

Our Ref: LEX4124

s 47F

Advance Australia
Units 1-4, 15 Tench Street
KINGSTON ACT 2604

By email: s 47F

Dear s 47F

Failure to authorise referendum matter

Following the passage of the *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023* by Parliament on 19 June 2023, communications such as paid advertising by a disclosure entity expressly promoting or opposing that law are referendum matter that require an authorisation under the [Referendum \(Machinery Provisions\) Act 1984](#) (Referendum Act).

The AEC has become aware that Advance Australia is communicating referendum matter that is not authorised as required by:

- section 110C of the Referendum Act which requires paid advertisements for referendum matter to include certain authorisation particulars; and
- section 12 of the [Commonwealth Electoral \(Authorisation of Voter Communication\) Determination 2021](#) (Authorisation Determination), which sets out the formatting and placement requirements.

We have identified the following referendum matter that is not properly authorised:

- [Not Enough Facebook Ad](#)
- [Not Enough Facebook Ad \(2\)](#)
- [Not Enough Facebook Ad \(3\)](#)
- [Referendum News Facebook Ad](#)

As Advance Australia is a disclosure entity, the particulars required on these social media ads are:

- *the particulars of the name of the entity;*
- *the relevant town or city of the entity; and*
- *the name of the natural person responsible for giving effect to the authorisation.*

The authorisation message notified on social media ads need to be placed at the bottom of each social media ad.

For awareness, it is the AEC's expectation that each individual advertisement is authorised. For example, the authorisation is embedded at the bottom of the image or included in the text post of the advertisement.

Action

The AEC requests that all unauthorised referendum matter that is a paid advertisement be made compliant with authorisation requirements by **30 July 2023** or removed immediately.

There are penalties for failing to comply with the authorisation requirements.

More information is available at [Electoral Backgrounder: Electoral and referendum communications and authorisation requirements](#). If you have any questions about the referendum authorisation requirements, please contact the AEC at authorisationsection@aec.gov.au.

Referendum expenditure and donation disclosure requirements

If Advance Australia intends to spend more than \$15,200 on referendum advertising, receives donations or makes donations to another entity campaigning for the referendum, you may also have an obligation to report that information under the Referendum Act. More information is at [Referendum disclosure](#).

Yours sincerely

A black rectangular box containing the white text "s 47F".

Andrew Johnson
Chief Legal Officer

26 July 2023