

Public Funding Statement of Expenditure

Public funding

The Victorian Electoral Commission (VEC) pays public funding to eligible registered political parties (RPP) and independent candidates (IC) to reimburse political expenditure and electoral expenditure incurred in relation to a general election or a by-election.

Eligibility

Under the *Electoral Act 2002* (Vic) (Electoral Act), RPPs with endorsed candidates/ICs who received at least 4% of the total number of first preference votes or were elected are entitled to receive public funding.

Section 211(3) Entitlement to public funding

Claimable and non-claimable expenditure

Public funding is provided to reimburse expenditure incurred in an election campaign. Expenses that may be claimed by an RPP or IC include:

Political expenditure – any expenditure for the dominant purpose of directing how a person should vote at an election, by promoting or opposing the election of any candidate at the election, or an RPP, or an elected member.

Electoral expenditure – expenditure incurred in relation to an election on: advertising; the production of handbills, pamphlets and notices that are required to include details of the author of the material or the authorising person; production and distribution of electoral matter addressed to particular persons or organisations; fees or salaries paid to consultants or advertising agents for services or materials provided; opinion polls or other research.

Expenses that are not related to an election campaign, e.g. general running costs for the standard operations of a political office, **do not** constitute claimable expenditure.

Sections 206(1) Definitions and 208(3) Statement of expenditure

Entitlement amount

The maximum entitlement amount payable is based on the total number of first preference votes received by candidates who meet the eligibility criteria above. The amounts are indexed annually in line with the consumer price index (CPI) and published on our website:

<https://www.vec.vic.gov.au/candidates-and-parties/political-donations/indexation>

If an IC/RPP has spent less than the maximum entitlement amount, the VEC will only reimburse the amount actually spent. If the statement shows an IC/RPP has spent more than the maximum entitlement amount, the VEC will only pay the maximum entitlement amount.

Sections 211(3) Entitlement and 212(2) Making of payments

Application requirements

An eligible IC must complete and submit an audited public funding statement of expenditure to the VEC before public funding will be paid.

Public Funding Statement of Expenditure

The registered officer of an eligible RPP must complete and submit an audited public funding statement of expenditure to the VEC before public funding will be paid.

The completed public funding statement and accompanying audit certificate must be emailed to disclosures@vec.vic.gov.au.

Section 208 Statement of expenditure

Audit certificate

An audit certificate comprises part of a public funding statement of expenditure.

For an IC, the audit must be conducted by an independent auditor and the prescribed VEC audit certificate form must be used. The VEC will not accept any other format of audit certificate.

For an RPP, the audit must be conducted by a registered company auditor within the meaning of the *Corporations Act 2001* (Cth) and the prescribed VEC audit certificate form must be used. The VEC will not accept any other format of audit certificate.

Section 209 Audit of statement

Determination 1 of 2024 Form of audit certificates for annual returns and other financial statements

Due date

Statements are due within 20 weeks after the general election day or by-election day. The due date does not change if it falls on a non-business day. The VEC is unable to offer any extensions to this legislative deadline.

Sections 208(1) and 208(2) Statement of expenditure

Failure to submit a statement by the due date

If an eligible public funding recipient does not submit a properly completed public funding statement and audit certificate to the VEC by the due date, they will not be entitled to receive public funding for the general election or by-election.

Section 212(1) Making of payments

Payments

The VEC will make payment within 30 days after receiving a properly completed statement and audit certificate. Payment is made directly to eligible independent candidates. An RPP receives public funding for its eligible endorsed candidates. Public funding must be paid into the IC/RPP's State campaign account.

Sections 207F State campaign account and 212 Making of payments

Optional advance payment (for general election only)

An eligible IC/RPP may also opt to receive advance public funding for the next general election. If the IC/RPP decides to exercise this option, the VEC will pay the same entitlement amount for the immediately preceding general election for the next general election. Payment is made in 4 instalments:

- 40% within 30 days of receiving the audited statement and accompanying audit certificate.
- 3 instalments of 20% in April in the 2nd, 3rd and 4th years of the election period.

Sections 212A(2) Instalment payments of public funding entitlement

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Consequences of accepting a political donation in breach of the Electoral Act

The general cap – the maximum amount a donor is permitted to donate to an IC/RPP during the 4-year period between general elections (election period) – is indexed annually in line with CPI and published on our website:

<https://www.vec.vic.gov.au/candidates-and-parties/political-donations/indexation>

Obligations in relation to the general cap on donations are outlined in Part 12, Division 3B of the Electoral Act.

Donations accepted in contravention of the Electoral Act are forfeited to the State. The amount of public funding and advance public funding paid/payable to the breaching recipient is also reduced.

Part 12 Division 3B General cap on donations

Section 212(2A) Making of payments

Offences

Information provided in this statement will be audited by the VEC. We may request documentation to support any information disclosed in this form.

Section 210 Powers of Commission

Any intention to circumvent a prohibition or requirement of Part 12 of the Electoral Act, or to provide false or misleading information, is a serious offence. Certain offences may result in fines, prison sentences, as well as penalties attached to the recovery of donation amounts.

The offences include (but are not limited to):

- If the registered officer of a registered political party gives a statement that contains particulars that are, to the knowledge of the registered officer, false or misleading in a material particular, the registered officer is guilty of an offence.

Penalty: 300 penalty units or 2 years imprisonment or both

Section 218(1) Offences

- If a candidate gives a statement that contains particulars that are, to the knowledge of the candidate, false or misleading in a material particular, the candidate is guilty of an offence.

Penalty: 300 penalty units or 2 years imprisonment or both

Section 218(2) Offences

- A person must not enter into, or carry out, a scheme, whether alone or with any other person, with the intention of circumventing a prohibition or requirement under this Part.

Penalty: 10 years imprisonment

Section 218B Offence to enter into or carry out scheme

See Part 12 Division 4 of the Electoral Act for further information on offences.

The VEC recommends that funding recipients consult a taxation adviser to ensure that any possible GST implications are understood in relation to funding and this statement.

More information

For more information, please visit the VEC website at www.vec.vic.gov.au or email Funding, Disclosure and Registration at: disclosures@vec.vic.gov.au.

Public Funding Statement of Expenditure

Funding applicant		
Applicant is: <i>(tick one box)</i>	Registered political party (RPP) <input type="checkbox"/>	Independent candidate (IC) <input type="checkbox"/>
Name of applicant		
Name of person completing form		
Role of person completing form <i>(e.g. registered officer, independent candidate)</i>		
Phone number		
Email		
Address		

Election		
Is the expenditure claimed in relation to a general election? <i>(tick one box)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no, electoral district(s) contested		
Date of election		

Expenditure	
The political and electoral expenditure paid or incurred by the funding applicant in relation to the above-named election was: <i>(tick one box)</i>	
Not less than the entitlement amount (including GST) under section 211 of the <i>Electoral Act 2002</i> (Vic)	<input type="checkbox"/>
Less than the amount of the entitlement (including GST) under section 211 of the <i>Electoral Act 2002</i> (Vic)	<input type="checkbox"/>
The amount of claimable expenditure spent is \$ _____	

Public Funding Statement of Expenditure

State campaign account

(All public funding payments must be paid into the State campaign account)

Account name			
Financial institution name			
BSB		Account number	

Fill in **either** the IC attestation **or** the RPP attestation.

Attestation – IC

I certify that the information contained in this statement is true and complete to the best of my knowledge.	<input type="checkbox"/>
I confirm that the amounts indicated as electoral and political expenditure are as defined in section 206(1) of the <i>Electoral Act 2002</i> (Vic).	<input type="checkbox"/>
I understand that submitting false or misleading information is an offence under section 218 of the <i>Electoral Act 2002</i> (Vic) that may be prosecuted.	<input type="checkbox"/>
I have attached the independent auditor certificate using the VEC template.	<input type="checkbox"/>

Attestation – RPP

I certify that the information contained in this statement is true and complete to the best of my knowledge.	<input type="checkbox"/>
I confirm that the amounts indicated as electoral and political expenditure are as defined in section 206(1) of the <i>Electoral Act 2002</i> (Vic).	<input type="checkbox"/>
I understand that submitting false or misleading information is an offence under section 218 of the <i>Electoral Act 2002</i> (Vic) that may be prosecuted.	<input type="checkbox"/>
I have attached the registered company auditor certificate using the VEC template.	<input type="checkbox"/>

Signature

Signature	
Date	