
From: Authorisation Section
Sent: Friday, 26 April 2019 1:55 PM
To: 47F
Subject: Authorisation of electoral communications [SEC=UNCLASSIFIED]

Dear 47F

I am writing to you on behalf of the Australian Electoral Commission (AEC).

The AEC has received a complaint that the 47F for WILLS' and 47F Thinker Politician & Architect to the Very Rich & Worthy' Facebook pages do not include an authorisation as required by the *Commonwealth Electoral Act 1918* (Electoral Act).

Certain communications of electoral matter are required to include an authorisation under the Electoral Act so that voters know who is communicating electoral matter to them.

The definition of 'electoral matter' in the Electoral Act means:

*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.*

Communications of electoral matter where all or part of the distribution or production of an electoral advertisement was paid for, or the electoral matter is communicated by, or on behalf of, a disclosure entity, is required to include an authorisation. These obligations are contained in sections 321D(1) and (5) of the Electoral Act. The definition of 'disclosure entity' includes, amongst others, a senator or member of the House of Representatives, a person who is a candidate in an election or by-election, or a person who was a candidate in an election or by-election of a member of the House of Representatives in the previous 4 years, or an election of Senators for a State or Territory in the previous 7 years.

We note that you stood as a candidate in the division of Wills in the 2016 federal election and as such, all communications of electoral matter by, or on behalf of, yourself are required by the Electoral Act to include an authorisation. We also note that some of your posts are currently being sponsored as advertisements which also require an authorisation.

Relevantly for websites and social media, the authorisation must include:

- (a) the name of the person who either approved the content of the electoral matter before it was communicated, or otherwise the person that communicated the electoral matter; and
- (b) the relevant town or city of the person.

More information on the authorisation requirements is in the [Electoral Backgrounder](#) on the AEC website. If you require clarification, the AEC recommends you seek independent legal advice.

Can you please address these omissions by adding the required authorisation to the 'About' section of the 47F for WILLS' and 47F Thinker Politician & Architect to the Very Rich & Worthy' Facebook pages by COB this Wednesday 1 May 2019 and send a reply email to authorisationsection@aec.gov.au once this is done?

Failure to authorise electoral communications where required can result in a penalty of up to \$25,200. One further point to note on the authorisation of electoral matter; whilst the Electoral Act enables the AEC to seek an injunction against an electoral communication that does not meet the requirements in the Electoral Act, now that the federal election has been called, the Electoral Act enables other persons who have been nominated as candidates to also seek an injunction against any unauthorised electoral communications.

Yours sincerely

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