its regular email communications to members, in statements on its website and in public statements, GetUp!’s officers or its employees have asserted that it is “*independent*”.<sup>10</sup> GetUp! communicates regularly with its members by means of emails, which are authorised by the National Director of GetUp!, Mr Simon Sheik, (and prior to this, Mr Brett Solomon) and which state that “*GetUp! is an independent, not-for-profit community campaigning group*”. GetUp! maintains a website ([www.GetUp!.org.au](http://www.GetUp!.org.au)) which states that “*GetUp! is an independent, grass-roots community advocacy organisation giving everyday Australians opportunities to get involved and hold politicians accountable on important issues*” and further, that “*GetUp! does not back any particular party*”.<sup>11</sup> This website also states that “*GetUp! has no affiliations with any political parties*”.<sup>12</sup>

On 18 August 2010, 3 days before the federal election, GetUp! emailed a “scorecard” to members, which it claimed was “*an independent guide to where the parties stand on the issues.*” This email further stated: “*Our issue scorecards cut through the spin and tell voters where the parties stand on the issues that matter to Australians--on climate change, on mental health, the environment, the economy and refugees--from an independent, non-partisan source*”. This email was authorised by the National Director of GetUp!, Mr Simon Sheik, of Level 5, 116 Kippax Street, Surry Hills, NSW 2010.<sup>13</sup>

GetUp!’s reports on the 2007 and 2010 election state that it “*ran the largest independent election effort in Australian history*”, the 2007 report claiming that GetUp! is, “*one of the largest and most sophisticated non-partisan grassroots networks in Australia history*”.<sup>14</sup> GetUp!’s 2005/06 Annual Report states that “*GetUp! is the only organisation of its kind in Australia; an independent, not-forprofit campaigning organisation...*” and that “*Our philosophy is that by a lot of people giving a little, we’re able to flourish as a true, independent organisation*”.<sup>15</sup> GetUp!’s 2006/07 Annual Report states that, “*as an organisation GetUp! is an independent, not-for-profit campaigning entity...*” and that “*as a true independent organisation GetUp! receives no funding from political parties or governments and is sustained by GetUp! members who contribute financially to support its work*”.<sup>16</sup> GetUp!’s 2007/08 Annual Report states that “*GetUp! is an independent, not-for-profit community campaigning group*” and that “*as an independent political organisation, GetUp!’s funding comes only from member donations, interest earned and the sale of*

<sup>9</sup> <http://www.foundedproject.com/2010/12/purpose/>

<sup>10</sup> <https://www.GetUp!.org.au/about/>

<sup>11</sup> <http://www.GetUp!.org.au/about/>

<sup>12</sup> <http://www.GetUp!.org.au/about/faq/>

<sup>13</sup> GetUp! email to members, 18/8/10

<sup>14</sup> <http://www.GetUp!.org.au/files/media/GetUp!ElectionAnalysis.pdf>  
[https://www.GetUp!.org.au/files/about/GetUp!\\_annual\\_report\\_2010.pdf](https://www.GetUp!.org.au/files/about/GetUp!_annual_report_2010.pdf)

<sup>15</sup> [http://www.GetUp!.org.au/files/media/GetUp!\\_annualreport\\_0506.pdf](http://www.GetUp!.org.au/files/media/GetUp!_annualreport_0506.pdf)

<sup>16</sup> <http://www.GetUp!.org.au/files/about/GetUp!annualreport200607.pdf>

merchandise”.<sup>17</sup> GetUp!’s 2008/09 Annual Report states that “*GetUp! is an independent, not for profit community campaigning group*”.<sup>18</sup>

GetUp!’s Twitter website claims it is “*independent, not-for-profit, community action for Australia*”.<sup>19</sup>

#### GetUp! – a partisan union front:

Far from being independent GetUp! is in fact a partisan union front for the benefit of Labor and the Greens.

GetUp!’s Constitution states that its first two Objects are: “*to campaign to advance progressive public policy in Australia*” and “*to build a diverse community of Australians committed to strengthening progressive politics*”.<sup>20</sup> In the Australian political context, the term “progressive” has been appropriated by the Left of the Labor Party and the Greens, or the “Green Left”. In August 2010 Senator Bob Brown, Leader of the Australian Greens, told the Green Left Weekly, “*There has been a move to the right in politics by both Labor and the Conservatives and the Greens have become the progressive party in Australia.*”<sup>21</sup> On 8 September 2005 Mr Lachlan Harris, a former Labor staffer and co-founder of GetUp! said that, “*...if you are a supporter of, like, conservative governments, GetUp!.org.au is not for you... We are a progressive organisation and we have said that from day one*”.<sup>22</sup> It is submitted that the Objects in GetUp!’s Constitution bind it to support Labor, and especially the Greens, and prevent GetUp! from supporting the Coalition and that GetUp! can not therefore be considered to be independent, as it claims. It is also noted that, while making much of its progressiveness, neither GetUp!’s Constitution, nor its financial reports, make any mention of GetUp!’s alleged “independence”. Indeed, GetUp!’s financial reports for 2006-07 to 2008-09 state GetUp! has “*developed a strong community of people committed to strengthening progressive politics*”.<sup>23</sup> It is submitted that this is code for fostering activism to benefit the Greens and Labor.

GetUp!’s Constitution specifies the make-up of its Board. S.12.3 states that:

*“The board’s role is to provide general strategic advice to the company based on their expertise and experience in areas critical to the success of the company, including online organising, working with the Australian union movement and other social movements and dealing with Australian media and business. The board is*

<sup>17</sup> <http://GetUp!.org.au-assets.s3.amazonaws.com/AnnualReports/AnnualReport2007-2008.pdf>

<sup>18</sup> <https://www.GetUp!.org.au/files/campaigns/finalannualreport200809.pdf>

<sup>19</sup> <http://twitter.com/GetUp!>

<sup>20</sup> Constitution of GetUp! Limited, as amended 14/10/05, p.4

<sup>21</sup> <http://www.greenleft.org.au/node/45104>

<sup>22</sup> Interview with Mike Jeffreys, 2CC, 8<sup>th</sup> September 2005. (Harris had previously worked for Shadow Attorney-General, Robert McClelland, and after a stint with GetUp! went on to work as Press Secretary for Kevin Rudd.

<sup>23</sup> GetUp! Limited, Financial Reports for the years ended 30 June 2007, 2008 and 2009, Directors Report

*intended to comprise a broad cross-section of the Australian progressive community and not any one narrow sub-section of it... ”<sup>24</sup>*

The Constitution specifies the “*characteristics*” of the intended seven positions on the board, including individuals with credibility and experience in “*online political organising and/or fundraising*”, “*the union movement/industrial field*”, “*the Australian environmental movement*” and “*other social movements*”.<sup>25</sup> It is submitted that these clauses of GetUp!’s Constitution bind GetUp! to support Labor and, in particular, the Greens and that GetUp! can not therefore claim to be independent.

In accord with the provisions of GetUp!’s Constitution, the board of GetUp! has comprised a preponderance of senior figures and supporters of the Labor Party, the Greens and the union movement. The following is a full list of GetUp!’s directors, past and present:

- **Amanda Tattersall** – Chair (29/4/05 – present). Previously a staffer for NSW Labor MP, Meredith Burgmann, when GetUp! was founded, Ms Tattersall was a “Special Projects Officer” with Unions NSW. Tattersall is now Deputy Assistant Secretary of Unions NSW. In 2009-10 she became the first of GetUp!’s directors to be paid in recognition of the 4 days a month required as Chair.
- **Jeremy Heimans** (29/4/05 – present). Involved in anti-Bush and Democrat campaigns in the US, has a history of activism and involvement in left-wing issues. Founding director of Purpose Campaigns, an international online strategy and communications firm, whose clients have included the US and Australian labor movements.
- **David Madden** (29/4/05 – present). Involved in anti-Bush and Democrat campaigns in the US, and has a history of activism and involvement in left-wing issues. Founding director of Purpose Campaigns, an international online strategy and communications firm, whose clients have included the US and Australian labor movements.
- **Anne Coombs** (22/9/09 – present). Refugee advocate, has previously donated to the Australian Democrats and advocated voting for the Greens.
- **Sarah Maddison** (14/10/10 - present). Associate Professor, UNSW Indigenous Policy Dialogue and Research Unit, Chair of the board of left wing think tank, The Australia Institute, Contributing editor of “*Silencing Dissent: How the Australian government is controlling public opinion and stifling debate,*” political activist, former Convenor of Women’s Electoral Lobby NSW.
- **Brett Solomon** (14/8/09 – present). Previous National Director of GetUp!, founded the International Youth Parliament with Oxfam and Campaign Coordinator at Amnesty International Australia.
- **Cate Faehrmann** (5/8/05 – 2/12/09). Faehrmann was a former staffer for Lee Rhiannon, Campaign Manager for the Greens on both sides of the Tasman and Greens lead Senate candidate in SA in 2001. She has now taken Lee Rhiannon’s place in the NSW Legislative Council on behalf of the Greens.

<sup>24</sup> Constitution of GetUp! Limited, as amended 14/10/05, p.22

<sup>25</sup> Constitution of GetUp! Limited, as amended 14/10/05, p.22-24



- **Evan Thornley** – (5/8/05 – 28/2/07). Thornley has a record of involvement with Labor linked organisations, including as Chair of PerCapita, National Secretary of the Fabian Society, owner of Pluto Press and board member of the ALP’s Chifley Research Centre. Prior to becoming involved with GetUp!, in 2004 Thornley established a website called [www.laborfirst.com.au](http://www.laborfirst.com.au) – “a grassroots movement for Labor renewal”. Thornley resigned from the board of GetUp! several months after he was elected to the Victorian Parliament for the Labor Party in December 2006. He was an endorsed Labor candidate for the Legislative Council in March 2006.
- **William (Bill) Shorten** (5/8/05 - 3/3/07). At the time of joining the board of GetUp! Shorten was National Secretary of the Australian Workers Union. In December 2005, Shorten became state president of the Victorian ALP. While on the board of GetUp!, Shorten was also on the ACTU Executive and ALP National Executive. He was endorsed by the ALP for the federal seat of Maribyrnong in March 2006, but did not resign from the board of GetUp! until March 2007.
- **Don Mercer** (12/5/06 – 16/3/08). Former Chairman of the Australian Institute of Company Directors and Orica Ltd, Chairman of Newcrest Mining Ltd.
- **John Hewson** (no directorship recorded by ASIC). Former Opposition Leader John Hewson severed his relationship with GetUp! within weeks of GetUp!’s 2005 launch.

While GetUp! tells its members that it is independent, when speaking to other audiences, GetUp! board members have revealed variously that GetUp! was formed as part of the “architecture” for Labor winning office, the “infrastructure” for defeating the Coalition and that GetUp! invested “extraordinary effort and passion into defeating the Coalition government”.

In the May 2009 edition of *Griffith Review*, major GetUp! benefactor and current board member, Anne Coombs, wrote that, “*GetUp! invested such extraordinary effort and passion into defeating the Coalition government...*”<sup>26</sup>

GetUp! was “concepualised” and founded by Jeremy Heimans and David Madden, together with Amanda Tattersall.<sup>27</sup>

In a *Workers Online* article in 2006, entitled “*So Where to Now?*” GetUp! founder and Chair, and Unions NSW special projects officer, Amanda Tattersall, outlined how GetUp! had been developed as part of a progressive “infrastructure” to “*interconnect individuals committed to specific campaigns to a broader movement*”:

*On our side of politics there is a regular lament that we know what we are against but not what we are for. We campaign against cuts to Medicare, or against fees in Universities. We have created a vision for a new industrial relations system - but we are still searching for an alternative economic vision.*

<sup>26</sup> <http://www.griffithreview.com/edition-24-participation-society/223-reportage/642.html?start=1>

<sup>27</sup> [http://www.getup.org.au/files/media/getup\\_annualreport\\_0506.pdf](http://www.getup.org.au/files/media/getup_annualreport_0506.pdf)

*Over the past ten years, some on our side have reached for a quick fix instead. Tony Blair and Mark Latham grasped for 'New Labour'. It failed. So what is next?*

*At Unions NSW we know that the only way to create a strong society is to engage in specific campaigns with growing, powerful organisations that connect to an overarching set of values. Unions must be at the centre of this movement. The values and vision must put working families first and not weakly pander to a compromised middle ground. We must lead an agenda.*

*To help it achieve this goal Unions NSW is about to expand an organisation it set up in 2003 called Working NSW....*

*Working NSW will have three distinct functions:*

*Building a progressive agenda*

*Working NSW will seek to develop and campaign for policies that put forward a progressive agenda for working people. Its research priorities connect to this broader goal....*

*“A progressive agenda ensures that individual campaigns are feeding into a broader program of change that can shift power away from big business and prioritise the needs of working families. Working NSW is just one new piece in a growing infrastructure for progressive politics in Australia. The aggressive agenda of the Howard Government, and its attacks on almost every facet of the lives of working families has created a strong base for coalitions of common interests between unions, community organisations, religious organisations, the environment movement and students. New organisations such as GetUp!.org.au have been developed to interconnect individuals committed to specific campaigns to a broader movement.”<sup>28</sup>*

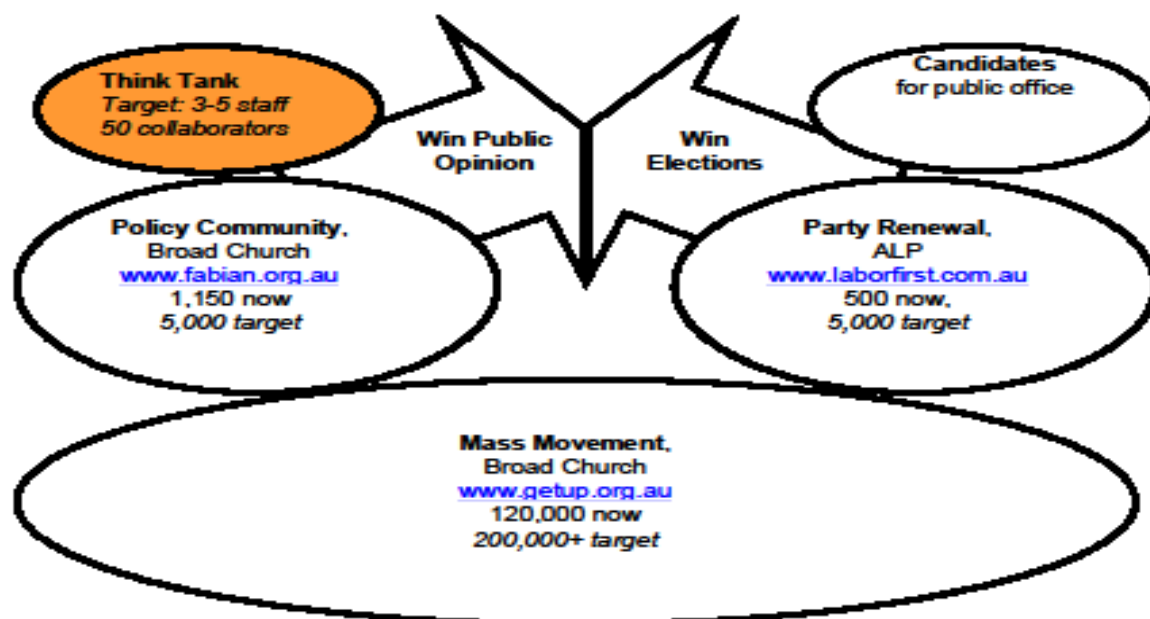
This is a salient admission by GetUp!’s “conceptualiser”, co-founder and Chair, that GetUp! was conceived, in league with Working NSW – a Unions NSW campaign – as part of a growing infrastructure of “progressive politics”, to interconnect individuals committed to specific campaigns to a broader, anti-business, anti-Coalition, pro-labour political purpose. “Working families” was Labor’s catchcry in the lead up to the 2007 federal election.

In an essay entitled “*The Architecture for Renewal*”, contained in a 2006 book entitled “*Coming to the Party – where to next for Labor*”, GetUp! board member Evan Thornley illustrated by means of a diagram GetUp!’s fundamental role as part of an apparatus for Labor regaining government. Thornley conceived GetUp! as a “broad church” and a “mass movement” – designed to win public opinion and assist Labor win elections by rebuilding Labor’s community links:

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<sup>28</sup> [http://workers.labor.net.au/features/200613/a\\_guestreporter\\_arrows.html](http://workers.labor.net.au/features/200613/a_guestreporter_arrows.html)





From “*The Architecture of Renewal*” by Evan Thornley, in “*Coming to the Party – where to next for Labor?*”, edited by Barry Jones, MUP 2006

According to Thornley:

*Organisations like [www.moveon.org](http://www.moveon.org) in the US and [www.GetUp!.org.au](http://www.GetUp!.org.au) here are showing the potential of new organising tools like email and the internet.... Over 3.3 million people are now members of MoveOn. That means they can organise a hundred thousand people to research a Supreme Court nominee’s background within 24 hours of the announcement, they can reach out and find emergency housing for tens of thousands of displaced families from Hurricane Katrina and they can raise US\$50M in small donations to campaign against George W. Bush. Following down a similar path, GetUp! (slogan: “don’t give up, get up!”) has signed up over 30,000 Australians in its first few months of operation and has begun to co-ordinate campaigns on a wide number of progressive issues. By working closely with the ACTU, the founders of GetUp! are ensuring similar capacity is built within the union movement itself. It’s a small but helpful start towards a mass movement approach to social change. Like [www.meetup.com](http://www.meetup.com) in the US, Australians now need a simple way to unite people with similar views in their local area. MoveOn, using MeetUp have organised thousands of house parties where like-minded in a local area can get together, make new friends, created shared plans and act effectively to get the message out. Some have concerns that such large, popular movements are in danger of losing focus or following the fashionable issues of the day. In isolation that risk exists, but it highlights the importance of the other elements of the architecture – like think tanks, to ensure a strong intellectual base anchor’s the effort – and ties to the union movement, to keep people’s feet on the ground. The reverse is also true – think tanks with no mass movement or ties into communities would have little impact. The whole is greater than the sum of the parts. So, those who can write should work on the OpEds. Those who can organise should create the social functions and link them with*

*local communities. Those who have been silent should get in and join organisations like GetUp! and add your voice to a growing and co-ordinated mass movement.*<sup>29</sup>

GetUp! is underwritten by the union movement. It was co-conceived and has been continuously Chaired by senior Unions NSW operative, Amanda Tattersall. An article by Kathy Mark in *The Monthly* refers to GetUp! having received “start-up funds from trade unions”<sup>30</sup> Anne Coombs states that “initially most of GetUp!’s funding came from a handful of wealthy and progressive individuals, plus some union money”.<sup>31</sup> Evan Thornley stated that GetUp!, “has begun to co-ordinate campaigns on a wide number of progressive issues” and that, “by working closely with the ACTU, the founders of GetUp! are ensuring similar capacity is built within the union movement itself.”<sup>32</sup> The CFMEU donated \$1.1m to GetUp! prior to the 2010 election and the CPSU donated \$50,000 to GetUp! prior to the 2007 election in October 2007.<sup>33</sup> The ASU recently donated \$35,000.<sup>34</sup> As noted above, it is not known how much GetUp! received in “start-up funds” from the trade unions.

On 27 April 2005, two days before establishing GetUp! Limited on 29 April 2005, Heimans and Madden established Purpose Campaigns Pty Ltd (ACN 113995163) which they co-own. While it has not promoted in Australia, in overseas online job advertisements, Purpose Campaigns boasts that it is working with “the Australian and US labor movements”.<sup>35</sup> Possibly this is the work Evan Thornley referred to when in 2006 he wrote that, “by working closely with the ACTU, the founders of GetUp! are ensuring similar capacity is built within the union movement itself”. Whatever the case, it would appear that Heimans and Madden have been working with, and, one would expect, have been paid by, the union movement in Australia, probably at the same time as founding and sitting on the board of GetUp!. If so, this creates a perception that the union movement has further subsidised GetUp!’s operation.

It is therefore submitted that GetUp! was conceived to benefit the Greens and Labor, and ultimately the unions, as part of an anti-Coalition infrastructure and can not therefore be considered to be independent, either literally or politically.

#### GetUp!’s deceptive *modus operandi*:

GetUp!’s 2007 “Save Our Senate” campaign, which provided a thinly veiled vehicle for Senators Brown, Lundy and Allison to advocate explicitly “to end the Coalition’s absolute control of the Senate” amounted to directly sponsored political advertising.<sup>36</sup>

<sup>29</sup> <http://www.laborfirst.com.au/lf1/files/ComingToTheParty-Thornley.pdf>

<sup>30</sup> <http://www.themonthly.com.au/monthly-essays-kathy-marks-exclamation-politics-GetUp!-2788>

<sup>31</sup> [http://workers.labor.net.au/features/200613/a\\_guestreporter\\_arrows.html](http://workers.labor.net.au/features/200613/a_guestreporter_arrows.html)

<sup>32</sup> <http://www.laborfirst.com.au/lf1/files/ComingToTheParty-Thornley.pdf>

<sup>33</sup> <http://periodicdisclosures.aec.gov.au>Returns/10/X140.pdf>

<sup>34</sup> <http://www.getup.org.au/about/disclosure/>

<sup>35</sup> <http://groups.drupal.org/node/25010>

[http://groups.google.com/group/noi-jobs/browse\\_thread/thread/0b9940cc073da838](http://groups.google.com/group/noi-jobs/browse_thread/thread/0b9940cc073da838)

<http://jetwit.com/wordpress/2009/06/18/job-senior-campaignersstrategists-international-movement-team-for-purpose-campaigns-nyc-or-elsewhere/>

<sup>36</sup> <https://www.GetUp!.org.au/campaign/ThreePartyAd&id=183>

However, most of GetUp! campaigns have been issued based.

GetUp!'s claims to be independent are likely to mislead members, who may be attracted to particular campaigns GetUp! champions, without realising GetUp!'s broader political aim to which its issues-based campaigns are subordinate, namely grooming its members to campaign and vote for the Greens and Labor at federal elections.

According to the Wikipedia entry on *Common aspects of 'community organizing groups'*:

*“Organizing groups often seek out issues they know will generate controversy and conflict. This allows them to draw in and educate participants, build commitment, and establish a reputation for winning. Thus, community organizing is usually focused on more than just resolving specific issues. In fact, specific issues are often vehicles for other organizational goals as much as they are ends in themselves...”<sup>37</sup>*

While GetUp!'s communications with members harp on its “independence,” as noted above, GetUp!'s directors have been more candid in other fora about GetUp!'s role in the broader “infrastructure” or “architecture” of securing the demise of the Coalition Government. GetUp's Objects, Constitution, Financial Reports all refer to it being a “community” organisation, as do GetUp's Chair, Amanda Tattersall, and, former board member, Evan Thornley, in their descriptions of GetUp's purpose. This broader organisational goal – to defeat the Coalition - and deeper allegiance with the unions, Greens and Labor are by and large not communicated to GetUp's members.

In her article, “*How cyber-activism changed the world,*” Anne Coombs records part of GetUp's partisan political *raison d'être*:

*“One of the intentions of GetUp!'s founders was to unite the liberal middle-class and working-class unionists.....”<sup>38</sup>*

Coombs continues describing how GetUp grooms its members, using their interest in one campaign to enlist them in other campaigns:

*“Decisions about which issues GetUp! takes on are taken by a small core of staffers.. The most significant feedback for GetUp! is that from people who say they have never been involved in politics before. Madden says, ‘It's empowering for people and can lead to greater participation’...”*

Again, according to Coombs:

*“The potential to mobilise those who have not traditionally been interested in politics was demonstrated...when GetUp! ran a strong campaign against internet censorship. That campaign brought in tens of thousands of new members, many of them the kind of IT geeks not usually associated with progressive politics. Most have stayed on board and a significant number joined a subsequent action in support of a Human Rights Act.”*

<sup>37</sup> [http://en.wikipedia.org/wiki/Community\\_organizing](http://en.wikipedia.org/wiki/Community_organizing)

<sup>38</sup> <http://www.griffithreview.com/edition-24-participation-society/223-reportage/642.html?start=1>

Finally Coombs describes how GetUp!'s recruits are politicised and enlisted as anti-Coalition foot-soldiers for federal election campaigns:

*“Signing up to an email campaign is one thing, but true political involvement means getting together with other people.... Madden says this offline work was always part of the plan, ‘because people like face-to-face’. Local mobilisations were important in the lead-up to the 2007 federal elections – particularly in John Howard's Bennelong electorate, where GetUp! concentrated major resources and GetUp! members volunteered from far and wide.”*

GetUp!'s 2007 and 2010 federal election reports indeed shows that it was able to field up to 7,000 active volunteer campaigners during those election campaigns.<sup>39</sup> The above grooming activity is consistent with GetUp!'s Object *“to build a diverse community of Australians committed to strengthening progressive politics.”*

Coombs statements, together with those of Tattersall and Thornley, detailed above, testify to GetUp!'s broader and deceptive political agenda, to which its issues-based campaigns are merely subordinate. This deception has indeed misled many of GetUp!'s members who have joined due to a particular campaign, unaware of GetUp!'s larger, more sinister purpose.

Following the revelation that the Construction, Forestry, Mining and Energy Union made a \$1.12 million donation to GetUp just prior to the August federal election, on 18 November 2010 the Age reported that:

*“The Age’s report of the donation on Saturday triggered a string of negative comments on Twitter, with some accusing GetUp! – which bills itself as an independent grassroots group – of having sold out.....Most of the tweets over the weekend were opposed to GetUp!’s decision to take the money. ‘The news about GetUp! sickens me. Thought they were ethical enough to keep themselves out of that kind of business,’ said one tweeter”.*<sup>40</sup>

This suggests that many GetUp! members were unaware of its existing connections with the unions. I would venture that most remain unaware of these links and accept GetUp! at face value, as being “independent.” I would also venture that many do not have a clear idea of what is meant by “progressive” in a political context, and take it to mean something like “modern” or “forward looking”.

GetUp!'s occasional criticism of Labor – but never the Greens – is part and parcel of its *modus operandi* and a means of picking up non-Labor people as members. At the end of the day, i.e. at elections, GetUp! never advocates voting for the Coalition. Indeed, GetUp! acts to funnel such people to voting for the Left.

<sup>39</sup> <http://www.getup.org.au/files/media/GetUpElectionAnalysis.pdf>

<sup>40</sup> *“GetUp! members get say on donations”, The Age, 18/11/10*  
<http://newsstore.fairfax.com.au/apps/viewDocument.ac;jsessionid=B6F8DAE887F1575AB47DBE3591A47444?sy=afr&pb=all ffx&dt=selectRange&dr=1month&so=relevance&sf=text&sf=headline&rc=10&rm=200&sp=brs &cls=18942&clsPage=1&docID=AGE101118DE6EI7UPR4E>

GetUp!'s misleading electoral activities:

As opposed to being “independent,” GetUp! has assisted the Greens and Australian Labor Party by advocating on their behalf at successive federal elections, by means of its election scorecards, 2007 “vote-generator” and by campaigning on particular issues.

GetUp!'s 2007 and 2010 Election Reports detail GetUp!'s efforts to help secure the defeat of the Coalition and the ascendancy of the Greens in the Senate. In both the 2007 and 2010 GetUp! advocated a vote for the Greens and then Labor, over the Coalition parties. In 2007 GetUp! promoted a website called [howshouldivote.com.au](http://howshouldivote.com.au) which generated a supposedly personalised how-to-vote card for people unable to examine party policies. It never seemed to recommend voting for Coalition candidates.

In both 2007 and 2010 GetUp! also employed “scorecards”, which it distributed to intending voters. Both “scorecards” clearly downgraded the Liberal and National Parties, to the benefit of Labor and, in particular, the Greens.<sup>41</sup>

In the lead-up to and throughout the 2010 election campaign GetUp! said that it was campaigning on the issues of climate change, refugees and mental health. But when it came to seeing GetUp!'s scoresheet, miraculously the three criteria GetUp! had announced it was going to use to judge the political parties in this election campaign had expanded to fourteen. Instead of “mental health” – on which the Coalition had an excellent policy, the parties were assessed on “healthcare”, of which only one of three components was “mental health”. The other two were “closing the gap for Indigenous life expectancy” and a “national plan for improving preventative health”, which GetUp! had not raised during the campaign. The Coalition had no advantage and the Greens had the highest overall score. The Greens got “the tick” on every issue, Labor more ticks than crosses and the Coalition more crosses than ticks. The message was unmistakable – vote for the Greens, or failing that, Labor.

Distributed to GetUp! members as an “*independent guide*”, designed to “*cut through the spin and tell voters where the parties stand on the issues that matter to Australians&(once again) from an independent, non-partisan source,*” GetUp!'s 2010 scorecard was inserted in major newspapers covering key marginal seats and handed out to voters on election day by 7000 GetUp! volunteers at polling booths around the country.<sup>42</sup>

When handing out these scorecards on polling day GetUp! booth-workers were heard telling intending voters they were providing an independent assessment of the various parties. Many intending voters had no idea who or what GetUp! was. Perhaps GetUp!'s sleight of hand should not come as a surprise, given that, in an email to members, in May 2010 GetUp! had outlined that part of its political strategy was to “expose Abbott as a radically conservative throwback to the Howard Government--rejected by the electorate in 2007.”<sup>43</sup>

<sup>41</sup> <http://www.getup.org.au/files/misc/electionmaterial.gif>

<sup>42</sup> GetUp! email to members, 18/8/10,

<https://www.getup.org.au/files/campaigns/election2010scorecarddemo.jpg>

<sup>43</sup> GetUp! email to members, 26/5/10



GetUp!’s partisanship was further illustrated when a Greens booth-worker, sporting a Greens t-shirt, arrived at the Conder polling booth in the seat of Canberra on election day and was photographed blatantly putting up GetUp! material:



This seems to have been repeated in a polling booth in Sydney at which it is claimed that the same volunteers handed out Greens how-to-vote cards and GetUp!’s “scorecard” simultaneously.

#### Conclusion:

We have witnessed GetUp!’s sneaky approach to electioneering on two occasions – in 2007 with its dodgy vote-generator and with its biased scorecard in 2010. It tried to pass off both as “independent”. The scale on which GetUp! has perpetrated these electoral scams, and GetUp!’s focus on marginal seats, has had the potential to impact election outcomes.

The AEC was vigilant in cracking down on GetUp!’s dodgy website vote generator in 2007. Nevertheless many people would have been misled prior to the site being modified and, even then, many people, who may not have understood the caveats or seen the fine print, would still have been misled. GetUp!’s behaviour with its 2010 election scorecard in my view also ran close to breaching S329 of the CEA dealing with misleading and deceptive publications in relation to the casting of a vote. While the 2010 scorecard may not have been a dodgy How To Vote card, it was still a deceptive, biased publication handed to voters at polling booths, purporting to rate the parties, accompanied by misleading claims about its “independence.”



There is no doubt that *The Chaser's* skit on GetUp! hit the mark!<sup>44</sup>

My view, in the event GetUp! is not held by the AEC or the Courts to be an Associated Entity, is that it would be desirable to amend the CEA to prevent Third Parties which incur electoral expenditure from claiming to be independent, non-partisan, impartial or not to back any particular party, or such like. Indeed, this may be a desirable amendment in any event. It would not affect the campaigns of *bona fides* Third Parties in the slightest and would go some way towards preventing the deceptive and misleading political activities of organisations such as GetUp!

The only organisation involved in federal election campaigns able to claim independence should be the AEC.

Yours sincerely,

Eric Abetz

**Leader of the Opposition in the Senate**

**Shadow Minister for Employment and Workplace Relations**

**Liberal Senator for Tasmania**

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<sup>44</sup> <http://www.youtube.com/watch?v=psxfS9xotrU>