

May 2025

# Referendum Compliance Review Report

**Youth Off the Streets Limited**

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## Purpose of this report

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The referendum disclosure scheme is established under Part VIIIA of the *Referendum (Machinery Provisions) Act 1984* (Referendum Act).

Youth Off the Streets Limited lodged a referendum entity disclosure return, which was subsequently withdrawn.

Pursuant to s 109N(2) of the Referendum Act, this report provides the Head of Finance & Operations of Youth Off the Streets Limited (the entity) with the Australian Electoral Commission's (AEC) assessment of whether the entity complied with disclosure obligations under Part VIIIA of the Referendum Act, specifically sections 109E and 109F.

## Disclosure obligations

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A person or entity (relevant person) must provide a disclosure return if the person or entity incurred referendum expenditure during a referendum expenditure period that exceeds the disclosure threshold.

Subsection 109E(4) of the Referendum Act requires referendum entities to furnish a return within 15 weeks after the voting day for the referendum.

The return must disclose:

- Referendum expenditure (s 109E of the Referendum Act)
  - total referendum expenditure incurred greater than the disclosure threshold.
- Donations received (s 109F of the Referendum Act)
  - total value of donations received to incur or reimburse for referendum expenditure;
  - total number of donors providing donations to incur or reimburse for referendum expenditure; and
  - details of donations received totalling more than the disclosure threshold and used (wholly or partly) to incur or reimburse for referendum expenditure.

For the 2023 referendum:

- The disclosure threshold was for sums in excess of \$15,200.
- The referendum expenditure period is from 11 March 2023 to 14 October 2023.

Section 109J of the Referendum Act restricts referendum entities from receiving gifts from foreign donors. This section further restricts gifts from foreign donors to referendum entities for the purpose of incurring referendum expenditure.

The Referendum (Machinery Provisions) Act is available in full [here](#).

## Conduct of the review

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A delegate of the Electoral Commissioner has authority under s 109N(2) to require the production of information and documents for the purpose of assessing compliance with the disclosure obligations required of referendum entities under VIIIA of the Referendum Act.

Subsection 109N(2) of the Referendum Act permits the Electoral Commissioner to require the person to give to the Commissioner, within the period, and in the manner and form specified in the notice, any such information or documents for the purposes of considering whether the disclosure obligations under the Referendum Act have been complied with.

As part of this process, a delegate of the Electoral Commissioner of the AEC served a notice on the Head of Finance & Operations of the entity under s 109N(2) requiring the entity to provide financial records and other documents in relation to its financial operations relevant to the 2023 referendum.

## Scope of the review

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The records requested by the AEC from the entity were limited to those which enabled the AEC to assess whether the entity was required to lodge a disclosure return under Part VIIIA of the Referendum Act.

The AEC specifically assessed whether the entity:

- incurred referendum expenditure of more than \$15,200 during the referendum period; and/or
- made one or more donations totalling more than \$15,200 to a referendum entity during the referendum period.

## Stakeholder engagement

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The AEC's general practice is to communicate with the relevant person of the entity by phone, email and/or face to face meetings as appropriate to cover the following topics:

- financial reports and documentation available from the entity's accounting system;
- compliance issues arising from the AEC review of the financial reports and documentation provided by the entity;
- required and suggested referendum disclosure return requirements which may arise from the compliance review;

- potential enhancements in the entity's understanding of disclosure obligations and accounting processes to improve future compliance.

During the review, the entity provided documentation to the AEC as requested and within set timeframes.

A draft compliance review report was issued by a delegate of the Electoral Commissioner on 7 May 2025. Youth Off the Streets Limited was provided with an opportunity to comment on the draft report by 14 May 2025. The entity did not provide comment.

## Review outcome & conclusion

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Youth Off the Streets Limited lodged a referendum entity disclosure return on 29 January 2024. In consultation with the AEC, this disclosure return was subsequently withdrawn on 19 April 2024.

After examining the documents provided by the entity for review, a delegate of the Electoral Commissioner has determined that Youth Off the Streets Limited has no obligation to lodge a 2023 referendum disclosure return under Part VIIIA of the Referendum Act. The referendum entity disclosure return was correctly withdrawn, and did not appear on the AEC's Transparency Register.

Joanne Reid  
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Australian Electoral Commission  
28 May 2025