



## DETERMINATION UNDER THE *ELECTORAL ACT 2002*

### DETERMINATION No 2 of 2018

#### INSTRUCTIONS IN RELATION TO A REQUEST TO THE COMMISSION TO RECEIVE ADMINISTRATIVE EXPENDITURE FUNDING

I, Warwick Gately, Electoral Commissioner, by delegation of the Commission pursuant to section 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 to a request to the Commission to receive administrative expenditure funding to which an entitlement applies under s207GA of the *Electoral Act 2002*.

Section 207GB(2) relates to an entitlement to receive payments of administrative expenditure funding in respect of a scheduled general election period and states that:

- (a) a request for administrative expenditure funding in respect of a scheduled general election period must be in the form determined by the Commission; and
- (b) in the case of a request by the registered agent of an independent elected member, state that the independent elected member intends to stand for election to the Parliament of Victoria at the general election in that year; and
- (c) in the case of a request by the registered officer of a registered political party, state-
  - (i) that all the elected members intend to stand for election to the Parliament of Victoria at the general election in that year as endorsed candidates of the registered political party; or
  - (ii) if all the elected members do not intend to stand for election to the Parliament of Victoria at the general election in that year as endorsed candidates of the registered political party, the number of elected members that do intend to stand for election to the Parliament of Victoria at the general election in that year as endorsed candidates of the registered political party;
- (d) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding that is not used to incur claimable expenditure must be repaid to the Commission; and
- (e) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding will not be—
  - (i) paid into the State campaign account; or
  - (ii) used to incur any of the following expenditure—
    - (A) political expenditure;
    - (B) electoral expenditure;



- (C) expenditure for which an elected member has claimed a parliamentary allowance as a member;
- (D) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria.

S207GB(4) relates to an entitlement to receive administrative expenditure funding in respect of any period other than a scheduled general election period and states that such a request must:

- (a) be in the form determined by the Commission; and
- (b) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding that is not used to incur claimable expenditure must be repaid to the Commission; and
- (c) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding will not be—
  - (i) paid into the State campaign account; or
  - (ii) used to incur any of the following expenditure—
    - (A) political expenditure;
    - (B) electoral expenditure;
    - (C) expenditure for which an elected member has claimed a parliamentary allowance as a member;
    - (D) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria.

## 2. Commencement

This determination commences on 1 August 2018.

## 3. Authority

This determination is made under section 207GB(2)(a) and section 207GB(4)(a) of the *Electoral Act 2002*.

## 4. Repeal

Nil

## 5. Definitions

Administrative expenditure funding: means funding paid to a registered political party or an independent elected member for administrative expenses, including expenses incurred in complying with this Part [4 of the *Electoral Act 2002*].



- Registered Officer:** has the meaning given to registered officer of a registered political party by section 44 of the *Electoral Act 2002*.
- Registered agent:**
- (a) a person nominated as the agent of a candidate at an election, a group, an elected member, an associated entity or a third party campaigner whose name and address is registered on the Register of Agents; or
  - (b) if a person has not been nominated, the person who is to be taken to be the registered agent of a candidate at an election, a group, an elected member, a nominated entity, an associated entity or a third party campaigner in accordance with section 207B or 207C.
- Registered political party:** a party that is registered under Part 4 of the Electoral Act 2002.
- Independent elected member:** an elected member who is not a member of a registered party.
- Scheduled general election period:** means the period commencing on 1 July in a year that a general election under section 61(1)(a) is to be held and ending on the day that the general election is held (both days inclusive).

## 6. Purpose

This determination details the requirements of the Commission in relation to requests from those who have an entitlement to receive administrative expenditure funding in respect of a scheduled general election period and a period other than a scheduled general election period. The requirements are attached.

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



## Requirements in relation to the written request to receive Administrative Expenditure Funding

Section 207GB of the *Electoral Act 2002* allows those having an entitlement to receive payments of administrative expenditure funding in respect of a scheduled general election period or a period other than a scheduled general election period to provide a written request to the Commission for receipt of payments of administrative expenditure funding for the period. This request must be made to the Commission in the form and manner detailed below:

- The Registered Officer or independent elected member is to complete an *Administrative Expenditure Funding Application Form* and email it to [disclosures@vec.vic.gov.au](mailto:disclosures@vec.vic.gov.au).
- Information required on the Administrative Expenditure Funding Form includes:
  - The following details:
    - Registered political party name (if applicable)
    - Registered political party address (if applicable)
    - Registered Officer or Independent elected member name
    - Registered Officer or Independent elected member contact details
    - Number of elected members intending to recontest the 2018 State election (if applicable)
    - Details in relation to the Nominated account:
      - Nominated account name
      - Financial institution name
      - BSB
      - Account number
  - The following acknowledgement by the Registered Officer or Independent elected member:
    - They acknowledge that administrative expenditure funding payments must not be used for political expenditure or electoral expenditure as defined in the *Electoral Act 2002*, expenditure for which an elected member has claimed a parliamentary allowance as a member, or expenditure incurred substantially in respect of operations or activities relating to the election of members of the registered political party to a Parliament other than the Parliament of Victoria.
    - An acknowledgement that following the end of each calendar year they must submit an audited annual return detailing administrative expenses, and that any amount of funding not used for administrative purposes must be repaid.
    - (in relation to the Registered Officer only) To the best of the Registered Officer's knowledge, the information they have provided about the number of members contesting the next State election is accurate. They also acknowledge the party will be liable to pay back any amounts received for an elected member that does not recontest.
    - (in relation to the Independent elected member only) an acknowledgement that a claim can only be made if they intend to recontest the next State election, and that they will be liable to pay back any amounts received if they do not recontest.
  - A signature and date attesting to these acknowledgements.



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- To be accepted, the original signed document (or an uploaded scanned copy provided the original document is retained for records) must be submitted.
- A copy of the *Administrative Expenditure Funding Application Form* can be accessed via the Commission website, or contacting the Commission via phone on 131 832, or email at [disclosures@vec.vic.gov.au](mailto:disclosures@vec.vic.gov.au).
- From 25 November 2018, parties will be required to ensure that the Nominated Account for Administrative Expenditure Funding is not a State campaign account.
- Pursuant to section 2017(8) and (9) of the *Electoral Act 2002*, Registered Political Parties and Independent Elected Members are required to notify the Commission within 28 days of the decrease in the number of elected members (for Registered Political Parties) or the independent elected member ceases to be an independent elected member.

