

Local Government Elections - Campaign Donation Returns

What is an election campaign donation return?

An election campaign donation return is a record of significant gifts received by election candidates for use in their election campaigns. These returns ensure public transparency about the level of financial and in-kind support given to candidates by individuals and organisations during elections.

Who needs to lodge a return?

Every person who is a candidate in a council election for a Victorian local government must lodge an election campaign donation return. A return must be lodged by a candidate even if he or she has not received any campaign donations.

When and where must a return be lodged?

Campaign donation returns must be given to the Chief Executive Officer of the Council for which the person was a candidate within 60 days after the election day. Candidates for the general elections being conducted on 29 November 2008 must lodge their returns no later than 28 January 2009.

Within 28 days after that date, the Chief Executive Officer will notify the Minister for Local Government with the names of candidates who have lodged campaign donation returns. Copies of completed returns will be available for inspection at the Council office for 4 years.

What gifts must be disclosed?

Campaign donation returns must record all relevant gifts that were received by the candidate from 30 days after the previous election until 30 days after the current election. (This is referred to as the "donation period").

All campaign donations received during the donation period, either by the candidate or by someone acting on behalf of the candidate, must be disclosed if they are valued at \$200 or more. This includes gifts of goods or services as well as cash donations.

Disclosable gifts include, but are not limited to:

- Cash donations in any form,
- A payment or contribution at a fundraising function,
- Rent free or discounted use of commercial premises,
- Free or discounted media advertising,
- Free or discounted printing,
- Free or discounted services, such as catering, design work or legal advice,
- Free use of a motor vehicle or other equipment,
- Employer approved and paid time off work that is taken by a candidate to campaign (but not if the candidate takes leave), and
- Work undertaken for a candidate by a person during normal working hours where the person's employer continues to pay their salary or wages (but not if the person takes leave to work for the candidate as a volunteer).

Multiple gifts from one source

If two or more gifts are made to a candidate from the same person or organisation they must be treated as a single donation when determining their value. This means that they must be disclosed in the candidate's return if their combined value is \$200 or more.

Items that do not need to be disclosed

Items that do not need to be disclosed in a campaign donation return, include:

- Media interviews,
- Volunteer labour, such as people handing out how-to-vote cards or delivering leaflets,
- Gifts made in a private capacity to the candidate that are not used in relation to the election, and
- The candidate's own funds that are used for their election campaign.

What information about gifts must be disclosed?

A campaign donation return must include the full name and address of each person who made a disclosable gift.

- If a gift is in the form of money, the exact value of the gift must be stated and the form in which the gift was given.
- If the gift was in the form of goods or services, the gift must be described and the estimated market value of the gift stated.

Gifts from organisations

Campaign donations received from corporations or other incorporated bodies must be disclosed in the same way as gifts from people. This includes donations from political parties. A candidate who receives a gift from a corporation or other incorporated body must disclose the name of the corporation or body in their return.

What if no gifts have been received?

If a candidate has not received any gifts that need to be disclosed, the candidate must still lodge a campaign donation return. The candidate should record on the form that they did not receive any gifts of a kind that are required to be disclosed.

Anonymous donations

It is illegal for a candidate, or a person acting on behalf of a candidate, to accept a gift valued at \$200 or more unless the name and address of the gift giver are known or unless the name and address of the gift giver are obtained at the time the gift is received. If a candidate accepts an anonymous gift, an amount equal to twice the value of the gift will be forfeited to the Crown.

Offences

A candidate who fails to lodge an election campaign donation return by the due date or who knowingly gives false or misleading information in his or her return is liable to be charged with an offence and prosecuted in a Court.

A person who knowingly provides a candidate with false or misleading information about a campaign donation is also liable to be charged with an offence and prosecuted in a Court.

The prescribed penalty for any of these offences is \$5,671.

Forms

An election campaign donation return form is attached to this guide. Additional forms may be obtained from the Council Office, the Victorian Electoral Commission or Local Government Victoria.

(LGV/16/09/08)

Election Campaign Donation Return [Local Government Act 1989, Section 62] [Local Government (Electoral) Regulations 2005, Regulation 115]

Election Details: Name of Council:

Ward (if applicable):

Election Date:

Candidate Details: Full Name of Candidate:

Address of Candidate:

.....

Details of Gifts:¹

Name of donor	Address of donor	Date of Gift	Description or form of Gift ²	Value of Gift (\$)

Candidate Declaration:

I declare that this is a complete record of all gifts required to be disclosed by me under section 62 of the *Local Government Act 1989* and in accordance with Regulation 115 of the *Local Government (Electoral) Regulations 2005* and that the details provided in this return are a true and accurate record³.

Signature: Date:

¹ If no gifts of the type that must be disclosed have been received, write the words “*No disclosable gift*” on the form, complete the declaration and lodge as described below.

² For a gift in the form of goods or services, describe the gift. For a gift in the form of money, describe the form in which the gift was given (e.g. cash, cheque).

³ Election Campaign Returns must be lodged with the Chief Executive Officer of the council within 60 days after the election day.

(If insufficient space, attach additional forms, number and initial all pages and sign the last page.)