

MINISTERIAL SUBMISSION

Special Minister of State
CC: Minister for Finance

Increase in election funding rate, automatic payment of election funding and disclosure threshold - Update effective 1 July 2022

Minister's action due by: 30 June 2022 for awareness ahead of 1 July 2022 implementation.

Recommendation:

That you **note** effective from 1 July 2022 an increase in the:

- i. election funding rate to \$3.016 per eligible vote for the period 1 July 2022 to 31 December 2022
- ii. automatic payment of election funding to \$11,029 for the period 1 July 2022 to 31 December 2022
- iii. financial disclosure threshold to \$15,200 for the financial year 1 July 2022 to 30 June 2023.

NOTED / PLEASE DISCUSS

Section 47F

Don Farrell

517122.

Key issues:

The rate of election funding for eligible votes obtained at House of Representatives and Senate election, and the amount of the automatic payment, are indexed for inflation every six months, with new rate/amount applying alternatively from 1 July and 1 January. The threshold amount for financial disclosure is indexed for inflation annually with a new threshold amount applying each year commencing 1 July.

2. As a standing courtesy the Australian Electoral Commission (AEC) advises you of upcoming indexation to these amounts for awareness.

3. With the release of the March 2022 Consumer Price Index (CPI) the AEC has calculated that the:

- (a) rate of election funding to apply for the six month period from 1 July 2022 to 31 December 2022 will be \$3.016 per eligible vote

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- (b) automatic payment amount of election funding paid to apply for the six month period from 1 July 2022 to 31 December 2022 will be \$11,029
- (c) financial disclosure threshold to apply for the period 1 July 2022 to 30 June 2023 will be \$15,200.

4. Under the provisions of sections 293, 294 and 295 of the *Commonwealth Electoral Act 1918* (the Electoral Act), election funding is paid on eligible votes received where a candidate or Senate group receives at least 4 per cent of the formal first preference votes cast in that election.

5. The increases applicable to election funding, automatic payment and the disclosure threshold will be made available on the AEC's website.

Financial implications:

6. Not applicable.

Background:

7. Sections 293, 294 and 295 of the Electoral Act provide for the payment of election funding to political parties, candidates or Senate groups that receive at least 4 per cent of the formal first preference votes cast in an election.

8. Section 296 of the Election Act provides for the automatic payment of election funding of \$10,000 (indexed every six months) to political parties, candidates or groups that received at least 4 per cent of the formal first preference votes cast in an election as soon as practicable after polling day.

9. Section 321 of the Electoral Act provides for six-monthly indexation of the rate of election funding and the automatic payment amount based on movements between the preceding September/March quarters All Groups CPI Number published by the Australian Bureau of Statistics (ABS).

10. Section 287(1) of the Electoral Act provides for the disclosure threshold of \$13,800. Section 321A of the Electoral Act provides for the indexation of the disclosure threshold referred to in section 287(1) of the Electoral Act every financial year commencing on 1 July. The Electoral Act specifies basing the rate of indexation on the yearly March CPI figures published by the ABS.

Consultation:

11. Not applicable.

Attachments:

Not applicable.

Approved for electronic transmission

Tom Rogers
Electoral Commissioner
Australian Electoral Commission

Section 47F

Contact officer: Joanne Reid
Job title: Assistant Commissioner, Disclosure Assurance and Engagement
Telephone: Section 47F
PDR number: MS22-000022

PDR number: MS22-000024
Date sent to MO: 17 June 2022



MINISTERIAL SUBMISSION

Special Minister of State

CC: Minister for Finance

Payment of election funding – 2022 federal election (automatic payment)

Minister's action due by: 20 June 2022 to note ahead of a media release about the payments to be issued by the Australian Electoral Commission (AEC) on 20 June 2022.

Recommendation:

That you **note** the initial payment of election funding entitlements made following the 2022 federal election.

NOTED / PLEASE DISCUSS

/ /

Don Farrell

Key issues:

Federal election funding provisions are legislated in Division 3 of Part XX of the *Commonwealth Electoral Act 1918* (the Electoral Act).

2. Election funding may be payable in relation to any candidate who receives more than 4 per cent of the total formal first preference votes cast in an election.
3. The funding rate for candidates in the 2022 federal election is \$2.914 per vote.
4. The Electoral Act requires the automatic payment of \$10,000 (indexed) as soon as practicable after 20 days after polling day. The automatic payment amount for the 2022 federal election is \$10,656.
5. For the federal election, the 20th day after polling day was 10 June 2022.
6. After going through the necessary checks and approvals process, automatic election funding payments were processed on 14 June 2022.
7. A total of \$713,952 in automatic election funding payments was paid.
8. Details of the payments made to parties and independents are at Attachment A.

9. A claim must be made for election funding of more than the automatic payment. The amount payable is capped at the amount of actual electoral expenditure incurred by the political party, candidate or Senate group.
10. The AEC must make a determination on the claim and process payment within 20 days of the receipt of the claim. Provisions have been included in the legislation to apply for reconsideration of refused claims.
11. Determinations will be published on the Transparency Register on the AEC website.

Financial implications:

12. In accordance with section 302 of the Electoral Act, election funding is payable out of the Consolidated Revenue Fund.

Financial year	2021-22	2022-23	2023-24	2024-25
\$m	\$713,952	\$0	\$0	\$0

Consultation:

13. Not applicable.

Attachment:

Att A – Eligibility for automatic payment of election funding

Approved for electronic transmission

Tom Rogers
Electoral Commissioner
Australian Electoral Commission
Section 47F

Contact officer: Joanne Reid
Job title: Assistant Commissioner, Disclosure
Assurance and Engagement
Telephone: Section
PDR number: MS22-000024

Eligibility for automatic payment of election funding***Political parties***

Australian Greens (Federal)	National Party of Australia - (WA) Inc
Australian Labor Party (Federal)	Pauline Hanson's One Nation
Centre Alliance	Queensland Greens
Country Liberals (Northern Territory)	Shooters, Fishers and Farmers Party
David Pocock	Socialist Alliance
Indigenous - Aboriginal Party of Australia	The Australian Greens - Victoria
Jacqui Lambie Network	The Greens (WA) Inc
Katter's Australian Party (KAP)	The Greens NSW
Legalise Cannabis Australia	The Local Party of Australia
Liberal Democratic Party	United Australia Party
Liberal Party of Australia	Victorian Socialists
National Party of Australia - NSW	The Great Australian Party
National Party of Australia - Victoria	Kim for Canberra

Independent candidates

Tim Bohm	Suzie Holt
Jamie Christie	Nina Digiglio
Alex Dyson	Hanabeth Luke
Helen Haines	Claire Ferres Miles
Zali Steggall	Sarah Russell
Andrew Wilkie	Despi O'Connor
Stuart Bonds	Nicolette Boele
James Laurie	Jack Dempsey
Penny Ackery	Jarrod James Bingham
Zoe Daniel	Rob Priestly
Dai Le	Craig Anthony Garland
Duncan Scott	Caz Heise
Kylea Jane Tink	Liz Habermann
Kate Hook	Allegra Spender
Matt Sharpham	Georgia Steele
Kelli Jacobi	Sophie Baldwin
Kate Chaney	Jo Dyer
Sophie Scamps	Deb Leonard
Stewart Gordon Brooker	George Razay
Steve Attkins	Monique Ryan
Kirstie Smolenski	

FOR: Special Minister of State

INFO: Minister for Finance

Action requested by: 4 November 2022

Reason for urgency: To note before
publication on 7 November 2022**Publication of the 2022 federal election financial disclosure returns****Key issues:**

Part XX of the *Commonwealth Electoral Act 1918* requires candidates, Senate groups and donors to furnish financial disclosure returns to the Australian Electoral Commission (AEC) covering each election. These returns are made public 24 weeks after polling day for the relevant election.

2. The 2022 federal election financial disclosure returns from candidates, Senate groups and election donors will be released for public inspection after 9am (AEDT) on Monday 7 November 2022.
3. The financial disclosure returns will be available from the AEC website via the AEC Transparency Register (<https://transparency.aec.gov.au>). The register allows returns to be viewed in PDF format and the data is downloadable to allow further analysis of the returns.
4. The AEC will issue a media release regarding the publication of the federal election financial disclosure returns on Monday 7 November 2022.

Recommendation:

That you **note** the 2022 federal election financial disclosure returns will be made publicly available on Monday 7 November 2022.

Decision:

Noted / Please discuss

Section 47F

Don Farrell

Financial implications:

Not applicable.

Consultation:

Not applicable.

Attachments:

Not applicable.

From:

Tom Rogers
Electoral Commissioner
Australian Electoral Commission

Section 47F

Contact:

Joanne Reid
Assistant Commissioner
Disclosure Party Registration and Redistribution Branch

Section 47F

Background:**Financial disclosure requirements**

The *Commonwealth Electoral Act 1918* (Electoral Act) requires candidates, Senate groups and donors to furnish financial disclosure returns to the Australian Electoral Commission (AEC) covering each election.

These returns are made public 24 weeks after polling day in the relevant election.

The threshold for reporting donations for the 2022 federal election was 'more than \$14,500'. This threshold is indexed with effect from 1 July each year based on increases in the consumer price index.

Candidate and Senate groups

Section 304 of the Electoral Act provides that candidates and Senate groups must submit returns containing the following information:

- (a) the total amount or value of all donations received and the total number of persons who made such donations
- (b) details of each donation over the threshold during the disclosure period.

Section 309 of the Electoral Act provides that candidate returns must also disclose details of all electoral expenditure incurred in relation to the election and the details of any discretionary benefits received.

Candidates and Senate groups not endorsed by a political party must disclose the total number of donations received and the sum and details of donations over the threshold, as well as electoral expenditure incurred and details of any discretionary benefits received.

Candidates and Senate groups endorsed by a registered political party may submit a 'nil return' and instead report their donations and expenditure in their political party's return for the 2021-22 financial year.

Donors

Where the sum of a donor's contribution to a candidate or Senate group is more than the threshold, the donor must submit a return that details:

- (a) the sum and details (date of receipt of the donation) of each donation
- (b) the sum and details of any donation received by the donor that has been passed on to a candidate or Senate group, or to another donor for the purpose of being passed on to a candidate or Senate group.

FOR: Special Minister of State

INFO: Minister for Finance

Action requested by: 23 December 2022

Reason for urgency: Not applicable

Election funding rate and automatic payment of election funding – Update effective 1 January 2023

Key issues:

The rate of election funding for eligible votes obtained at House of Representatives and Senate elections and the amount of the automatic payment are indexed for inflation every six months, with the new rate / amount applying alternatively from 1 July and 1 January.

2. With the release of the September 2022 Consumer Price Index (CPI) the Australian Electoral Commission (AEC) has calculated that the:

- a. rate of election funding to apply for the six-month period from 1 January 2023 to 30 June 2023 will be \$3.125 per eligible vote,
- b. automatic payment amount of election funding to apply for the six-month period from 1 January 2023 to 30 June 2023 will be \$11,426.

3. The increases applicable to election funding and the automatic payment (and historical rates) are available on the AEC website and provided in the Background for information.

Recommendation:

That you note effective from 1 January 2023 an increase in the:

- i. election funding rate of \$3.125 per eligible vote for the period 1 January 2023 to 30 June 2023
- ii. automatic payment of election funding to \$11,426 for the period 1 January 2023 to 30 June 2023

Decision:

Noted / Please discuss

Section 47F


 Don Farrell

Financial implications:

Not applicable.

Consultation:

Not applicable.

Attachments:

Not applicable.

From:

Tom Rogers
 Electoral Commissioner
 Australian Electoral Commission
 Section 47F

Contact:

Joanne Reid
 Assistant Commissioner
 Disclosure, Party Registration and Redistribution Branch
 Section 47F

Background:

Sections 293, 294 and 295 of the *Commonwealth Electoral Act 1918* (the Electoral Act) provide for the payment of election funding to political parties, candidates or Senate groups that receive at least 4 per cent of the formal first preference votes cast in an election.

2. Section 296 of the Electoral Act provides for the automatic payment of election funding of \$10,000 (indexed every six months) to political parties, candidates or groups that received at least 4 per cent of the formal first preference votes cast in an election as soon as practicable from 20 days after polling day.

3. Section 321 of the Electoral Act provides for six-monthly indexation of the automatic payment amount and the election funding rate based on movements between the preceding September/March quarters All Groups CPI published by the Australian Bureau of Statistics. However, the automatic payment amount and the election funding rate are only adjusted when there is an increase in CPI from the previous quarter.

4. Rates for previous Electoral Events are on the AEC website and provided below for information.

Election	Rate applicable (cents)	Automatic Payment Amount
2022 Federal Election	291.400	\$10,656
2020 Eden-Monaro and Groom by-elections	282.900	\$10,344.252
2019 federal election	275.642	\$10,080
2018 Braddon, Fremantle, Longman, Mayo, Perth and Wentworth by-elections	273.454	
2018 Batman by-election	270.479	
2017 Bennelong and New England by-elections	268.332	
2016 federal election	262.784	
2015 Canning and North Sydney by-elections	259.405	
2014 Western Australian Senate election	252.781	
2014 Griffith by-election	252.781	
2013 federal election	248.800	
2010 federal election	231.191	
2009 Bradfield and Higgins by-elections	224.851	
2008 Lyne and Mayo by-elections	218.940	
2008 Gippsland by-election	214.018	
2007 federal election	210.027	
2004 federal election	194.397	
2001 federal election	179.026	
1998 federal election	162.210	
1996 federal election	157.594	
1993 federal election	100.787 ¹ 50.393 ²	
1990 federal election	91.223 ¹ 45.611 ²	
1987 federal election	76.296 ¹ 38.148 ²	
1984 federal election	61.2 ¹ 30.6 ²	

1. per House of Representatives vote

2. per Senate vote

Ministerial Submission

MS23-000001

Cleared by: Tom Rogers

Date sent to MO: 17 January 2023

FOR: Special Minister of State

INFO: Minister for Finance

Action requested by: 31 January 2023

Reason for urgency: For awareness ahead
of publication on 1 February 2023

Publication of 2021-22 Annual Returns

Key issues:

The annual financial disclosure returns for the 2021-22 financial year will be released for public inspection after 9am (AEDT) on Wednesday 1 February 2023. The returns are from registered political parties, significant third parties, associated entities, Members of the House of Representatives and Senators, donors to registered political parties or significant third parties, and third parties that have incurred electoral expenditure.

2. Financial disclosure returns will be available from the Australian Electoral Commission (AEC) website via the AEC Transparency Register (<https://transparency.aec.gov.au>). The register allows searching of returns across all categories. The returns are viewed in PDF format and the data is downloadable to enable further analysis.

3. The AEC will issue a media release regarding the publication of the annual financial disclosure returns on Wednesday 1 February 2023.

Recommendation:

That you **note** the release of the 2021-22 annual financial disclosure returns which will occur on 1 February 2023.

Section 47F

Don Farrell

Decision:

Noted / Please discuss

Financial implications:

Not applicable.

Consultation:

Not applicable.

Attachments:

Att A – Supplementary information on disclosure requirements

From:

 Tom Rogers
 Electoral Commissioner
 Australian Electoral Commission
 Section 47F

Contact:

 Joanne Reid
 Assistant Commissioner
 Disclosure Party Registration and Redistribution Branch
 Section 47F

Background:

Part XX of the *Commonwealth Electoral Act 1918* requires political parties, significant third parties, associated entities, Members of the House of Representatives and Senators, donors to registered political parties or significant third parties and third parties that have incurred electoral to furnish returns to the AEC annually. These returns are published on the first business day of February in the year following the end of the financial year in question. Further details are at Attachment A.

Attachment A**Supplementary information on disclosure requirements****Financial disclosure requirements**

The *Commonwealth Electoral Act 1918* (Electoral Act) requires political parties, significant third parties, associated entities, Members of the House of Representatives and Senators, donors to registered political parties or significant third parties, and third parties that have incurred electoral expenditure to furnish returns to the AEC annually.

These returns are published on the first business day of February in the year following the end of the financial year in question.

The threshold for the 2021-22 financial year was 'more than \$14,500'. This threshold is indexed with effect from 1 July each year based on increases in the Consumer Price Index.

Political Parties

Political party returns must contain the following information:

- (a) the total of all receipts and expenditure during the financial year and of debts outstanding at the end of the financial year;
- (b) the sum and details of all receipts greater than the threshold;
- (c) the sum and details of outstanding debts that exceed the threshold; and
- (d) the sum and details of any discretionary benefits that were received from the Commonwealth or a State or Territory during the financial year.

Significant Third Parties

Significant third party returns must contain the following information:

- (a) the total of all receipts and expenditure during the financial year and of debts outstanding at the end of the financial year;
- (b) the sum and details of all receipts greater than the threshold;
- (c) the sum and details of outstanding debts that exceed the threshold;
- (d) total electoral expenditure; and
- (e) the sum and details of any discretionary benefits that were received from the Commonwealth or a State or Territory during the financial year.

Associated Entities

Associated entity returns must contain the following information:

- (a) the total of all receipts and expenditure during the financial year and of debts outstanding at the end of the financial year;
- (b) the sum and details of all receipts greater than the threshold;
- (c) the sum and details of outstanding debts that exceed the threshold;
- (d) the sum and details of any discretionary benefits that were received from the Commonwealth or a State or Territory during the financial year; and
- (e) the sum and source of any capital contributions received by the associated entity that were used to make donations to a political party during the financial year, unless that source has been previously disclosed.

Members of the House of Representatives and Senators

A member of the House of Representatives or a Senator who receives one or more gifts for federal purposes during the relevant financial year must submit a return that details:

- (a) the total value of donations received for federal purposes;
- (b) total number of donors; and
- (c) details of donations received that are more than the disclosure threshold.

Donors

Where a donor has made donations to a political party or significant third party or member of the House of Representatives or a Senator that total more than the threshold during the relevant financial year, the donor must submit a return that details:

- (a) the amount and details (date and recipient of the donation) of each donation; and
- (b) the amount and details of any donation received by the donor that has been used to donate to a political party or significant third party or member of the House of Representatives or a Senator, or to another donor for the purpose of being donated to a political party or significant third party or member of the House of Representatives or a Senator.

Third Parties

Third parties that incur electoral expenditure above the disclosure threshold during a financial year, but below the amount that would require registration as a significant third party, must submit a return that details:

- (a) the total amount of electoral expenditure incurred by or with the authority of the third party; and
- (b) details of any donation received totalling more than the threshold that were used, either wholly or partly, to incur electoral expenditure.

FOR: Special Minister of State
INFO: Minister for FinanceAction requested by: 22 June 2023
Reason for urgency: Not applicable**Election funding rate, automatic payment of election funding and disclosure threshold -
Update effective 1 July 2023****Key issues:**

1. The rate of election funding for eligible votes obtained at a House of Representatives and Senate election, and the amount of the automatic payment are indexed for inflation every six months, with the new rate/amount applying alternatively from 1 July and 1 January. The threshold amount for financial disclosure is indexed for inflation annually with a new threshold amount applying each year commencing 1 July.
2. With the release of the March 2023 Consumer Price Index (CPI) the Australian Electoral Commission (AEC) has calculated that the:
 - a. rate of election funding to apply for the six-month period from 1 July 2023 to 31 December 2023 will be \$3.228 per eligible vote
 - b. automatic payment amount of election funding paid to apply for the six-month period from 1 July 2023 to 31 December 2023 will be \$11,803
 - c. financial disclosure threshold to apply for the period 1 July 2023 to 30 June 2024 will be \$16,300.
3. The increases applicable to election funding rate, automatic payment of election funding and the disclosure threshold (and historical rates) are available on the AEC website and provided in the Background for information.

Recommendation:That you **note** effective from 1 July 2023 an increase in the:

- a. election funding rate to \$3.228 per eligible vote for the period 1 July 2023 to 31 December 2023
- b. automatic payment of election funding to \$11,803 for the period 1 July 2023 to 31 December 2023
- c. financial disclosure threshold to \$16,300 for the financial year 1 July 2023 to 30 June 2024.

Decision:Noted / Please discuss

Section 47F

Don Farrell

Financial implications:

Not applicable.

Consultation:

Not applicable.

Attachments:

Not applicable.

From:
 Tom Rogers
 Electoral Commissioner
 Australian Electoral Commission
Section 47F**Contact:**
 Joanne Reid
 Assistant Commissioner
 Disclosure Party Registration and Redistribution Branch
Section 47F**Background:**

- Sections 293, 294 and 295 of the *Commonwealth Electoral Act 1918* (the Electoral Act) provide for the payment of election funding to political parties, candidates or Senate groups that receive at least four per cent of the formal first preference votes cast in an election.
- Section 296 of the Electoral Act provides for the automatic payment of election funding of \$10,000 (indexed every six months) to political parties, candidates or groups that received at least four per cent of the formal first preference votes cast in an election as soon as practicable from 20 days after polling day.
- Section 321 of the Electoral Act provides for six-monthly indexation of the automatic payment amount and the election funding rate based on movements between the preceding September/March quarters all groups CPI number, published by the Australian Bureau of Statistics (ABS). However, the automatic payment amount and the election funding rate are only adjusted when there is an increase in CPI from the previous quarter.
- Section 287(1) of the Electoral Act provides for the disclosure threshold of \$13,800. Section 321A of the Electoral Act provides for the indexation of the disclosure threshold referred to in section 287(1) of the Electoral Act every financial year commencing on 1 July. The Electoral Act specifies basing the rate of indexation on the yearly March CPI figures published by the ABS.
- Rates for previous electoral events are on the AEC website and provided below for information.

Table: Rates for previous electoral events

Election	Rate applicable (cents)	Automatic payment amount
2022 federal election	291.400	\$10,656
2020 Eden-Monaro and Groom by-elections	282.900	\$10,344.252
2019 federal election	275.642	\$10,080
2018 Braddon, Fremantle, Longman, Mayo, Perth and Wentworth by-elections	273.454	
2018 Batman by-election	270.479	
2017 Bennelong and New England by-elections	268.332	
2016 federal election	262.784	
2015 Canning and North Sydney by-elections	259.405	
2014 Western Australian Senate election	252.781	
2014 Griffith by-election	252.781	
2013 federal election	248.800	
2010 federal election	231.191	
2009 Bradfield and Higgins by-elections	224.851	
2008 Lyne and Mayo by-elections	218.940	
2008 Gippsland by-election	214.018	

Election	Rate applicable (cents)	Automatic payment amount
2007 federal election	210.027	
2004 federal election	194.397	
2001 federal election	179.026	
1998 federal election	162.210	
1996 federal election	157.594	
1993 federal election	100.787 ¹	50.393 ²
1990 federal election	91.223 ¹	45.611 ²
1987 federal election	76.296 ¹	38.148 ²
1984 federal election	61.2 ¹	30.6 ²

1. Per House of Representatives vote

2. Per Senate vote

3. Decimal places in the table above are presented as per the *Commonwealth Electoral Act 1918* requirements at the time.

Ministerial Submission

MS23-000028

Cleared by: Tom Rogers

Date sent to MO: 1 August 2023

FOR: Special Minister of State

INFO: Minister for Finance

Action requested by: 18 August 2023

Reason for urgency:

The report must be tabled before each House of the Parliament within 15 sitting days from the day you receive the report.

Tabling of the report under subsection 17(2) of the *Commonwealth Electoral Act 1918* on the operation of the Part XX in relation to the 2022 federal election

Key issues:

1. Under subsection 17(2) of the *Commonwealth Electoral Act 1918* (Electoral Act), the Electoral Commission must prepare and furnish a report on the operation of Part XX (Election funding and financial disclosure) of the Electoral Act at each federal election as soon as practicable after the polling day in the election.
2. A federal election was held on 21 May 2022 and the report under subsection 17(2) of the Electoral Act is now furnished to you as required. **Attachment A** refers. The report addresses the operation of the election funding and financial disclosure scheme at the 2022 federal election. No recommendations are made in the report and no controversial issues are raised.
3. Subsection 17(4) of the Electoral Act requires you, as Minister, to arrange for a copy of the report to be tabled within 15 sitting days from the day you receive it, in each House of the Parliament. The Australian Electoral Commission will arrange for tabling.
4. In the event that the tabling occurs when Senate is not sitting, a letter of transmittal from you to the President of the Senate must accompany the document for presentation. The proposed letter to the President of the Senate is at **Attachment B**.

Recommendation:

That you:

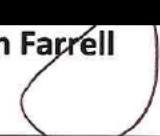
- a. note the report prepared under subsection 17(2) of the Electoral Act at **Attachment A**
- b. in accordance with subsection 17(4) of the Electoral Act, you sign the proposed letter to the President of the Senate at **Attachment B** to cause a copy of the Election Funding and Disclosure Report – Federal Election 2022 to be tabled in each House of the Parliament.

Decision:

Noted / Please discuss

Signed / Not signed

Section 47F


 Don Farrell
Financial implications:

Not applicable.

Consultation:

Not applicable.



AEC

Australian Electoral Commission

Election Funding and Disclosure Report

Federal Election 2022

Election Funding and Disclosure Report

Federal Election 2022

Report pursuant to subsection 17(2) of the
Commonwealth Electoral Act 1918

June 2023

Produced by: Australian Electoral Commission

Contact officer: Funding and Disclosure
Australian Electoral Commission

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ISBN: 978-0-6458765-0-5 (print)

978-0-6458765-1-2 (pdf)

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The Australian Electoral Commission asserts the right of recognition as author of the original material. The publication should be attributed as Election Funding and Disclosure Report Federal Election 2022.





Our Ref: A2748284

7 June 2023

Senator the Hon Don Farrell
Special Minister of State
Parliament House
CANBERRA ACT 2600

Dear Minister

In accordance with subsection 17(2) of the *Commonwealth Electoral Act 1918* (Electoral Act) we submit the Australian Electoral Commission's report of the operation of Part XX of the Electoral Act in relation to the general election and Senate election held on 21 May 2022.

In accordance with subsection 17(2C) particulars of the operation of subsection 316(2A) of the Electoral Act are included in the report.

Yours sincerely

Signed

The Hon Justice Susan Kenny AM
Chairperson

Signed

Mr Tom Rogers
Electoral Commissioner

Signed

Dr David Gruen
Australian Statistician

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Key terms

AEC	Australian Electoral Commission
CPI	Consumer Price Index
Disclosure threshold	The disclosure threshold applied to the 2019 federal election is amounts of “more than \$13 800”
Endorsed candidate or Senate group	A candidate or Senate group that was endorsed by a registered political party
FAD	Funding and Disclosure. A descriptor for the election funding and financial disclosure provisions of Part XX of the Electoral Act. There is also a Disclosure and Compliance section within the Disclosure, Assurance and Engagement Branch in the AEC which is responsible for administering Part XX of the Electoral Act.
Independent candidate or Senate group	A candidate or Senate group that was not endorsed by a registered political party
Electoral Act	<i>Commonwealth Electoral Act 1918</i>
The Register	The Register of Political Parties

This report is published in full on the AEC website at www.aec.gov.au.

Data used to collate this report is current at 31 March 2023.

Background

General reporting obligations

Section 17(2) of the *Commonwealth Electoral Act 1918* (Electoral Act) prescribes reports which are to be made by the Australian Electoral Commission. The section is as follows:

17 Reports by the Commission

- (1A) A report prepared by the Electoral Commissioner and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include particulars for the period of:
 - (a) each person or organisation to whom the Commission has provided a copy of a Roll under subsection 90B(1); and
 - (b) each person or organisation to whom the Commission has given a copy of a Roll, or an extract of a Roll, under subsection 90B(4).
- (2) The Commission shall, as soon as practicable after the polling day in:
 - (a) a general election and any Senate election that had the same polling day as that general election; or
 - (b) a Senate election (other than a Senate election referred to in paragraph (a));prepare and furnish to the Minister a report on the operation of Part XX in relation to that election or those elections.
- (2A) A report under subsection (2) in relation to an election must include a list of the names of all persons who, in the opinion of the Commission, are or may be required to furnish a return under subsection 305A(1) or (1A) in relation to that election.
- (2B) The Commission may prepare and furnish to the Minister, otherwise than under subsection (2), such reports on the operation of Part XX as the Commission thinks appropriate.
- (2C) Subject to section 17A, the Commission must include in any report referred to in this section particulars of the operation of subsection 316(2A) since the preparation of the last report referred to in this section that included particulars of the operation of that subsection.
- (3) Section 34C of the *Acts Interpretation Act 1901* does not apply in relation to a report under subsection (2).
- (4) The Minister shall cause a copy of a report furnished under subsection (2) or (2B) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he or she receives the report.
- (5) A report referred to in this section need not include particulars of a matter if those particulars have been included in an earlier report referred to in this section.

The report

This report has been prepared and is furnished to the Minister pursuant to s 17(2) of the Electoral Act. It reports on the operation of Part XX of the Electoral Act in relation to the federal election held on 21 May 2022 (the 2022 federal election). Information required to be provided in accordance with sections 17(2A) and 17(2C) is also included in this report.

The 2022 federal election consisted of a general election for the House of Representatives and a half Senate election. The scope of the federal election and relevant key dates in relation to the operation of Part XX are provided at Appendix A.

Part XX

Part XX prescribes a legislative regime for the election funding and financial disclosure which applies to federal elections. Part XX is structured as follows:

- Division 1: Preliminary
- Division 1A: Registration of significant third parties and associated entities and the Transparency Register
- Division 2: Agents and financial controllers
- Division 3: Election funding
- Division 3A: Requirements relating to donations
- Division 4: Disclosure of donations
- Division 5: Disclosure of electoral expenditure
- Division 5A: Annual returns by registered political parties and other persons
- Division 5B: Electoral expenditure by foreigner campaigners
- Division 6: Miscellaneous

The relevant provisions of Part XX for the purposes of this report are:

1. Division 3: sections 293, 294 and 295 (Election funding entitlements)
2. Division 4: sections 304 (Disclosure of gifts) and 305A (Gifts to candidates)
3. Division 5: section 309 (Returns of electoral expenditure)
4. Division 6: section 316 (Investigation).

Election funding

Authority

Division 3 of Part XX of the Electoral Act provides for the payment of election funding to those who have contested as a candidate for the House of Representatives or as a candidate or group for the Senate in a federal election that reached the threshold of first preference votes which attracts election funding payments.

Operation of the relevant provisions

Eligibility and entitlement

Sections 293, 294 and 295 provide for the payment of election funding for each formal first preference vote given to a candidate for the House of Representatives or a candidate or group for the Senate in a federal election.

To be eligible to receive a payment of election funding a candidate for the House of Representatives or a candidate or group for the Senate must receive at least four per cent of the formal first preference votes cast in a federal election.

The election funding entitlement is calculated by multiplying the number of formal first preference votes received by relevant candidates or Senate groups by the funding rate applicable to the period in which the election is held.

Eligible political parties, candidates, and Senate groups receive an automatic payment of election funding of \$10,000 (indexed for CPI every six months) as soon as practicable after 20 days after the polling day.

For entitlements greater than the automatic payment of \$10,000 (indexed) the amount of election funding payable is the lesser of:

- the calculated election funding entitlement; or
- the amount of demonstrated electoral expenditure.

Indexation is calculated in accordance with the provisions contained in s 321 of the Electoral Act.

For the 2022 federal election the funding rate was 291.400 cents per eligible vote.¹

For the 2022 federal election the automatic payment amount was \$10,656.

Election payment arrangements

Under s 287A a campaign committee of an endorsed candidate or endorsed group is to be treated as a division of the relevant state branch of the political party that endorsed the candidate or members of an endorsed group. The effect of this provision is to allow campaign committees to incur and recover electoral expenditure.

Under s 296 the AEC must pay an automatic payment to the agent of each registered political party, candidate, or Senate group as soon as practicable after 20 days after the polling day for a federal election.

¹ This represents an increase of 5.7 per cent compared to the 2019 federal election rate of 275.642 cents per eligible vote.

There are specific arrangements for federal parties. Under s 287 a federal party means a registered political party that has a federal branch and two or more State branches that are registered political parties.

The federal party agent will receive the automatic payment unless the agent advises the AEC of their agreement that the state branch should receive the amount. The agent of the federal party must advise the AEC in writing of any such agreement prior to the time of the automatic payment, otherwise it will be paid to the agent of the federal party.

For an independent candidate, where no candidate agent is appointed, under s 289(2) a candidate is taken to be their own agent.

For an independent Senate group, where no Senate group agent is appointed, under s 289(4)(b), the candidate listed first on the ballot papers is taken to be the agent for the group.

Under s 297 to receive election funding greater than the automatic payment a claim must be lodged with the AEC by the agent of the political party, candidate, or Senate group. The agent may make an interim; or both an interim and final; or a final claim.

A claim must be lodged with the AEC beginning 20 days after polling day and ending 6 months after that polling day. For the 2022 federal election, claims could be lodged between 10 June 2022 and 20 November 2022.

Section 298C(1) requires the AEC to decide whether to accept, in whole or in part, a claim for election funding within 20 days of receiving the claim. To the extent that the AEC accepts the claim, the AEC will pay the claim within this time period.

Section 298BA allows the agent of the candidate, Senate group, relevant registered party, or party branch (as the case requires) to amend a claim during the consideration period for the purpose of correcting an error or omission. However, the 20 day time limit for the Electoral Commission to determine the claim resets from the time the agent amends the claim.

Section 298F requires the AEC, if a final claim is refused, in whole or in part, to notify the agent in writing that the claim has been refused and provide reasons for the refusal and the opportunity for the agent to apply to the Electoral Commission to reconsider the decision.

Where a final claim has been refused in whole or in part, s 298G allows for the agent to apply to the Electoral Commission for reconsideration of the decision. The application must be in writing, set out the reasons for the application and be made within 28 days of the agent being notified of the Electoral Commission's refusal decision, unless a written extension has been granted by the AEC.

Under s 298H, if an application for reconsideration of a decision is received, the Electoral Commission must reconsider the delegate's decision that refused all or part of a final claim for election funding. The Electoral Commission has the power to affirm, vary, or set aside and replace that decision with another decision.

The Electoral Commission is required to give the agent written reasons for its decision on the application. If the Electoral Commission's decision results in any additional payment of election funding, that payment must be made within 20 days of its decision. Alternatively, if the Electoral Commission becomes satisfied that there was an overpayment of election funding, the excess funds may be recovered under s 299 as a debt due to the Commonwealth. An application can be made to the Administration Appeals Tribunal to review the Electoral Commission's decision.

Method of payment

Section 299A allows for the payment of election funding to be made by direct credit or by cheque.

Claims subject to review post payment

Section 316(2A) provides for the AEC to conduct compliance reviews of claims for election funding.

If, during a review of an election funding claim, the AEC finds that there was an overpayment of election funding, the AEC may vary the claim decision in accordance with s 301(1) of the Electoral Act. If such a decision is made, the excess funds paid may be recovered as a debt to the Commonwealth under s 299 of the Electoral Act.

Section 298G provides for the agent of a registered political party, candidate, or group to apply, within 28 days of receiving a notice of refusal, to the Electoral Commission for reconsideration of the decision to vary an election funding claim.

Publication of election funding determinations and refusal notices

The AEC must publish claim determinations, refusals and reconsiderations on the [Transparency Register](#) as soon as reasonably practicable after making the determination. A person may not peruse or obtain a copy of a determination or notice before the determination or notice is published.

Payments for the 2022 federal election

For the 2022 federal election the AEC made election funding payments to 26 registered political parties and 41 independent candidates. All political parties and candidates chose to receive election funding by direct credit and had nominated bank accounts that met the eligibility criteria under s 299A(2) of the Electoral Act.

Payments made

Total election funding paid for the 2022 federal election was \$75,876,944.42. This amount includes \$713,952.00 in automatic payments and \$75,162,992.42 in claims accepted.

The automatic payments of election funding were made on 14 June 2022, and payments based on claims accepted were made within 20 days of receipt of a claim. For the 2022 federal election, the period for lodging claims for election funding was 10 June 2022 to 20 November 2022.

Table 1 provides a list of the election funding payments distributed to registered parties and independent candidates. The totals include the automatic payment of \$10,656.00.

Table 1: Summary of payments – 2022 federal election

Political party	Total election funding paid
Australian Labor Party – Federal	\$27,104,944.03
Liberal Party of Australia	\$26,550,112.02
The Australian Greens – Victoria	\$3,023,677.14
Pauline Hanson's One Nation	\$3,003,118.86
The Greens NSW	\$2,961,026.14
National Party of Australia – NSW	\$2,401,012.16
Queensland Greens	\$2,204,033.40
United Australia Party	\$1,925,262.31
Australian Greens	\$1,401,351.35
The Greens WA Inc	\$1,170,451.81
National Party of Australia – Victoria	\$1,044,340.71
Liberal Democratic Party	\$227,155.05
Country Liberal Party NT	\$182,154.14
David Pocock	\$176,023.08
Katter's Australian Party (KAP)	\$162,784.78
Jacqui Lambie Network	\$160,074.76
Centre Alliance	\$106,361.00
Kim for Canberra	\$36,780.51
Shooters Fishers and Farmers Party	\$33,857.77
National Party of Australia (WA) Inc	\$26,692.24
Victorian Socialists	\$22,909.87
Legalise Cannabis Australia	\$15,121.09
The Great Australian Party	\$13,325.72
Socialist Alliance	\$10,866.31
Indigenous – Aboriginal Party of Australia	\$10,656.00
The Local Party of Australia	\$10,656.00
Total	\$73,984,748.25

Table 1: Summary of payments – 2022 federal election (continued)

Independent candidate	Total election funding paid
Zali Steggall	\$121,898.45
Helen Mary Haines	\$120,403.57
Monique Ryan	\$120,356.91
Sophie Scamps	\$109,927.74
Zoe Daniel	\$98,536.91
Allegra May Spender	\$92,694.34
Katherine Ella Chaney	\$90,164.99
Andrew Wilkie	\$87,434.57
Carolyn Gai Heise	\$85,106.28
Dai Le	\$73,858.24
Kylea Jane Tink	\$71,325.98
Rob Priestly	\$70,772.32
Kathleen Louise Hook	\$63,790.37
Nicolette Boele	\$58,856.97
Alex Dyson	\$56,834.66
Penny Ackery	\$46,755.13
Georgia Steele	\$40,478.37
Hanabeth Luke	\$40,020.88
Jack Dempsey	\$38,569.70
Liz Habermann	\$33,840.28
Deb Leonard	\$30,224.01
Sophie Kate Baldwin	\$29,885.98
Claire Ferres Miles	\$24,206.60
Jamie Christie	\$23,379.02
Suzanne Holt	\$23,113.85
Matthew Sharpham	\$22,318.33
Joanne Elizabeth Dyer	\$21,683.07
Despina O'Connor	\$20,872.98
Kirstie Smolenski	\$19,984.21
Stuart Bonds	\$17,593.85
Steve Atkins	\$16,242.64

Table 1: Summary of payments – 2022 federal election (continued)

Independent candidate	Total election funding paid
Craig Anthony Garland	\$16,137.73
Sarah Joan Russell	\$15,120.75
Timothy Bohm	\$13,905.61
Kelli Jacobi	\$11,964.88
Stewart Brooker	\$10,656.00
James Laurie	\$10,656.00
Nina Digiglio	\$10,656.00
Jarrold James Bingham	\$10,656.00
Duncan Scott	\$10,656.00
George Razay	\$10,656.00
Total	\$1,892,196.17

Financial disclosure

Authority

Divisions 4 and 5 of Part XX of the Electoral Act set out the requirements for financial disclosure. The relevant provisions which apply in respect to an election are sections 304, 305A, 307, 309 and 313 of the Electoral Act. Section 320 provides for the publication of disclosure returns.

Operation of the relevant provisions

Candidates and Senate groups

Subsection 304(2) provides that the agent of each person (including a member of a group) who was a candidate in an election or by-election shall, within 15 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form and in accordance with this section, setting out the total amount or value of all gifts, the number of persons who made gifts, and the relevant details of each gift above the disclosure threshold, received by the person while the person was a candidate in the election.

Section 321A provides for the indexation of the disclosure threshold referred to in sections 304 and 305A of the Electoral Act. For the 2022 federal election the disclosure threshold was \$14,500.

Subsection 304(3) provides that subject to subsection (3A), the agent of each group shall, within 15 weeks after the polling day in the election, in relation to the members of the group who had their names grouped in the ballot papers, furnish to the Electoral Commission a return in an approved form.

The return must set out the total amount or value of all gifts, the number of persons who made gifts, and the relevant details of each gift above the disclosure threshold received by the group in the election.

Paragraph 304(4)(c) provides that the relevant details to be provided for a gift that exceeds the disclosure threshold are the name and address of the person who made the gift. However, paragraphs 304(4)(a) and (b) require that in providing relevant details of various organisations (such as an unincorporated association or a trust fund) which make gifts, names and addresses of members of the executive committee or names and addresses of the trustees of the trust must be provided.

Paragraph 304(3A)(a) provides that in the case of a group, all of whose members were endorsed by the same registered political party, a gift will be taken to have been received by the relevant state branches of the party where there are two or more branches. Under paragraph 304(3A)(b) it will be taken, in any other case, to have been received by the party.

Subparagraph 304(5)(b)(i) provides an exception to the general disclosure requirements of s 304, where the gift is made in a private capacity to a candidate for their personal use and the candidate has not and will not use the gift solely or substantially for a purpose related to an election.

Subsection 309(2) requires returns of electoral expenditure by agents of each candidate in an election (not being a member of a group) to be furnished within 15 weeks of polling day.

Subsection 309(3) requires returns of electoral expenditure by agents of each group in an election to be furnished within 15 weeks of polling day.

Subsection 309(1) provides that s 309 does not apply to electoral expenditure incurred by or with the authority of a registered political party or a state branch of a registered political party. Subsection 309(1A) provides that where electoral expenditure is incurred by a group, all the members of which are endorsed by the same party, s 309 applies as if the electoral expenditure was incurred by the relevant state branch of the party or the party.

Subsection 309(4) requires returns to include details of any discretionary benefits (however described) received by, or on behalf of, the person or any of the members of the group from the Commonwealth, or a state or territory, during the period of 12 months before polling day in the election.

Under sections 304 and 309, returns by candidates and Senate groups that are either jointly endorsed or are not endorsed by a party, are required in an approved form and in accordance with these sections. The AEC provides one form for both returns under s 304 and s 309 so that candidates and Senate groups can furnish both returns simultaneously.

Sections 307 and 313 provide that where no details are required to be included in a return by a candidate or Senate group under the applicable Division² the candidate or Senate group shall, nevertheless, lodge a return and include a statement to the effect that no gifts or expenditure of a kind that is required to be disclosed were received or expended. These returns are termed 'nil' returns.

Historically, in the majority of cases, candidates endorsed by a registered political party have lodged a 'nil' return as their financial transactions are made by their party campaign committees. Subsection 287A(1) provides that campaign committees are to be treated as part of a state branch of a party under Divisions 4, 5 and 5A of the Electoral Act. This means that details concerning gifts received by candidates through a campaign committee (sometimes described as a party unit) are included in the annual return lodged by the party under s 314AB of the Electoral Act. Section 314AB requires disclosure of such information to the AEC within 16 weeks of the end of the financial year in which the gift is received.

- Subsections 304(3A) and 309(1) require financial transactions in respect of Senate groups endorsed by a single party (the majority of Senate groups) are incorporated into the annual return of the endorsing party lodged under s 314AB. These financial transactions are therefore not included in a return under s 304 and s 309 of the Electoral Act.

Donors to candidates or Senate groups

Section 305A provides that a person or entity³ that makes a gift or gifts equal to or more than the disclosure threshold to candidates, including members of Senate groups, must provide a return before the end of 15 weeks after polling day in the election setting out the required details of the gifts. Under paragraph 305A(2)(b), election donors are also required to disclose donations that they received above the disclosure threshold and used, in whole or in part, to make donations to candidates including to members of Senate groups.

Paragraph 305A(4)(c) provides that the required details to be disclosed for gifts that are equal to or more than the disclosure threshold are the amount and value of the gift, the date on which the gift was made, and the name and address of the person or entity. However, paragraphs 305A(4)(a) and (b) require that in providing relevant details of unincorporated associations or trust funds, names and addresses of members of the executive committee or names and addresses of the trustees of the trust must be provided.

² These being Divisions 4 and 5, which respectively concern disclosure of donations and disclosure of electoral expenditure.

³ Under paragraph 305A(1)(c), this excludes a political entity or an associated entity. A political entity is defined in subsection 4(1) as a registered political party or state branch of a party, a candidate, or a member of a group.

Table 2 summarises the information required, under Divisions 4 and 5 of Part XX, in candidate, Senate group and election donor returns for the 2022 federal election.

Table 2: Information disclosed in candidate, Senate group and election donor returns – 2022 federal election

Election returns	
Candidates	
s 304(2)	Total amount or value of all donations
s 304(2)	Number of persons who made donations
s 304(2)	Relevant details of donations over \$14,500
s 309(2)	Amount of electoral expenditure
s 309(4)	Details of discretionary benefits
Senate groups	
s 304(3)	Total amount or value of all donations
s 304(3)	Number of persons who made donations
s 304(3)	Relevant details of donations over \$14,500
s 309(3)	Amount of electoral expenditure
s 309(4)	Details of discretionary benefits
Note: For endorsed groups (other than jointly endorsed groups) transactions are included on the party's annual return.	
Donors	
s 305A(2) and (4)	Details of donations over \$14,500 made to candidates or groups
s 305A(2) and (4)	Details of donations received over \$14,500 used to make donations

Table 3 shows the dates by which information was required to be disclosed, and the date of publication of returns which applied to the 2022 federal election, as prescribed under the Electoral Act.

Table 3: Key dates for lodging and publishing disclosure returns for the 2022 federal election

Return	Disclosure date	Period covered	Public release
Candidates	5 September 2022 (within 15 weeks after polling day: s 304(2) and s 309(2))	Donations received from the earlier of the following: - the day that is 6 months before the day the person announced their candidacy; or - the day that is 6 months before the day the person nominated to 30 days after polling day Electoral expenditure from the earlier of the following: - the day that is 6 months before the day the person announced their candidacy; or - the day that is 6 months before the day the person nominated, to 30 days after polling day Discretionary benefits received during the 12 months before polling day	7 November 2022 (first working day, 24 weeks after polling day)
Senate groups	5 September 2022 (within 15 weeks after polling day: s 304(3) and s 309(3))	Donations received from the day that is 6 months before the day of the request to the AEC to be grouped until 30 days after polling day Electoral expenditure from the day that is 6 months before the day of request to the AEC to be grouped until 30 days after polling day Discretionary benefits received during the 12 months before polling day	7 November 2022 (first working day, 24 weeks after polling day)
Donors	5 September 2022 (within 15 weeks after polling day: s 305A(3))	The disclosure period relating to the candidate or Senate group to whom the gift was made. For a candidate that is, from the earlier of the following: - the day that is 6 months before the day the person announced their candidacy - the day that is 6 months before the day the person nominated, to 30 days after polling day For a Senate group that is, from the day that is 6 months before the day of the request to the AEC to be grouped until 30 days after polling day	7 November 2022 (first working day, 24 weeks after polling day)

Disclosure returns for the 2022 federal election

Candidate and Senate group returns

There were 1,624 candidates at the 2022 federal election, comprising 1,203 House of Representatives candidates and 421 Senate candidates. There were 151 Senate groups of which 15 were independent or jointly endorsed groups and therefore were required to furnish election disclosure returns.

Subsections 304(2), 304(3), 309(2) and 309(3) of the Electoral Act require candidate and Senate group returns to be lodged within 15 weeks after polling day. For the 2022 federal election, this date was 5 September 2022.

As at 31 March 2023, for the 2022 federal election, of the 1,614 candidate returns lodged, 1,013 candidates (63 per cent) lodged a 'nil' return. The high percentage of 'nil' returns was due to the majority of gifts being made directly to political parties or their campaign committees and those political parties and campaign committees incurring expenditure on behalf of their endorsed candidates. Annual returns for the financial year during which the 2022 federal election occurred were due to be lodged by political parties, pursuant to s 314AB, by 20 October 2022.

Table 4 lists the number of candidate, Senate group and election donor returns lodged for the 2022 federal election. As of 31 March 2023, there are nine outstanding candidate returns and one outstanding Senate group return that are subject to enforcement action.

Table 4: Candidate, Senate group and election donor returns – 2022 federal election

Returns	Number	% of total
Candidate returns		
Number of candidates	1,624	—
Number of returns received	1,614	>99%
Number of outstanding returns	10	<1%
Number of 'nil' returns	1,013	63%
Number of returns disclosing transactions	601	37%
Senate Group returns		
Number of groups	151	—
Number of groups required to lodge a return	15	—
Number of returns received	14	93%
Number of outstanding returns	1	7%
Donor returns		
Number of donors required to lodge a return	67	—
Number of returns received	67	100%
Number of outstanding returns	0	0%
Total election returns received as at 31 March 2023	1,695	—

Table 5 provides a summary of data reported in candidate and Senate group returns for the 2022 federal election.

Table 5: Summary of donations – 2022 federal election

Candidate returns	
Total number of donors reported	1,614
Total amount of donations reported	\$17,703,770
Number of individually detailed donations	387
Percentage of number of donations individually detailed	24%
Total of individually detailed donations	\$9,364,694
Percentage of amount of donations individually detailed	53%
Total electoral expenditure reported	\$21,358,117
Total discretionary benefits reported	0
Senate group returns	
Total number of donors reported	157
Total amount of donations reported	\$36,951
Number of individually detailed donations	0
Percentage of number of donations individually detailed	0%
Total of individually detailed donations	0
Percentage of amount of donations individually detailed	0%
Total electoral expenditure reported	\$343,972
Total discretionary benefits reported	0

Publication

Subsection 320(1) requires the Electoral Commission to publish election returns on the Transparency Register before the end of 24 weeks after the polling day for the election. Returns relating to the 2022 federal election were published on the Transparency Register on 7 November 2022.

Election donor returns

Subsection 17(2A) provides that a report under subsection 17(2) must include a list of the names of all persons who, in the opinion of the Electoral Commission, are or may be required to furnish a return under subsections 305A(1) or (1A)⁴ in relation to that election. There were 67 election donor returns furnished pursuant to subsection 305A(1) in relation to the 2022 federal election. As of 31 March 2023, no election donor returns are outstanding.

⁴ Subsection 305A(1A) relates to donations made to any person or organisation specified by legislative instrument by the Electoral Commissioner. Currently no person or organisation is so specified.

Table 6: Persons required to furnish returns under subsection 305A(1) for the 2022 federal election

Donor name	Return status
Andreadis, Jim	Received
Anna Josephson Foundation Pty Ltd	Received
Australian Rail Tram and Bus Industry Union	Received
Badger, Keith and Debby	Received
Barlow, Lisa Jane	Received
Bayside Community Voices	Received
Chandler, Katrina	Received
Chaney, Rosemary	Received
Climate 200 Pty Limited	Received
Communicate	Received
DCM Bluelake pty ltd	Received
Droga, Lyndell	Received
Druce, Roger	Received
Eastaugh, Angela	Received
Extend Your Edge Pty Ltd	Received
Fairfax, Nicholas John	Received
Fairweather, Anthony	Received
Fenwick, Simon	Received
Goodall, Benjamin	Received
Green Energy Trading	Received
Hearnden, David	Received
Hempton, John	Received
Hertsted, Jean	Received
Holmes à Court, Simon	Received
Humphreys, Brendan	Received
Inflow Financial Pty Ltd	Received
Irving, Jennie	Received
Joseph, Michael William	Received
Kaldor, Andrew	Received
Kantor, Michael Patrick	Received
Katunga Fresh Trading	Received
Keep Them Honest Pty Ltd	Received
Keldoulis Investments Pty Limited	Received

Table 6: Persons required to furnish returns under subsection 305A(1) for the 2022 federal election (continued)

Donor name	Return status
Keldoulis, Robert	Received
Killion, Andrew	Received
Krups, Matthias	Received
Landy, Sharon	Received
LB Conservation Pty Ltd ATF LB Conservation Trust	Received
Leytcorp Pty Ltd	Received
Lisa Jane Mt Rose Trust trading as Lisa Jane Mt Rose Pty Ltd	Received
Martin, Peter	Received
McDonald, John and Raelene	Received
McEvoy, Elizabeth	Received
Mills, Julieanne Ranford	Received
Morgan, Roslyn	Received
Pascarl, Ian and Glenys	Received
Paul Melling & Associates Pty Limited	Received
Pellow, Nicholas	Received
Phillips, Andrew	Received
Phillips, Beth	Received
Pickard Capital Pty Ltd	Received
Polka Dot Ventures Pty Ltd	Received
Purves, Robert	Received
RACAT Group Pty Limited	Received
Robertson, Bruce	Received
Saso Content & Design Pty Ltd	Received
Smit, Wayne	Received
Snape, Brian	Received
Sophie Inwald & Graham Thorburn	Received
Stephens, Claudia	Received
Theta International Pty Ltd	Received
Turnbull, Alexander	Received
Turner Components PTY LTD	Received
Tyrrell, James	Received
Video Pastoral Trust	Received
William Taylor Nominees Pty Ltd	Received
Yates, Jacqueline	Received

Subsection 305A(3) requires that returns provided under s 305A must be provided to the Electoral Commission in an approved form before the end of 15 weeks after the polling day for the election.

Table 7 provides a summary of donations to candidates as reported in returns lodged by election donors for the 2022 federal election in accordance with s 305A of the Electoral Act.

Table 7: Summary of donations to candidates for the 2022 federal election

Donation amount	Number and percentage of donations		Amount and percentage of donations	
	No.	%	\$	%
Less than \$14,500	153	52%	\$693,304	8%
\$14,500 or more	144	48%	\$8,329,840	92%
Total	297	100%	\$9,023,144	100%

Reviews: Report under section 17(2C)

Subsection 17(2C) of the Electoral Act requires the AEC to include particulars of the operation of s 316(2A) in this report since the last reporting on the section. Section 316(2A) provides as follows:

(2A) An authorised officer may, for the purpose of:

(aaa) finding out whether:

- (i) the person to whom section 305B (gifts to political parties and significant third parties) or 306 (gifts to members of the House of Representatives or Senators) applies or may apply to; or
- (ia) a member of the House of Representatives or a Senator; or
- (ii) a prescribed person; or
- (iii) the agent of a registered political party, candidate or group; or
- (iv) the financial controller of a significant third party or associated entity; or
- (v) a third party;
has complied with this Part, or the *Criminal Code* to the extent that it relates to this Part: or

(aab) determining whether to give a notice under section 287S or 302H (anti-avoidance);

by notice served personally or by post on:

(aac) the member of the House of Representatives or Senator; or

(a) the agent or any officer of the political party, or the agent of the candidate or group; or

(aa) the financial controller of the significant third party, third party or associated entity or any officer of the significant third, third party or associated entity; or

(b) the prescribed person or, if the prescribed person is a body corporate, any of its officers;

as the case may be, require the member of the House of Representatives, Senator, agent, financial controller, person or officer:

(c) to produce, within the period and in the manner specified in the notice, the documents or other things referred to in the notice; or

(d) to appear, at a time and place specified in the notice, before the authorised officer to give evidence, either orally or in writing, and to produce the documents or other things referred to in the notice.

Where a political party operates party units, campaign committees or local branches, a s 316(2A) notice may seek a sample of records from these party units. A report provided pursuant to s 17(2C) must comply with s 17A, which provides that particulars of any information given in evidence or contained in documents or other things produced in compliance with a notice served on a prescribed person or an officer of a prescribed person under s 316(2A) must not be reproduced.

The purpose of reviewing documents and evidence produced in response to the notices issued under s 316(2A) is to determine whether the person lodging the disclosure return or election claim has complied with their obligations under Part XX of the Electoral Act.

Notices under s 316(2A) are issued to the person with the responsibility to lodge the disclosure return or claim.

Table 8: Summary of the person with the responsibility to lodge the disclosure return or elections claim

Entity/Person	Disclosure returns	Election claims
Political parties	Agent	Agent
Candidates	Agent	Agent
Senate groups	Agent	Agent
Member of the House or Representative	Member of the House or Representative	N/A
Senator	Senator	N/A
Significant Third Parties	Financial controller	N/A
Associated entities	Financial controller	N/A
Third Parties	The person or entity that incurred electoral expenditure over the threshold must lodge the return. If the third party is an entity the return should be lodged by a person with the authority to do so	N/A
Donors (s 305B and s 306)	The person or entity that makes one or more donations to a political party, or significant third party, or to a member of the House of Representatives or Senator, totalling more than the disclosure threshold during a financial year must lodge the return. If the donor is an individual, he or she must lodge the return or if the donor is an entity, the return should be lodged by a person with the authority to do so	
Donors (s 305A)	The person or entity that makes one or more donations to a candidate or Senate group in an election totalling more than the disclosure threshold must lodge the return. If the donor is an individual, he or she must lodge the return or if the donor is an entity, the return should be lodged by a person with the authority to do so	

Compliance reviews pursuant to s316(2A)

The last report under s 17(2C) which included particulars of the operation of s 316(2A) was the “Election Funding and Disclosure Report, 2019 Federal Election”. That report contained particulars of the operation of s 316(2A) reviews for notices issued between 1 April 2017 and 6 November 2020 and is available on the AEC website.

This report sets out particulars of the operations of s 316(2A) between 7 November 2020 and 31 March 2023.

A section 316(2A) notice allows for any documents and evidence in the possession of the particular entity to be obtained to assess the completeness and accuracy of disclosures of:

- total receipts
- total payments
- total debts
- receipts above the disclosure threshold (detailed receipts)
- debts totalling above the threshold (detailed debts)
- electoral expenditure
- discretionary benefits
- gifts received and used to incur electoral expenditure
- gifts made to political parties or significant third parties or members of the House of Representative or Senators or candidates or Senate groups
- gifts received and used wholly or partly to make donations to a political party or significant third party or members of the House of Representative or Senators or candidates or Senate groups.

Between 7 November 2020 and 31 March 2023 the AEC:

- issued 66 s 316(2A) notices in respect of registered political parties, state branches of registered political parties, significant third parties (formally political campaigners), associated entities and third parties
- completed 72 compliance reviews consisting of 16 in the 2020–21 financial year, 32 in 2021–22, 24 in 2022–23. A further 19 compliance reviews remain active.

Table 9 lists the compliance reviews completed. It also indicates the areas where errors were identified in disclosure returns from an analysis of documents produced under s 316(2A) notices.

Table 9: Compliance reviews completed under s 316(2A) between 7 November 2020 and 31 March 2023 (amendments required are marked and the annual return that was reviewed is indicated after the entity name)

Political parties	Year of return	Total receipts	Total payments	Total debts	Detailed receipts	Detailed debts	Discretionary benefits
Australian Greens	2019–20						
Australian Greens Australian Capital Territory Branch	2019–20			✓	✓		
Australian Greens Tasmanian Branch	2020–21	✓	✓	✓			
Australian Greens Northern Territory Branch	2018–19						
Australian Labor Party (ACT Branch)	2019–20	✓	✓		✓		
Australian Labor Party (ALP)	2019–20			✓		✓	
Australian Labor Party (N.S.W Branch)	2020–21			✓			
Australian Labor Party (State of QLD)	2018–19			✓	✓		
Christian Democratic Party (Fred Nile Group)	2019–20			✓	✓		
Derryn Hinch's Justice Party	2018–19						
Katter's Australian Party (KAP)	2019–20						
Liberal National Party of Queensland	2020–21				✓		
Liberal Party (W.A. Division) Inc	2018–19			✓			
Liberal Party of Australia	2018–19			✓	✓		
Liberal Party of Australia – Tasmanian Division	2019–20			✓			
Liberal Party of Australia (NSW Division)	2017–18	✓	✓	✓	✓	✓	
Liberal Party of Australia (SA Division)	2018–19			✓	✓	✓	
Liberal Party of Australia, NSW Division	2019–20			✓	✓	✓	
National Party of Australia	2018–19				✓		

Political parties	Year of return	Total receipts	Total payments	Total debts	Detailed receipts	Detailed debts	Discretionary benefits
National Party of Australia – Victoria	2020–21			✓		✓	
Pauline Hanson's One Nation	2020–21	✓	✓		✓		
Queensland Greens	2019–20			✓	✓		
The Greens (WA) Inc	2020–21			✓		✓	
The Greens NSW	2018–19			✓	✓		
United Australia Party	2020–21	✓	✓	✓	✓		
Total		5	5	17	14	6	0

Table 9: Compliance reviews completed under s 316(2A) between 7 November 2020 and 31 March 2023 (continued)

Associated entities	Year of return	Total receipts	Total payments	Total debts	Detailed receipts	Detailed debts	Discretionary benefits
1973 Foundation Pty Ltd	2017–18	✓	✓	✓	✓		
Australian Rail Tram and Bus Industry Union Western Australian Branch	2020–21	✓	✓			✓	
Australian Worker's Union SA Branch	2018–19					✓	
Australian Worker's Union WA Branch	2020–21			✓	✓		
Automotive Food Metals Engineering Printing & Kindred Ind. Union	2019–20				✓		
CEC Australia (Services) Pty Ltd	2020–21			✓		✓	
CEPU Communications Division SA/NT Branch	2018–19			✓	✓		
CEPU Plumbing Division Victoria	2019–20			✓	✓	✓	✓
EMILY's List Australia	2018–19	✓	✓	✓		✓	

Table 9: Compliance reviews completed under s 316(2A) between 7 November 2020 and 31 March 2023 (continued)

Associated entities	Year of return	Total receipts	Total payments	Total debts	Detailed receipts	Detailed debts	Discretionary benefits
John Curtin House Limited	2019–20	✓	✓		✓	✓	
John McEwan House Pty Ltd	2018–19	✓	✓		✓		
Labor Holdings Pty Ltd	2020–21				✓	✓	
Media, Entertainment & Arts Alliance	2020–21			✓	✓	✓	
New South Wales Local Government Clerical Administrative Energy Airlines & Utilities Union T/A United Services Union	2019–20	✓	✓	✓	✓	✓	
Northern Territory ALP Investment Trust	2019–20						
Parakeelia Pty Ltd	2020–21						
Progressive Business Association Inc	2019–20			✓	✓	✓	
The Breweries & Bottleyards Employees' Industrial Union of Workers of Western Australia	2020–21	✓	✓				✓
The Chifley Research Centre Ltd	2019–20						
The Green Institute Limited	2019–20			✓	✓		✓
The Greenfields Foundation	2019–20						
The Menzies Research Centre Limited	2019–20			✓	✓	✓	
The Page Research Centre Limited	2019–20				✓	✓	✓
Total		7	7	11	14	12	4

Table 9: Compliance reviews completed under s 316(2A) between 7 November 2020 and 31 March 2023 (continued)

Significant third parties	Year of return	Total receipts	Total payments	Total debts	Detailed receipts	Detailed debts	Electoral expenditure	Discretionary benefits
Advance Australia	2018–19	✓	✓	✓	✓			
AEU NSW Teacher's Federation	2018–19	✓	✓	✓	✓	✓		
Animals Australia Federation	2018–19	✓	✓	✓		✓		
Australian Automobile Association	2018–19	✓	✓	✓	✓			
Australian Council of Trade Unions	2018–19	✓	✓	✓	✓	✓	✓	✓
Australian Education Union	2018–19	✓	✓	✓	✓	✓		
Australian Education Union Victorian Branch	2018–19	✓		✓	✓			
Business Council of Australia	2018–19	✓	✓	✓	✓	✓		✓
Dick Smith	2018–19							
GetUp Limited	2018–19				✓		✓	
Kim 4 Canberra	2020–21							
KP Independents Limited	2018–19		✓	✓	✓	✓	✓	
LET Australia Ltd (Formerly COAL21 Ltd)	2018–19	✓	✓	✓	✓	✓		
Minerals Council of Australia	2018–19							
Penninsula Independent Ltd	2018–19				✓		✓	
The Minderoo Foundation Pty Ltd	2018–19							
United Workers Union (United Voice)	2018–19	✓	✓	✓	✓	✓	✓	
Universities Australia	2018–19			✓		✓		✓
Voices of Bradfield	2020–21							
Warringah Independent Ltd	2018–19	✓	✓		✓			
Total		11	11	12	13	9	5	3

Table 10 provides a summary of data in relation to the 72 completed compliance reviews.

Table 10: Summary of compliance data

Disclosure information	No. of entities required to disclose	No. of returns	% of no of returns requiring amendments
Total returns requiring amendment	72	58	81%
Amendment to total receipts	68	23	34%
Amendment to total payments	68	23	34%
Amendment to total debts	68	40	59%
Amendment to detailed receipts	68	41	60%
Amendment to detailed debts	68	27	40%
Amendment to detailed discretionary benefits	68	7	10%
Amendment to electoral expenditure	24	8	33%
Amendment to gifts received and used to incur electoral expenditure	4	1	25%

Political parties, associated entities and significant third parties are required to disclose total receipts, total payments, total debts, detailed receipts, detailed debts and discretionary benefits. Additionally, significant third parties are also required to disclose electoral expenditure.

Third parties are required to disclose electoral expenditure and gifts used, either wholly or partly, to incur electoral expenditure.

The AEC's policy is to support, wherever reasonably possible, those who are required to comply so that they can meet their compliance obligations to disclose fully and accurately as required under Part XX. Therefore, where the AEC forms a view, based on its analysis of documents provided under s 316(2A) that there are errors contained in the financial returns, the AEC writes to the relevant party agent, financial controller or person with the authority to lodge the return, highlighting the errors and suggesting that they should consider lodging a request under s 319A(2) to amend the disclosure return in order to correct the identified errors and/or omissions.

Between 7 November 2023 and 31 March 2023 the AEC wrote to 21 party agents, 34 financial controllers and 3 people with the authority to lodge a third party return, highlighting errors in financial returns lodged by them and suggesting that they consider lodging an amendment of the return pursuant to s 319A(2). As a result of the AEC's recommendations all lodged an amended return under s 319A(2) which resulted in the Electoral Commission permitting each of the amended returns to be made in accordance with s 319A(4) of the Electoral Act.

Election funding claims compliance reviews pursuant to s 316(2A)

The last report under s 17(2C) which included particulars of the operation of s 316(2A) was the “Election Funding and Disclosure Report, 2019 Federal Election”. For the 2019 federal election, all claims for election funding were reviewed. The report contained particulars of the operation of s 316(2A) reviews for notices issued between 27 November 2019 and 6 November 2020.

A section 316(2A) notice allows the AEC, through the examination of source documentation, to determine, whether expenditure items listed in a final claim met the criteria for acceptance and payment of election funding in s 298C(2), namely:

- (a) whether expenditure claimed is electoral expenditure; and
- (b) if expenditure claimed is electoral expenditure—both:
 - (i) whether the electoral expenditure was incurred; and
 - (ii) whether the electoral expenditure has been specified in a claim made by another agent.

For the 2022 federal election, 24 registered political parties and 35 independent candidates lodged claims for election funding for more than the automatic payment.

Compliance reviews of election funding claims for the 2022 federal election had not yet commenced at the date of this report. Any variations to claim determinations as a result of these reviews will be published on the Transparency Register.

Enforcement action

The Electoral Act provides the AEC with powers to investigate non-compliance and, where necessary, take appropriate enforcement action. Types of non-compliance with Part XX include failing to submit election disclosure returns, making claims for public funding that a candidate or party is not entitled to and failure to keep records.

The AEC may take action it considers necessary and appropriate to deal with noncompliance. The AEC will select the most appropriate enforcement action based on a number of considerations including the nature and seriousness of the breach, frequency and mitigating factors.

Where there is scope for an individual or entity to rectify and address the noncompliance, the AEC will provide the individual or entity a reasonable opportunity to do this. However, for more serious breaches, such as intentional or repeated noncompliance, the AEC may consider other enforcement mechanisms in the Electoral Act including obtaining an enforceable undertaking or seeking to impose a civil penalty or initiating criminal proceedings.

In relation to the 2019 federal election, enforcement action was undertaken for five candidates that did not lodge disclosure returns. The AEC received three of the outstanding returns and executed enforceable undertakings in relation to these returns.

The AEC undertook court action in relation to the remaining two candidates, which resulted in the court finding two contraventions of the Electoral Act for each candidate. Civil penalties were issued.

Following the completion of a compliance review of Pauline Hanson's One Nation's 2019 election funding claim, the AEC executed an enforceable undertaking to Pauline Hanson (Party Agent), with regards to record keeping.

Following the completion of a compliance review of the 2018–19 Associated Entity Return lodged by EMILY'S List Australia, the AEC executed an enforceable undertaking to the Financial Controller of EMILY's List. The undertaking was regarding record-keeping and accuracy of future disclosure returns lodged by EMILY's List Australia.

Enforceable undertakings are published on the Transparency Register.

Appendix A – Key election dates

The electoral event held on 21 May 2022 was a combined general election for the House of Representatives and a half Senate election. Key dates for this election are detailed below.

Monday 11 April 2022	Issue of the Writ
Thursday 21 April 2022	Close of nominations
Saturday 21 May 2022	Polling Day
Friday 10 June 2022	Calculation of automatic election funding entitlement First day a claim can be lodged for election funding of more than the automatic payment (20 days after polling day)
Monday 20 June 2022	Conclusion of donations disclosure period (30 days after polling day)
Thursday 23 June 2022	Writ returned
Monday 5 September 2022	Candidate, Senate group & donor returns due (15 weeks after polling day)
Monday 7 November 2022	Public Inspection of disclosure returns (24 weeks after polling day)
Sunday 20 November 2022	Last day for lodging of claims for election funding of more than the automatic payment (6 months after polling day)

Senator the Hon Don Farrell

Special Minister of State
Minister for Trade and Tourism
Senator for South Australia

REF: MS23-000028

Senator the Hon Sue Lines
President of the Senate
Parliament House
CANBERRA ACT 2600

Dear President

Pursuant to standing order 166, relating to the presentation of documents when the Senate is not sitting, I present to you the Australian Electoral Commission Election Funding and Disclosure Report – Federal Election 2022.

Yours sincerely

Don Farrell

REFORM TO CURRENT DISCLOSURE LAWS AND IMPLEMENTATION**Issue**

What measures are in place to provide transparency of the financing of political debate in Australia?

Headline response

The *Commonwealth Electoral Act 1918* regulates disclosure for entities that collect donations or expend money for the purposes of elections, and protects our electoral system from interference by foreign donors.

Australia's electoral transparency was further enhanced following the Royal Assent of the *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021* and the *Electoral Legislation Amendment (Political Campaigners) Act 2021* on 13 December 2021.

Talking points

- Amendments to the *Commonwealth Electoral Act* in December 2021 have enhanced public confidence in Australia's political process by aligning transparency requirements for members of the Australian Parliament and for all political actors who seek to influence the outcome of a federal election.
- Members of the House of Representatives and Senators who personally receive gifts for a federal purpose are required to lodge an annual disclosure return to the Australian Electoral Commission.
- The first of these were due to the AEC on 12 January 2022 and were published on the AEC's Transparency Register on 1 March 2022.
- The existing foreign donations framework was extended to Members of the House of Representatives, Senators and associated entities. The foreign donation ban that has applied to political parties since 2018, now applies to all parliamentarians for the full duration of their term in office.
- The period for which a person is taken to be a candidate was extended by an additional six months, for the purpose of the disclosure period; and also for restrictions on receiving foreign donations. This removed the financial incentive for candidates to delay announcing that they're running for Parliament.

Contact: Joanne Reid

Contact number: **Section 47F**

Agency: Australian Electoral Commission

Date updated: 07/07/202229/09/2022

Date last printed: 26/10/2023 8:11 PM

Cleared by: Michael Lynch

Contact number: **Section 47F**

Cleared by Adviser:

PDMS number: AEC/QB22-000015

ELECTORAL DONATIONS

- A political campaigner is now known as a significant third party. The thresholds for when an individual or organisation has to register as a significant third party have been reduced.
- A new circumstance for when registration as a significant third party is required was introduced to capture entities whose primary purpose is fundraising for the purpose of incurring electoral expenditure, or donating funds to someone else for that purpose.
- The associated entity definition was expanded to include entities operating for the benefit of not only a political party, but for other disclosure entities such as significant third parties or candidates.

Policy commitments

- The Mid-Year Economic and Fiscal Outlook 2021-22 committed \$15.5 million over four years from 2021-22 for *Improving Confidence in the Electoral Process*. This payment measure is supporting initiatives to further strengthen the integrity of Australia's electoral system, modernise electoral processes, improve services to Australian voters and maintain confidence.

Background

AEC implementation

The *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021* and the *Electoral Legislation Amendment (Political Campaigners) Act 2021* have been implemented.

Actions undertaken have included:

- Detailed information was made available in relation to the legislation changes on the AEC's website.
- Approved forms affected by the changes have been updated. Fact sheets and Disclosure Guides were created for the Annual Disclosure Equality Act, and existing forms have been updated in relation to the Political Campaigners Act. These are available on the AEC's website.
- Information was publicised through the AEC's media team who released information accordingly.
- Stakeholders registered with the AEC (all disclosure categories) were sent communications relating to the changes. Stakeholders identified by the AEC as meeting the new definitions were informed of the legislation through these communications.
- A number of groups (and/or entities) identified by the AEC through environmental scanning processes and referrals as possibly meeting the new criteria were informed of the requirements and advised to make assessments as to their applicability.
- All new applications for registration received were processed (and will continue to be processed) when received.
- There was a retrospective element to these legislative changes, and 2020-21 annual returns were published on the AEC's Transparency Register on 1 February 2022. The AEC continued to publish 2020-21 significant third party and associated entity returns as they were received.
- 2020-21 annual returns for Members of the House of Representatives and Senators were published on the Transparency Register on 1 March 2022.

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ELECTORAL DONATIONS

- eReturns has been upgraded for electronic lodgement of disclosure returns for members of the House of Representatives and Senators, as well as Significant Third Parties. These upgrades went live for the new financial reporting year beginning 1 July 2022.

Foreign donations and Influences

Legislation to restrict foreign donations came into effect on 1 January 2019. Under the restrictions foreign donors cannot finance public political debate in Australia.

Further legislation containing foreign donation provisions received Royal Assent on 13 December 2021:

- the *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021* extended the restriction on receiving foreign donations from foreign donors to members of the House of Representatives and Senators;
- the *Electoral Legislation Amendment (Political Campaigners) Act 2021* has extended foreign donation provisions to include associated entities.

It is the responsibility of the political party, significant third party, third party, associated entity, member of the House of Representatives and Senators to ensure that it is not knowingly receiving foreign donations to incur electoral expenditure.

On 17 February 2022, the *Electoral Legislation Amendment (Foreign Influences and Offences) Act 2022* received Royal Assent.

The primary amendment to the Electoral Act extends the ban on foreign donations to also prohibit foreign persons and foreign entities from fundraising for electoral expenditure or directly incurring electoral expenditure of \$1,000 or more in a financial year.

CURRENT DISCLOSURE LAWS AND IMPLEMENTATION

Issue

What measures are in place to provide transparency of the financing of political debate in Australia?

Headline response

The *Commonwealth Electoral Act 1918* regulates disclosure for entities that collect donations or expend money for the purposes of elections, and protects our electoral system from interference by foreign donors.

Australia's electoral transparency was further enhanced following the Royal Assent of the *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021* and the *Electoral Legislation Amendment (Political Campaigners) Act 2021* on 13 December 2021, as well as the *Electoral Legislation Amendment (Foreign Influences and Offences) Act 2022* on 17 February 2022.

Talking points

- Amendments to the *Commonwealth Electoral Act* in December 2021 and February 2022 have enhanced public confidence in Australia's political process by aligning transparency requirements for members of the Australian Parliament and for all political actors who seek to influence the outcome of a federal election.
- Members of the House of Representatives and Senators who personally receive gifts for a federal purpose are required to lodge an annual disclosure return to the Australian Electoral Commission.
- The existing foreign donations framework was extended to Members of the House of Representatives, Senators and associated entities. The foreign donation ban that has applied to political parties since 2018, applies to all parliamentarians for the full duration of their term in office.
- The period for which a person is taken to be a candidate was extended by an additional six months, for the purpose of the disclosure period; and also for restrictions on receiving foreign donations. This removed the financial incentive for candidates to delay announcing that they're running for Parliament.

Contact: Joanne Reid

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Agency: Australian Electoral Commission

Date updated: 04/07/2023

Date last printed: 26/10/2023 8:11 PM

Cleared by: Rachael Spalding

Contact number: Section 47F

Cleared by Adviser:

PDMS number: AEC/QB23-000013

ELECTORAL DONATIONS

- A political campaigner is now known as a significant third party. The thresholds for when an individual or organisation has to register as a significant third party have been reduced.
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- The associated entity definition was expanded to include entities operating for the benefit of not only a political party, but for other disclosure entities such as significant third parties or candidates.

Policy commitments

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Background

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Actions undertaken have included:

- Detailed information was made available in relation to the legislation changes on the AEC's website.
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- A number of groups (and/or entities) identified by the AEC through environmental scanning processes and referrals as possibly meeting the new criteria were informed of the requirements and advised to make assessments as to their applicability.
- All new applications for registration received were processed (and will continue to be processed) when received.
- There was a retrospective element to these legislative changes, and 2020-21 annual returns were published on the AEC's Transparency Register on 1 February 2022. The AEC continued to publish 2020-21 significant third party and associated entity returns as they were received.
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Further legislation containing foreign donation provisions received Royal Assent on 13 December 2021:

- the *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021* extended the restriction on receiving foreign donations from foreign donors to members of the House of Representatives and Senators;
- the *Electoral Legislation Amendment (Political Campaigners) Act 2021* has extended foreign donation provisions to include associated entities.

It is the responsibility of the political party, significant third party, third party, associated entity, member of the House of Representatives and Senators to ensure that it is not knowingly receiving foreign donations to incur electoral expenditure.

On 17 February 2022, the *Electoral Legislation Amendment (Foreign Influences and Offences) Act 2022* received Royal Assent.

The primary amendment to the Electoral Act extends the ban on foreign donations to also prohibit foreign persons and foreign entities from fundraising for electoral expenditure or directly incurring electoral expenditure of \$1,000 or more in a financial year.

POLITICAL DONATIONS - CURRENT LAWS AND IMPLEMENTATION**Subject/Issue**

Implementation of current disclosure laws.

Key facts and figures

- Recent Acts to amend the *Commonwealth Electoral Act 1918*:
 - *Electoral Legislation Amendment (Foreign Influences and Offences) Act 2022*
 - *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021*
 - *Electoral Legislation Amendment (Political Campaigners) Act 2021*
- The Joint Standing Committee on Electoral Matters is looking at further potential reform to disclosure laws.

Key points

- On 17 February 2022, the *Electoral Legislation Amendment (Foreign Influences and Offences) Act 2022* received Royal Assent.
- The primary amendment to Part XX of the *Commonwealth Electoral Act 1918* extends the ban on foreign donations to also prohibit foreign persons and foreign entities from fundraising for electoral expenditure or directly incurring electoral expenditure of \$1,000 or more in a financial year.
- On 13 December 2021, the *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021* and the *Electoral Legislation Amendment (Political Campaigners) Act 2021* received Royal Assent.
- These Acts amended the *Commonwealth Electoral Act 1918* to:
 - expand the criteria for registration and disclosure requirements for political actors
 - expand the criteria and list of entities that can be ‘associated’ with an associated entity to include other disclosure entities
 - introduce disclosure requirements for members of the House of Representatives and Senators
 - extend the foreign donation framework to members of the House of Representatives, Senators and associated entities.

POLITICAL DONATIONS

Background

Members of the House of Representatives and Senators who personally receive gifts for a federal purpose are now required to lodge an annual disclosure return to the AEC, the first of which were due to the AEC on 12 January 2022, and published on the Transparency Register on 1 March 2022.

The existing foreign donations framework was extended to members of the House of Representatives, Senators and associated entities. The foreign donation ban that has applied to political parties since 2018, now applies to all parliamentarians for the full duration of their term in office.

The period for which a person is taken to be a candidate was extended by an additional six months, for the purpose of the disclosure period; and also for restrictions on receiving foreign donations.

A political campaigner is now known as a significant third party. The thresholds for when an individual or organisation has to register as a significant third party have been reduced.

A new circumstance for when registration as a significant third party is required was introduced to capture entities whose primary purpose is fundraising for the purpose of incurring electoral expenditure, or donating funds to someone else for that purpose.

The associated entity definition was expanded to include entities operating for the benefit of not only a political party but for other disclosure entities such as significant third parties or candidates.

The definition of 'electoral expenditure' was expanded from expenditure with the dominant purpose of creating or communicating electoral matter, to include any expenditure incurred 'in relation to an election' for significant third parties and associated entities. This rule already applied to political parties and candidates, and will now similarly apply to significant third parties and associated entities.

The *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021*, the *Electoral Legislation Amendment (Political Campaigners) Act 2021*, and the *Electoral Legislation Amendment (Foreign Influences and Offences) Act 2022* have been implemented by the AEC, with all affected stakeholders being advised of new or changed obligations.

Date:	17/10/2022
Cleared by (SES):	Robyn Black, A/g First Assistant Commissioner
Telephone:	Section 47F
Agency/Branch:	AEC, Disclosure Party Registration and Redistribution Branch
Contact officer:	Joanne Reid, Assistant Commissioner
Telephone:	Section 47F
Consultation:	Nil
PDR number:	SB22-000022
Last printed	26/10/2023 8:11 PM

POLITICAL DONATIONS - CURRENT LAWS AND IMPLEMENTATION

Subject/Issue

Implementation of current disclosure laws.

Key facts and figures

- Recent Acts to amend the *Commonwealth Electoral Act 1918*:
 - *Electoral Legislation Amendment (Foreign Influences and Offences) Act 2022*
 - *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021*
 - *Electoral Legislation Amendment (Political Campaigners) Act 2021*
- The Joint Standing Committee on Electoral Matters (JSCEM) is looking at further potential reform to disclosure laws as part of its inquiry into the 2022 federal election.
- The JSCEM is also conducting an inquiry into the Referendum (Machinery Provisions) Amendment Bill 2022. The Bill would establish a financial disclosure framework for referendums to support transparency and accountability, including banning foreign donations.

Key points

- On 17 February 2022, the *Electoral Legislation Amendment (Foreign Influences and Offences) Act 2022* received Royal Assent.
- The primary amendment to Part XX of the *Commonwealth Electoral Act 1918* extends the ban on foreign donations to also prohibit foreign persons and foreign entities from fundraising for electoral expenditure or directly incurring electoral expenditure of \$1,000 or more in a financial year.
- On 13 December 2021, the *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021* and the *Electoral Legislation Amendment (Political Campaigners) Act 2021* received Royal Assent.
- These Acts amended the *Commonwealth Electoral Act 1918* to:
 - expand the criteria for registration and disclosure requirements for political actors
 - expand the criteria and list of entities that can be ‘associated’ with an associated entity to include other disclosure entities

POLITICAL DONATIONS

- introduce disclosure requirements for members of the House of Representatives and Senators
- extend the foreign donation framework to members of the House of Representatives, Senators and associated entities.

Background

Members of the House of Representatives and Senators who personally receive gifts for a federal purpose are now required to lodge an annual disclosure return to the AEC, the first of which were due to the AEC on 12 January 2022, and published on the Transparency Register on 1 March 2022.

The existing foreign donations framework was extended to members of the House of Representatives, Senators and associated entities. The foreign donation ban that has applied to political parties since 2018, now applies to all parliamentarians for the full duration of their term in office.

The period for which a person is taken to be a candidate was extended by an additional six months, for the purpose of the disclosure period; and also for restrictions on receiving foreign donations.

A political campaigner is now known as a significant third party. The thresholds for when an individual or organisation has to register as a significant third party have been reduced.

A new circumstance for when registration as a significant third party is required was introduced to capture entities whose primary purpose is fundraising for the purpose of incurring electoral expenditure, or donating funds to someone else for that purpose.

The associated entity definition was expanded to include entities operating for the benefit of not only a political party but for other disclosure entities such as significant third parties or candidates.

The definition of 'electoral expenditure' was expanded from expenditure with the dominant purpose of creating or communicating electoral matter, to include any expenditure incurred 'in relation to an election' for significant third parties and associated entities. This rule already applied to political parties and candidates, and will now similarly apply to significant third parties and associated entities.

The *Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021*, the *Electoral Legislation Amendment (Political Campaigners) Act 2021*, and the *Electoral Legislation Amendment (Foreign Influences and Offences) Act 2022* have been implemented by the AEC, with all affected stakeholders being advised of new or changed obligations.

Supporting information

Questions on Notice – Asked at and since the previous Estimates

- No QoNs asked.

Freedom of Information requests – Asked since the previous Estimates

- No FOIs asked.

Recent ministerial comments

- [Next steps towards Voice Referendum](#), Farrell, Burney, Dreyfus, Dodson, 01/12/2022.

Relevant media reporting

- [Australian Electoral Commission financial disclosure returns reveal how much teal independents spent on election campaigns](#), Sky News Australia, 07/11/2022.
- [Labor to introduce real-time disclosures and slash donations thresholds](#), The Sydney Morning Herald, 13/07/2022.

POLITICAL DONATIONS

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Last printed 26/10/2023 8:11 PM

REFERENDUM DISCLOSURE SCHEME**Subject/Issue**

Referendum disclosure scheme.

Key facts and figures

- A referendum disclosure scheme has been introduced as a result of amendments to the *Referendum (Machinery Provisions) Act 1984*.
- The referendum disclosure scheme aims to promote accountability and transparency and inform the public about the financial dealings of entities and donors involved in the referendum process.
- If you are active in campaigning, receiving donations or making donations for a referendum, you may have an obligation to disclose that information.
- Disclosure obligations are retrospective and tied to the referendum timetable.
- The referendum expenditure period:
 - commences six months before the writ for a referendum is issued; and
 - ends on the referendum voting day.
- Referendum disclosure threshold is \$15,200.

Key points

- On 27 March 2023, the *Referendum (Machinery Provisions) Amendment Act 2023* received Royal Assent.
- The primary amendments relating to financial disclosure include:
 - an expanded definition of referendum matter
 - a definition for referendum expenditure and a referendum expenditure period
 - disclosure obligations for referendum entities and donors
 - a disclosure threshold of \$15,200
 - restrictions on foreign donations
- Following a referendum:
 - referendum entities must lodge a disclosure return that provides details of donations received and expenditure incurred during the referendum expenditure period

REFERENDUM DISCLOSURE

- referendum donors must lodge a disclosure return for donations made
 - disclosure returns will be published on the AEC's Transparency Register.
- The AEC is implementing the referendum disclosure scheme and commenced an education and awareness campaign soon after passage of the legislation.
- The AEC's website contains comprehensive information about the disclosure scheme, and is complemented by print, digital and social media advertising and direct correspondence with known and emerging entities who may have disclosure obligations.

Parliamentary inquiry

- The administration of the referendum into an Aboriginal and Torres Strait Islander Voice is currently subject to inquiry by the Senate Finance and Public Administration References Committee.
- The inquiry has particular reference to the potential application and administration of foreign donation laws to the referendum and its participants.
- The Committee is due to report by 9 June 2023.

Background

A referendum disclosure scheme has been introduced as a result of amendments to the *Referendum (Machinery Provisions) Act 1984*.

The *Referendum (Machinery Provisions) Amendment Bill 2022* was introduced to Parliament on 1 December 2022. One of the changes included the establishment of a financial disclosure framework for referendum campaigning and donations that broadly aligns with Part XX of the Electoral Act.

On 27 March 2023, the *Referendum (Machinery Provisions) Amendment Act 2023* received Royal Assent, with the primary amendments relating to financial disclosure being:

- an expanded definition of referendum matter – referendum matter is matter communicated or intended to be communicated for the dominant purpose of influencing the way people vote in a referendum
- a definition for referendum expenditure – referendum expenditure is expenditure incurred for the dominant purpose of creating or communicating referendum matter
- a referendum expenditure period – the referendum expenditure period starts six months before the writ is issued and ends on voting day for a referendum
- disclosure obligations for referendum entities and donors - following a referendum, referendum entities must lodge returns that provide details of donations received and expenditure incurred during the referendum expenditure period. Referendum donors must lodge returns for donations made
- a disclosure threshold of \$15,200
- restrictions on foreign donations – the Act prohibits foreign donations for referendum campaigning and prohibits foreign campaigners from fundraising or directly incurring referendum expenditure in a financial year equal to or more than \$1,000. This is consistent with Part XX of the Electoral Act.

Disclosure returns relating to a referendum will be published on the AEC's Transparency Register 24 weeks after polling day.

The AEC is implementing the referendum disclosure scheme. The following actions have taken place.

- The AEC's website has been updated with detailed information on the referendum disclosure scheme. There is information on referendum entities (active in campaigning and receiving donations) and referendum donors, as well as FAQs, factsheets and a video. The website content anchors the awareness campaign for external stakeholders which is designed to explain the disclosure scheme for any referendum.
- All known stakeholders have been sent communications relating the referendum disclosure scheme.
- A number of entities identified by the AEC through environmental scanning processes have been informed of the requirements via written communications.
- There has been a media release, digital and print advertising, and social media posts organised.

REFERENDUM DISCLOSURE

An education campaign for external stakeholders will go live if a writ is issued for a referendum. This campaign will include dates impacting disclosure specific to that referendum, and will include updated website content, guides, further media release, social media and advertising.

Supporting information

Questions on Notice – Asked at or since the previous Estimates

- Nil.

Freedom of Information requests – Asked or released since the previous Estimates

- Nil.

Recent ministerial comments

- Media release: [First steps towards Voice Referendum](#), Farrell, Burney, Dreyfus, Dodson, 22/03/2023.
- Minister Farrell responded to multiple questions about disclosure during [Senate debate of Referendum \(Machinery Provisions\) Amendment Bill 2022](#), 22/03/2023.

Relevant media reporting

- Media interest generated by AEC media release [Referendum disclosure requirements now in effect](#), 11/04/2023.

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Consultation:	Nil
PDR number:	SB23-000022
Last printed	26/10/2023 8:11 PM