

LEX4002

Australians for Indigenous Constitutional Recognition Ltd

s 47F

By email: **s 47F**

Dear recipient

Failure to authorise referendum matter

Thank you for your letter of 5 June 2023 in relation to AIRC's compliance with authorisation requirements. We apologise for the delay in responding to your letter.

The AEC appreciates the AIRC's invitation to meet with members of the team and provide us with the opportunity to discuss AIRC's operations. Unfortunately, the AEC is not in a position to meet with AIRC at present.

The AEC would like to bring to your attention that Yes23 is communicating paid advertisements on social media containing referendum matter that is not authorised as required by:

- the [Commonwealth Electoral \(Authorisation of Voter Communication\) Determination 2021](#) (Authorisation Determination).

As outlined in the information provided to you in the communication of 5 June 2023, section 110C of the [Referendum \(Machinery Provisions\) Act 1984](#) (Referendum Act) requires social media advertisements containing referendum matter to include certain authorisation particulars. These authorisation particulars must also meet the formatting and placement requirements in section 12 of the Authorisation Determination.

Authorisation breach/s

The AEC has become aware of the following referendum matter that is not authorised as required by section 12 of the Authorisation Determination:

- [Facebook and Instagram Advertisement 1](#)
- [Facebook and Instagram Advertisement 2](#)
- [Facebook and Instagram Advertisement 3](#)

Required authorisation particulars

The authorisation message notified on paid advertisements on social media need to be formatted and placed in accordance with s12 of the Authorisation Determination.

For awareness, in relation to paid advertisements on social media, 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

You are required to include a compliant authorisation on the referendum matter or removal of matter by close of business **Monday 24 July 2023**.

Further information

The attached flowchart will help you determine whether authorisation requirements apply to your communication ([Attachment A](#)). The AEC's general advice is "if in doubt, authorise it". More information is available at [Electoral Backgrounder: Electoral and referendum communications and authorisation requirements](#).

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

If you have any further questions about the referendum authorisation requirements, please contact the AEC at authorisationsection@aec.gov.au.

Yours sincerely

s 47F

s 47F

Regulatory Law, Legal Services Branch
Australian Electoral Commission
20 July 2023