



DETERMINATION UNDER THE *ELECTORAL ACT 2002*

DETERMINATION No 2 of 2019

ELECTRONIC LODGEMENT OF DISCLOSURE RETURNS AND ANNUAL RETURNS

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 the electronic lodgement of disclosure returns and annual returns under sections 222DA of the *Electoral Act 2002*, which states:

The Commission may determine procedures in relation to the lodging of disclosure returns and annual returns.

2. Commencement

This determination commences on 5 February 2019.

3. Authority

This determination is made under sections 222DA(1) of the *Electoral Act 2002*.

4. Repeal

Nil

5. Definitions

Annual return: means an annual return required to be provided to the VEC under Division 3C of the *Electoral Act 2002*.

Associated entity: means—an organisation that is controlled by one or more registered political parties; or an organisation that operates wholly, or to a significant extent, for the benefit of one or more registered political parties; or an organisation that is a financial member of a registered political party; or an organisation on whose behalf another person is a financial member of a registered political party; or an organisation that has voting rights in a registered political party; or an organisation on whose behalf another person has voting rights in a registered political party—but does not include a nominated entity of a registered political party.

Australian resident: has the same meaning as it has in section 7 of the *Social Security Act 1991* (Cth).

Candidate: means—a person who has been selected by a political party to be a candidate in an election; or a person, other than a member of a political party, who has publicly announced an intention to be a candidate in an election.



- Disclosure return:** means a disclosure return required to be provided to the VEC under section 216 of the *Electoral Act 2002*.
- Donor:** means a person who makes a political donation.
- Elected member:** means a person who is a member of the Council or the Assembly.
- Group:** means two or more candidates whose names are grouped on a ballot-paper in accordance with section 69A of the *Electoral Act 2002*.
- Nominated entity:** of a registered political party, means an organisation the name and address of which is entered on the Register of Nominated Entities as the nominated entity of the registered political party.
- Political donation:** means a gift to any of the following—a registered political party; a candidate at an election; a group; an elected member; an associated entity, if the whole or part of the gift was used, or intended to be used, by the associated entity to enable the associated entity to make, directly or indirectly, a political donation or incur political expenditure, or reimburse the associated entity for making, directly or indirectly, a political donation or incurring a political expenditure (in which case, the whole or the part of the gift used, or intended to be used for these reasons is a political donation); a third party campaigner, if the whole or part of the gift was used, or intended to be used, by the third party campaigner to enable the third party campaigner to make, directly or indirectly, a political donation or incur political expenditure, or reimburse the third party campaigner for making, directly or indirectly, a political donation or incurring a political expenditure (in which case, the whole or the part of the gift used, or intended to be used for these reasons is a political donation); the nominated entity of a registered political party.
- Recipient:** means a registered political party; a candidate at an election; a group; an elected member; an associated entity; a third party campaigner; a nominated entity of a registered political party.
- Registered political party:** means a political party that is registered under Part 4 of the *Electoral Act 2002*.
- Register of Nominated Entities:** means the Register of Nominated Entities established and maintained under section 222E of the *Electoral Act 2002*.
- Third party campaigner:** means any person or organisation other than—a registered political party; or a candidate at an election; or a group; or an elected member; or an associated entity; or a nominated entity of a registered political party—that receives political donations or incurs political expenditure which exceeds a total of \$4,000 in a financial year.



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6. Purpose

This determination details the requirements of the VEC in relation to the electronic lodgement of disclosure returns and annual returns. The requirements are attached.

W.M. GATELY AM
Electoral Commissioner



Requirements in relation to the electronic lodgement of disclosure returns and annual returns

Section 216 of the *Electoral Act 2002* requires all donors and recipients of political donations above the disclosure threshold (currently equal to or exceeding \$1,000) to provide the VEC with a disclosure return. The disclosure return must be made in writing to the VEC in the form and manner detailed below:

- Completing a *Political Donation Disclosure* form via the VEC Disclosures portal and submitting online, including any required attachments.
- If a donor does not have access to the internet, contact the VEC on 131 832 or (03) 8620 1100 and request a *Political Donation Disclosure* form. Completing a *Political Donation Disclosure* form and posting it to the VEC via the Victorian Electoral Commission, Level 11, 530 Collins Street, Melbourne VIC 3000, along with any required attachments.
- If the VEC Disclosures portal cannot be accessed, contact the VEC on 131 832 or (03) 8620 1100 and request a *Political Donation Disclosure* form. Completing a *Political Donation Disclosure* form and emailing it to the VEC via disclosures@vec.vic.gov.au, along with any required attachments.
- Information required on a *Political Donation Disclosure* form includes:
 - Details of donor, including the following mandatory details:
 - Name
 - Confirmation of Australian citizen or resident status (if individual)
 - ABN/ACN (if organisation)
 - Street address (including suburb/town, state and postcode)
 - Contact person name (if organisation)
 - Email address (of contact person if organisation)
 - Phone number (of contact person if organisation).
 - Details of the recipient, including the following mandatory details:
 - Name
 - ABN/ACN (if organisation)
 - Street address (including suburb/town, state and postcode)
 - Contact person name (if organisation)
 - Email address (of contact person if organisation)
 - Phone number (of contact person if organisation).
 - Type of political donation, be it money, a service, a loan, a guarantee or the giving of property.
 - Value of the political donation, including proof of value in the case of a service or property.
 - Date the political donation was given or received.
- Both the donor and recipient are required to submit donation disclosures.



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Division 3C of the *Electoral Act 2002* requires recipients of political donations to submit an annual return to the VEC within 16 weeks of the end of the financial year. The annual return must be made in writing to the VEC in the form and manner detailed below:

- Completing an *Annual Return Disclosure* form via the VEC Disclosures portal and submitting online, including any required attachments.
- If a recipient does not have access to the internet, contact the VEC on 131 832 or (03) 8620 1100 and request an *Annual Return Disclosure* form. Completing an *Annual Return Disclosure* form and posting it to the VEC via the Victorian Electoral Commission, Level 11, 530 Collins Street, Melbourne VIC 3000, along with any required attachments.
- If the VEC Disclosures portal cannot be accessed, contact the VEC on 131 832 or (03) 8620 1100 and request an *Annual Return Disclosure*. Completing an *Annual Return Disclosure* form and emailing it to the VEC via disclosures@vec.vic.gov.au, along with any required attachments.
- For a registered political party, information required on an *Annual Return Disclosure* form is outlined in section 217I of the *Electoral Act 2002*.
- For an associated entity, information required on an *Annual Return Disclosure* form is outlined in section 217J of the *Electoral Act 2002*.
- For third party campaigners, information required on an *Annual Return Disclosure* form is outlined in section 217K of the *Electoral Act 2002*.
- For a nominated entity, information required on an *Annual Return Disclosure* form is outlined in section 217L of the *Electoral Act 2002*.
- For an agent of a candidate, group or elected member, information required on an *Annual Return Disclosure* form is outlined in section 217M of the *Electoral Act 2002*.