



## DETERMINATION UNDER THE *ELECTORAL ACT 2002*

### DETERMINATION No 1 of 2019

#### POLICY DEVELOPMENT EXPENDITURE STATEMENT SUBMITTED TO THE VICTORIAN ELECTORAL COMMISSION BY ELIGIBLE REGISTERED POLITICAL PARTIES

I, Warwick Gately, Electoral Commissioner, by delegation of the Victorian Electoral Commission (VEC) pursuant to s 16(1)(b) of the *Electoral Act 2002*, make the following determination under section 9(3) of the *Electoral Act 2002*.

#### 1. Application

This determination will apply in relation to section 215A of the *Electoral Act 2002*, which states:

- (1) The Commission must make payments of policy development funding to eligible registered political parties to reimburse costs relating to policy development in accordance with this section.
- (2) An eligible registered political party is entitled to an annual payment of policy development funding equal to the greater of—
  - (a) the sum of \$1.00 for each first preference vote given for a candidate who was endorsed by the registered political party at the previous general election; or
  - (b) \$25,000.
- (3) A registered political party is an eligible registered political party if—
  - (a) the registered political party has been a registered political party for the whole of the calendar year; and
  - (b) the registered officer of the registered political party did not receive a payment under section 212(3) in respect of any election during the calendar year or the previous general election; and
  - (c) the registered political party was not entitled to receive a payment of administrative expenditure funding under section 207G during the calendar year; and
  - (d) the Commission is satisfied that the registered political party operates as a genuine political party; and
  - (e) the registered officer of the registered political party has complied with subsection (4)
- (4) For the purpose of having an entitlement under subsection (2), the registered officer of the registered political party must, within 20 weeks of the end of the calendar year, provide to the Commission a statement, in the form approved by the Commission, specifying that the registered political party has spent or incurred policy development expenditure in relation to the calendar year—
  - (a) not less than the amount of the entitlement under subsection (2); or
  - (b) less than the amount of the entitlement under subsection (2), being the amount specified in the statement.



- (5) For the purposes of subsection (4), policy development expenditure means expenditure as determined from time to time by the Commission but does not include political expenditure or electoral expenditure.
- (6) The registered officer of the registered political party must ensure that any payment received from the Commission under this section is not—
- (a) paid into the State campaign account; or
  - (b) used for electoral expenditure.

## 2. Commencement

This determination commences on 5 February 2019.

## 3. Authority

This determination is made under sections 215A(5) of the *Electoral Act 2002*.

## 4. Repeal

Nil

## 5. Definitions

Electoral expenditure: in relation to an election, means expenditure incurred within the election period on—

- (a) the broadcasting of an advertisement relating to the election; or
- (b) the publishing in a journal of an advertisement relating to the election; or
- (c) the display at a theatre or other place of entertainment, of an advertisement relating to the election; or
- (d) the production of an advertisement relating to the election, being an advertisement that is broadcast, published or displayed as mentioned in paragraph (a), (b) or (c); or
- (e) the production of any material in relation to the election (not being material referred to in paragraph (a), (b) or (c)) that is required under section 83 to include the name and address of the author of the material or of the person authorising the material; or
- (f) the production and distribution of electoral matter that is addressed to particular persons or organisations; or
- (g) fees or salaries paid to consultants or advertising agents for—
  - (i) services provided, being services relating to the election; or
  - (ii) material relating to the election; or
- (h) the carrying out of an opinion poll, or other research, relating to the election.

Political expenditure: means any expenditure for the dominant purpose of directing how a person should vote at an election, by promoting or opposing—

- (a) the election of any candidate at the election; or
- (b) a registered political party; or



Victorian Electoral Commission  
Level 11, 530 Collins Street  
Melbourne Vic 3000  
T (03) 8620 1100 F (03) 9629 8632  
vec.vic.gov.au

- (c) an elected member—  
but does not include expenditure incurred by an associated entity or third-party campaigner on any material that is published, aired or otherwise disseminated outside of the election campaigning period unless the material refers to—
- (d) a candidate or registered political party; and
- (e) how a person should vote at an election.

**Policy development funding:** funding paid to eligible registered political parties to reimburse costs relating to policy development in accordance with section 215A of the *Electoral Act 2002*.

**Registered Officer:** means the person shown on the Register of Political Parties as the Registered Officer of that party.

**Registered political party:** means a political party that is registered under Part 4 of the *Electoral Act 2002*.

**State campaign account:** means the separate account or accounts required to be kept under section 207F of the *Electoral Act 2002*.

## 6. Purpose

This determination details the VEC's principles for determining policy development expenditure under section 215A(5). These principles are attached.



**W.M. GATELY AM**  
Electoral Commissioner





Victorian Electoral Commission  
Level 11, 530 Collins Street  
Melbourne Vic 3000  
T (03) 8620 1100 F (03) 9629 8632  
vec.vic.gov.au

### **The VEC's principles for determining policy development expenditure**

Section 215A of the *Electoral Act 2002* provides for eligible registered political parties to receive policy development funding to reimburse costs relating to policy development.

The VEC will utilise the following principles in determining if an expense is considered a policy development expense.

Policy development expenses are any expenses associated with policy development for State matters. This may include the following:

- office accommodation for policy development
- staff employed for policy development
- equipment for policy development (e.g. IT systems, vehicles, office stationery, etc)
- interest charges on loans for policy development
- utilities for policy development
- travel related to policy development
- advertising related to policy development
- cost of activities associated with policy development (e.g. conferences, seminars, meetings, providing information to members and supporters)
- costs incurred to submit policy development applications (including staff time, audit cost, etc).

Expenses that cannot be claimed as policy development expenses include any costs associated with the running of an election campaign (i.e. political and electoral expenditure) or policy development for any other branch of a party other than the Victorian branch.