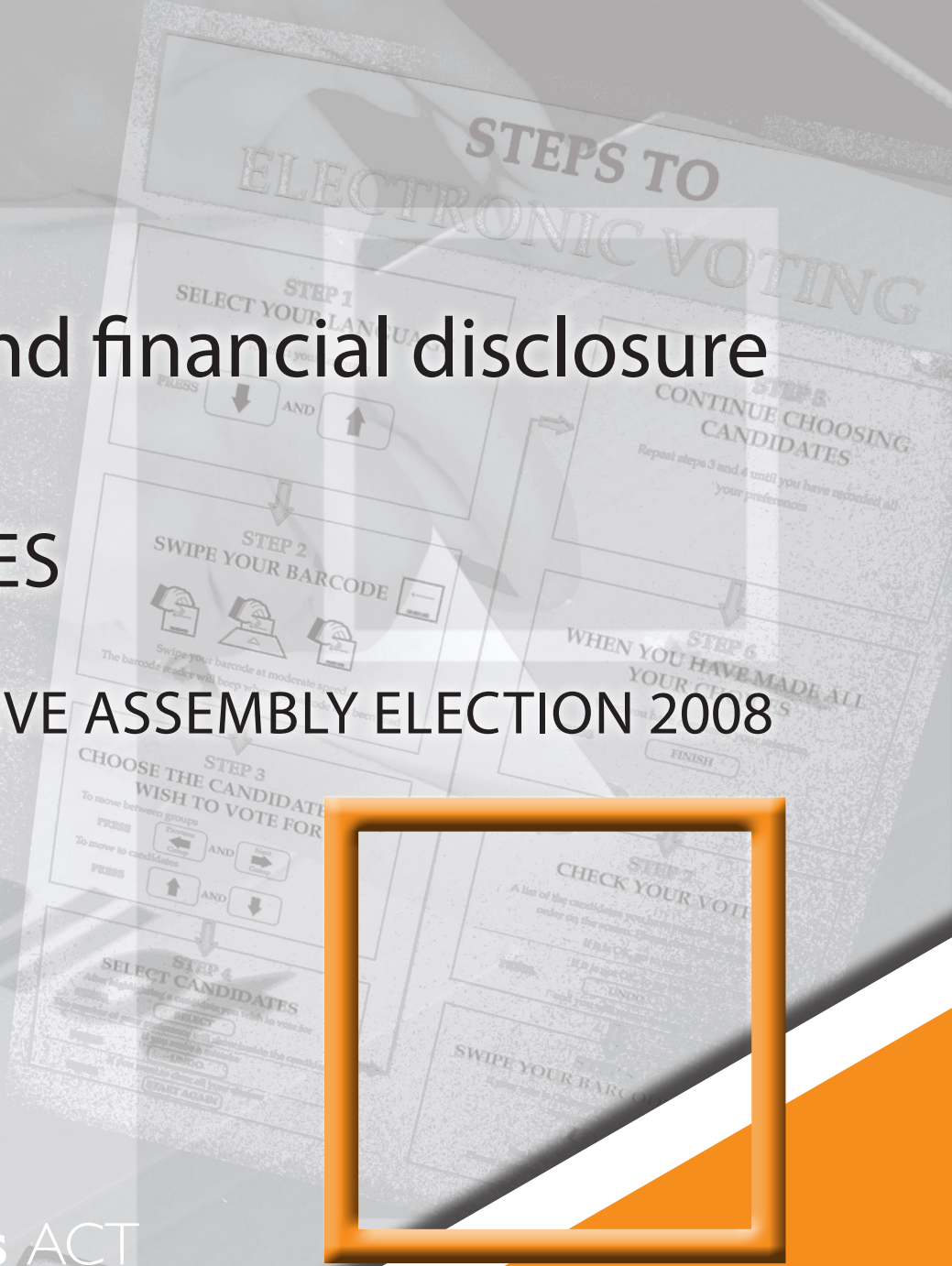


Funding and financial disclosure handbook CANDIDATES ACT LEGISLATIVE ASSEMBLY ELECTION 2008



Elections ACT



Funding and financial disclosure handbook CANDIDATES

ACT LEGISLATIVE ASSEMBLY ELECTION 2008



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Contents

Introduction	1
General	1
Background	1
Assistance and enquiries	2
Dates to remember	2
Reporting agents	3
Introduction	3
Role of a candidate's reporting agent	3
Multiple appointments	3
Requisites for appointment	3
Failure to appoint a reporting agent	3
Register of candidate reporting agents	3
Change of address	4
Election funding	5
Introduction	5
Eligibility	5
Entitlement	5
Rate of election funding	5
Payment of entitlement	5
Election returns by candidates not endorsed by registered political parties	6
Obligation to submit returns	6
Nil returns	6
Responsibility for lodging returns	6
Return form	6
Lodging returns	6
Due date	6
Inability to complete a return	6
Completing the form	6
Non-cash transactions	7
Electoral expenditure	7
Amendments to returns	8
Public inspection	8
Election Returns by Candidates Endorsed by Registered Political Parties	9
Obligation to submit returns	9
Endorsed candidates who have a campaign committee	9
Endorsed candidates who do not have a campaign committee	9
Other details	9
Miscellaneous	10
Anonymous donations	10
Loans received	10
Record keeping	10
Compliance investigations	11

Offences	12
<hr/>	
Introduction	12
Failure to lodge annual/election returns	12
Lodging an incomplete disclosure return	12
Reporting false or misleading information in a disclosure return	12
Providing false or misleading information	12
Failure to retain records	12
Failure to comply with a notice authorising an audit or investigation	12
Providing false or misleading information in response to an investigation notice	12
Failure to advise donors of the need to lodge annual returns	12
Glossary	13
<hr/>	
Form A	19
<hr/>	
Appointment of a reporting agent by a candidate	19
Form B	21
<hr/>	
Election return by a candidate	21

Introduction

General

This handbook details the entitlements and obligations of candidates under the election funding and financial disclosure provisions of the *Electoral Act 1992*.

Other handbooks are available to assist registered political parties, MLAs, associated entities, third parties, broadcasters and publishers.

These handbooks should not be regarded as a final statement of the law on election funding and disclosure. Candidates are advised to obtain a copy of the relevant legislation and seek their own legal advice if necessary.

On 21 May 2008 amendments to the financial disclosure provisions of the Electoral Act became law. However, some of those amendments were subject to transitional provisions that had the effect of delaying their implementation until 1 July 2008. Where applicable, this handbook reflects those provisions that are effective up to 30 June 2008 and those that are effective from 1 July 2008.

One of the main amendments effective from 1 July 2008 is the threshold for reporting obligations decreasing from \$1500 to \$1000.

Background

The election funding and financial disclosure scheme has two components — public funding of election campaign expenditure and disclosure of financial transactions by registered political parties, MLAs, associated entities, candidates, third parties, broadcasters and publishers.

Some of the major features of the funding and disclosure scheme are:

- political parties and independent candidates qualify for election funding on receiving 4% of the votes in an electorate;
- election funding is paid in proportion to the number of formal first preference votes received;
- candidates may appoint reporting agents;
- returns disclosing details of gifts received and electoral expenditure incurred are required to be lodged by, or on behalf of, all candidates;
- registered parties are required to submit election returns setting out details of campaign expenditure (see the *Funding and financial disclosure handbook, Registered political parties* for more information);
- returns are also required from people or organisations who donate to candidates, political parties, MLAs and associated entities;
- MLAs are required to lodge annual returns; and
- the Commission has powers to conduct compliance investigations.

Assistance and enquiries

The ACT's funding and financial disclosure scheme is administered by the ACT Electoral Commission.

Assistance on any aspect of the scheme may be obtained from the Commission.

All funding and disclosure forms and handbooks are available from the Commission's homepage.

Contact details are:

Locality address:

ACT Electoral Commission
O'Connell Centre
Cnr Stuart Street & Blaxland Crescent
GRIFFITH ACT 2603

Postal address:

ACT Electoral Commission
PO Box 272
CIVIC SQUARE ACT 2608

Phone: (02) 6205 0033

Fax: (02) 6205 0382

Email: elections@act.gov.au

Elections ACT homepage: www.elections.act.gov.au

Dates to remember

Pre-election period commences
12 September 2008.

Polling day (end of pre-polling period):
18 October 2008.

Candidates election return due for lodgement:
2 February 2008.

Election returns made public:
6 April 2008.

Reporting agents

Introduction

The ACT's financial disclosure scheme operates through a system of reporting agents.

Role of a candidate's reporting agent

After an election, the reporting agent is responsible for furnishing returns to the Commission showing details of gifts received and electoral expenditure incurred by, or on behalf of, a candidate.

The duties of a reporting agent should not be confused with that of a party's "registered officer". A registered officer is primarily responsible for nominating the party's candidates for an election. The reporting agent's responsibilities are to furnish financial disclosure returns.

Multiple appointments

A person may hold several appointments as reporting agent. For example, the reporting agent of a party may be appointed by each candidate nominated by the party as his or her own agent. However, each appointment must be made separately.

Requisites for appointment

A person appointed as a reporting agent must be a natural person at least 18 years of age. Bodies corporate cannot be appointed as agents.

A written notice of appointment setting out the agent's name, address and date of birth may be given to the Commission by the candidate.

The person appointed must have consented in writing to the appointment.

The notice of appointment may be made on the Commission's appointment form at the back of this handbook (Form A). Copies are also available from the Commission (see page 2).

Failure to appoint a reporting agent

If a candidate does not appoint a reporting agent, the candidate shall be taken to be his or her own reporting agent.

Register of candidate reporting agents

The Commission is required to maintain a register of candidate reporting agents for each election.

A reporting agent appointment is for one election only and begins when the agent's name and address is entered in the register.

The Commissioner shall cancel the appointment of a reporting agent if:

- the person gives to the Commission written notice that they have resigned the appointment as reporting agent;
- the candidate informs the Commission in writing that the person has ceased to be the reporting agent; or
- it comes to the notice of the Commissioner that the person is no longer able to undertake the duties of a reporting agent.

The Commission also maintains a separate register of party and MLA reporting agents (see the handbooks for parties and MLAs).

Change of address

A reporting agent should notify the Commission of any change of address that occurs after the agent has been registered.

Election funding

Introduction

This chapter deals with the entitlement of eligible candidates to receive election funding. Note that there is no direct relationship between funding and disclosure. Returns of gifts received and electoral expenditure incurred must be lodged on behalf of candidates whether or not the candidate qualifies for election funding.

Eligibility

A registered political party is eligible to receive election funding for the votes obtained by its candidates who together polled at least 4% of the total number of formal first preference votes cast in an electorate.

A candidate who is not endorsed by a registered political party is eligible for election funding if he or she gained at least 4% of the total number of formal first preference votes cast in an electorate.

Entitlement

Entitlement to electoral funding is calculated by multiplying the number of formal first preference votes obtained by a political party or candidate by the rate of election funding applicable for that election.

Entitlement for a candidate who is not endorsed by a registered political party is calculated by multiplying the number of formal first preference votes obtained by the candidate by the rate of election funding applicable for that election.

Rate of election funding

The rate of election funding differs from one election to another. The rate is adjusted according to increases in the Consumer Price Index.

For the period ending 31 December 2008, the rate is 147.722 cents per eligible vote.

Payment of entitlement

Election funding is a direct payment scheme. There is no requirement to lodge a claim for an election funding entitlement. The Commission will automatically pay those eligible their entitlement once the voting figures are finalised.

A party's entitlement will be paid to the registered officer.

The entitlement for a candidate who is not endorsed by a registered political party will be paid to the candidate.

There is no obligation on a party or candidate to accept public funding.

Election returns by candidates not endorsed by registered political parties

Obligation to submit returns

Returns of gifts received and electoral expenditure incurred must be submitted by, or on behalf of, each candidate.

Nil returns

A return must be furnished on behalf of every candidate, even if the candidate did not receive any gifts of a kind required to be disclosed and did not incur any campaign expenditure under the categories of electoral expenditure.

Responsibility for lodging returns

The reporting agent of the candidate is responsible for lodging the candidate's return.

Where there is no reporting agent appointed by a candidate, the candidate is deemed to be the reporting agent.

Return form

The return is to be completed on a form provided by the Commission. Sample forms are at the back of this handbook (Form B). The Commission will forward copies of the form to reporting agents after polling day. Additional forms may be obtained from the Commission (see page 2 for contact details).

Lodging returns

All returns must be lodged with the ACT Electoral Commission. Contact details are shown on page 2.

The Commission will acknowledge receipt of all returns to the address shown on the return.

It is recommended that you keep copies of all returns (and any attachments) submitted.

Due date

The return is to be lodged with the Commission within 15 weeks after polling day. There is no provision in the Electoral Act to extend the deadline. Failure to lodge the return by the due date is a breach of the Electoral Act.

Inability to complete a return

Where a person cannot obtain all the details needed to complete a return, that person should fill out as many details as possible and give written notice to the Commissioner specifying the details that have not been obtained, the reason the details could not be obtained, the name and address of the person believed to have these details and the reason for that belief.

Completing the form

Item 1 on the return

The section of the return dealing with gifts received must cover the appropriate disclosure period for the candidate as defined in the glossary on page 14.

Item 2 on the return

Each candidate's return must show the total of all gifts received during the disclosure period.

Volunteer labour, personal gifts and election funding payments do not need to be disclosed. Definitions of *volunteer labour* and *personal gifts* can be found in the glossary on page 17.

Item 3 on the return

Each candidate's return must show the number of persons or organisations who made the gifts.

Item 4 on the return

Show here defined details (see glossary on page 13) of persons, organisations, or entities who gave gifts totalling more than the \$1500 or \$1000 threshold, as applicable (see following paragraph).

Thresholds for gifts received

An obligation arises to disclose gifts received during the period from 16 November 2004 to 17 November 2008 where a candidate receives a gift (or a number of gifts) from the same person and the total value of the gifts received was:

- \$1500 or more during the period from 16 November 2004 to 30 June 2008; or
- \$1000 or more during the period from 16 November 2004 to 17 November 2008, if any gift was received on or after 1 July 2008.

Non-cash transactions

Non-cash transactions must also be included (for example, gifts-in-kind). These transactions should be appropriately valued.

Returns provide only for minimum disclosure. There is nothing to prevent additional information, which may lead to a clearer understanding of the returns, being provided.

Electoral expenditure***Period covered by this section of the return***

The section of the return dealing with expenditure covers campaign expenditure involving goods or services used during the pre-election period.

The pre-election period commences 36 days before polling day and ends on polling day.

If the expenditure was not incurred during the pre-election period, but the goods and services were used during that period, then those amounts must be included.

For example, pamphlets which were printed a year before the election but were used during the pre-election period, must have their cost shown in the return.

Similarly, election advertisements broadcast or published during the week before the pre-election period should not be included in the return, but the same advertisements broadcast or published during the pre-election period must be included in the return.

If only part of an item was used during the pre-election period, the cost relating to that part or proportion of the item used during the pre-election period must be shown on the return. For example, if 10000 pamphlets were printed but only 4000 were used during the pre-election period then 4/10 of the production cost must be shown on the return.

Information required to be reported

The return should contain the total campaign expenditure in relation to the election in each of the following categories:

- broadcasting advertisements (including production costs);
- publishing advertisements (including production costs);
- displaying advertisements at a place of entertainment (including production costs);
- costs of printed electoral material where an authorisation statement is required (for example how-to-vote cards, pamphlets, posters);
- direct mailing;
- consultant's or advertising agent's fees; and
- opinion polling or other research relating to the election.

Campaign novelties — including T-shirts, buttons and badges, pencils, pens, balloons, business or visiting cards promoting candidacy or letters and cards bearing the name of the sender — are not required to be authorised, and therefore expenditure incurred on such items does not need to be included in the return.

Electoral expenditure incurred on the items listed above without the written authority of a candidate is not required to be included in the return. Any person who incurs electoral expenditure in excess of \$1000 without the written authority of a candidate will be required to lodge a separate return with the Commission.

Amendments to returns

The Electoral Commissioner may amend a return to the extent necessary to correct a formal error or remove a formal defect.

A person who has submitted a return may request the permission of the Electoral Commissioner to make a specified amendment to the return to correct an error or an omission. The request must be in writing, signed by the person making the request and be lodged with the Commissioner.

If the Commissioner refuses a request to amend a return, the person will be advised by written notice of the reasons for the refusal. The person may request a review of the decision by notice in writing lodged with the Commission within 28 days after the notice of refusal was given.

Amendment of a return does not affect the liability of a person to be convicted of an offence for submitting an incomplete return, failure to retain records or knowingly submitting false or misleading information in a return.

Public inspection

Election returns will be made available for public inspection from 24 weeks after polling day. Where an attachment is provided with a return, the attachment is also required to be made available for public inspection.

Any person may, on request, examine such returns at the Commission during business hours. A person may also, on payment of a fee, obtain a copy of any return. Returns are also available for inspection on the Commission's web site. The Commission's contact details are on page 2.

Election Returns by Candidates Endorsed by Registered Political Parties

Obligation to submit returns

Each candidate endorsed by a registered political party in an ACT election must submit an election return. The contents of that return will depend on whether the endorsed candidate has a campaign committee or not.

A campaign committee is a body of persons appointed, or engaged, to form a committee to assist the campaign of a registered political party candidate.

Endorsed candidates who have a campaign committee

For candidates endorsed by a registered political party, gifts received, and electoral expenditure incurred, by or with the authority of a campaign committee, are deemed to be received or incurred by the registered party. These amounts should not be reported by the candidate, but must be disclosed in the party's annual return.

Endorsed candidates who have a campaign committee should ensure that the campaign committee provides full details of gifts, payments or debts to the party for reporting in the party's annual return.

While the party will disclose these details, candidates in this position must still lodge a candidate's election return with the Commission by the due date. The return will be a "nil return" if all expenditure or gifts by or to the candidate are made through the candidate's campaign committee.

Endorsed candidates who do not have a campaign committee

If an endorsed candidate does not have a campaign committee then a candidate's election return must be submitted with the required details and appropriate records must be maintained by the candidate (see *Election Returns by Candidates Endorsed by Registered Political Parties* for details).

Other details

For details about who has responsibility for lodging returns, the return form and how it should be completed, lodgement of returns, due date and other important details see *Election Returns by Candidates Endorsed by Registered Political Parties* in this manual.

Miscellaneous

Anonymous donations

Anonymous donations are gifts where the defined details of a donor are not known to the person receiving the gift on behalf of a registered political party, MLA, candidate or associated entity at the time the gift is made.

A party, MLA, candidate or an associated entity is prohibited from accepting anonymous donations totalling \$1500 or more until 30 June 2008, or \$1000 or more from 1 July 2008. If such a donation is received, it is payable by the recipient to the Territory. If it is not paid to the Territory, it may be recovered as a debt to the Territory.

Loans received

Where a loan (as defined in the glossary on page 15) has been received from a source other than a financial institution (as defined in the glossary on page 15), the name and address of the person or organisation from whom the loan was received and details of the terms and conditions of that loan must be recorded by the candidate. Such terms and conditions would include the interest rate being charged and the period of the loan.

In the case of a loan received from a registered industrial organisation or an unincorporated association, the name and address of each of the members of the executive committee must be recorded along with that of the organisation. In the case of a trust or foundation, the names and addresses of the trustees must be recorded along with the title or description of the trust or foundation.

Where a record of such information is not kept, an amount equivalent to the value of the loan is forfeited to the Territory.

Details of loans must be recorded by the candidate. These details do not need to be included in the return.

Record keeping

All candidates, reporting agents and campaign committees need to maintain minimum standards of record keeping. Without proper records, the ability to prepare an accurate return will not be possible. Consequently, a candidate runs the risk of breaching the Electoral Act.

The Electoral Act requires that records, formal and informal, forming the basis for completing returns must be retained for a minimum period of 4 years.

Transactions involving gifts-in-kind should have the item or service identified with sufficient detail to provide a basis for a reliable valuation.

Accurate recording of information is essential. For example, where the Chief Executive Officer of an organisation makes a donation it must be clearly established at the time on whose behalf the donation is being made — the Chief Executive Officer personally or the organisation — and that the correct details are recorded and subsequently disclosed. Similarly, where a person is merely acting on behalf of someone else, such as through a solicitor's trust account, it is the actual donor whose details should be recorded.

Compliance investigations

The Commission has the power to conduct investigations into compliance with the financial disclosure provisions of the Electoral Act. These investigations could take the form of routine audits of financial statements. Reporting agents or their nominees have the right to be present at these investigations.

The Electoral Commissioner has the authority to issue an investigation notice requiring the production, within the period and manner specified, of any article referred to in the notice or the appearance of the person to give evidence.

The Commissioner may also apply to a magistrate for a search warrant to enter and search premises, and seize relevant articles.

Offences

Introduction

The Electoral Act provides for a range of financial disclosure offences. The penalties may be described in terms of penalty units where the value of the penalty unit for the offence is—

- if the person charged is an individual—\$100; or
- if the person charged is a corporation—\$500.

Failure to lodge annual/election returns

It is an offence to fail to lodge a disclosure return by the due date. Penalty: 50 penalty units for a party return, 20 penalty units for any other return.

Lodging an incomplete disclosure return

It is an offence to lodge an incomplete return. Penalty: 20 penalty units.

Reporting false or misleading information in a disclosure return

It is an offence to knowingly lodge a disclosure return that contains false or misleading information. Penalty: 50 penalty units or 6 months imprisonment or both.

Providing false or misleading information

It is an offence to knowingly provide false or misleading information which is to be included in a disclosure return by another person. Penalty: 50 penalty units or 6 months imprisonment or both.

Failure to retain records

It is an offence to fail to retain records, containing information that could be required to be included in a disclosure return, for 4 years. Penalty: 20 penalty units.

Failure to comply with a notice authorising an audit or investigation

It is an offence to contravene an investigation notice given by the Commissioner without reasonable excuse. Penalty: 50 penalty units or 6 months imprisonment or both.

Providing false or misleading information in response to an investigation notice

It is an offence to knowingly provide false or misleading information in response to an investigation notice. Penalty: 50 penalty units or 6 months imprisonment or both.

Failure to advise donors of the need to lodge annual returns

It is an offence if a registered party, MLA or associated entity fails to notify a donor of the need to lodge an annual return where the party, MLA or associated entity receives gifts totalling \$1500 or more up to 30 June 2008, or \$1000 or more from 1 July 2008, from the donor in a financial year. Penalty: 50 penalty units.

Glossary

associated entity

An organisation that is controlled by, or operates, completely or to a significant extent, for the benefit of, one or more registered political parties or MLAs.

authorisation of electoral matter

Subject to the following exclusions, all printed or electronic electoral matter must include the name of the person who authorised the electoral matter, or its author, and a statement to the effect that the named person authorised or is the author of, the matter.

If the electoral matter is published for or on behalf of a registered political party or a candidate for election, or a person who has publicly indicated that they intend to be a candidate for election, the authorisation statement must also include a statement to the effect that the matter is published for the party, candidate or person.

The Electoral Act exempts the following electoral matter from the authorisation requirements:

- letters to the editor where the name of the author and the locality of the author's residence appears at the end;
- T-shirts, buttons, badges, pens, pencils or balloons;
- a business or visiting card that promotes the candidacy of a person in an election;
- reportage or commentary in an issue of a news publication if the issue contains a statement to the effect that a person whose name appears in the statement has authorised the publication of all electoral matter contained in reportage or commentary in that issue;
- a letter or card on which the name of the sender appears;
- a letter or media release published by or on behalf of an MLA;
- an Annual Report of an ACT Government agency; or
- an ACT Government agency publication that contains the name of the agency, the Canberra coat of arms and the words Australian Capital Territory, ACT Government or ACT Legislative Assembly.

campaign committee

A body of persons appointed, or engaged, to form a committee to assist the campaign of a registered political party candidate. Gifts received, expenditure incurred and amounts received, paid or owed, by or on behalf of the campaign committee of a party candidate are taken to be incurred, paid or owed by the party.

Commission

ACT Electoral Commission.

defined details

In relation to a gift, means:

- in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation:

- the name of the association; and
- the names and addresses of the members of the executive committee (however described) of the association;
- in the case of a gift from a trust fund or the funds of a foundation:
 - the names and addresses of the trustees of the fund or foundation; and
 - the name, title or description of the trust fund or foundation; or
- in any other case — the name and address of the person or organisation that made the gift.

disclosure period for expenditure — candidates

The disclosure period covers campaign expenditure involving goods or services used during the pre-election period.

If the expenditure was not incurred during the pre-election period but the goods and services were used during that period then those amounts must be included.

The pre-election period commences 36 days before polling day and ends on polling day.

disclosure period for gifts — candidates

The date of commencement of the disclosure period covered by the return depends on whether the candidate contested the previous ACT Legislative Assembly election.

If he or she was a candidate in the general election on 16 October 2004, the disclosure period commences on 16 November 2004. This includes all sitting MLAs who are contesting the election.

If he or she was not a candidate in the previous election, the disclosure period begins either:

- if the candidate won party pre-selection, or endorsement for the election — the day on which pre-selection or endorsement was won; or
- in any other case — the earlier of the following days:
 - the day on which the person publicly announced that he or she would be a candidate in the election; or
 - the day on which the person was officially nominated as a candidate.

For all candidates, the disclosure period ends 30 days after polling day in the election.

election funding entitlement

Total public funding payable to a political party or independent candidate. See *Election funding* on page 5 for more details.

Electoral Act

Electoral Act 1992 of the Australian Capital Territory.

electoral expenditure

Refers to the following categories of campaign expenditure incurred on goods or services used during the pre-election period:

- broadcasting advertisements (including production costs);
- publishing advertisements (including production costs);

- displaying advertisements at a place of entertainment (including production costs);
- costs of printed electoral material where an authorisation statement is required (for example how-to-vote cards, pamphlets, posters);
- direct mailing;
- consultant's or advertising agent's fees; and
- opinion polling or other research relating to the election.

electoral matter

Electoral matter is matter that is intended to affect or is likely to affect voting in an election. It is taken to be intended or likely to affect voting if it contains an express or implicit reference to, or comment on:

- the election;
- the performance of the Government, the Opposition, a previous Government or a previous Opposition of the ACT Legislative Assembly;
- the performance of an MLA or former MLA;
- the performance of a political party, candidate or a group of candidates in an election; or
- an issue submitted to, or otherwise before, the electors in connection with an election.

financial institution

Financial institution is defined as a bank, a credit union, a building society, or an entity prescribed under the regulations.

gifts

The definition of gift includes cash or gifts-in-kind, but specifically excludes:

- a personal gift;
- volunteer labour;
- a disposition of property under a will;
- a payment under the election funding scheme; and
- an annual subscription paid to a party by a person in relation to the person's membership of the party.

Where a gift is made by a client through a solicitor's or an accountant's trust account, the return must include the name and address of the client who made the donation. The relationship between solicitor/accountant and client is that of agent and principal. For the purposes of the disclosure provisions, a gift paid by an agent at the direction of his/her principal is a gift made by the principal and not the agent.

If a person makes a gift to any person or body with the intention of benefiting a particular candidate, party, MLA or associated entity, the person shall be taken to have made that gift directly to that candidate, party, MLA or associated entity.

A gift made to, or received by, a candidate for the benefit of a party, of which the candidate is a member, is considered to be a gift to the party.

gifts-in-kind

Non-cash donations are to be treated as cash donations for disclosure purposes.

The definition of gifts-in-kind includes:

- any disposition of property for no payment, in cash or kind, or where the payment made, in cash or kind, is less than the value of the property; or
- provision of a service free of charge or for a charge less than the normal commercial rate.

Some examples are:

- rent free use of commercial premises;
- free use of a motor vehicle (unless associated with volunteer labour);
- free legal advice given by a law firm;
- the donation of items or services as raffle prizes;
- printing undertaken for no charge or at a cost less than normally charged;
- attendance at a function where the price charged is far beyond the value of the function; and
- work undertaken for a candidate by an employee during normal working hours where the employer continues to pay salary or wages (but not if the employee takes paid leave to undertake work for the candidate, third party, or referendum participant).

Broadcasters (other than the ABC or SBS) or publishers providing a service (including community service announcements) for no charge, or for less than the normal commercial rate, are considered to be making a gift. However, interviews, news items, or political speeches broadcast on a current affairs program, a news program, or any other topical program, or published in a journal, are not considered to be gifts.

A monetary value should be assigned to any gift-in-kind and shown in a disclosure return where appropriate. A gift-in-kind should be valued at the normal commercial rate. For example, a gift of free use of a car should be valued on the basis of commercial car hire rates.

Valuations placed on gifts-in-kind will generally be accepted provided there is sufficient description shown on the return of the goods or services donated. This enables Commission officers to assess the value attributed. It is recommended that a value be placed on a gift-in-kind when they are received to avoid the onerous task of trying to assign values during preparation of the return.

loan

A loan may be any of the following:

- an advance of money;
- a provision of credit or any other form of financial accommodation;
- a payment of an amount for, on account of, on behalf of or at the request of the receiver, if there is an express or implied obligation to repay the amount; or
- a transaction (whatever its terms or form) that is, in substance, a loan of money.

MLA

A Member of the Legislative Assembly.

news publication

A newspaper or periodical and includes an electronic publication of a similar kind.

party unit

A generic term used to describe all sections of a political party including its state branch/division, local branches and campaign committees.

personal gifts

A gift made in a private capacity to a candidate for his or her personal use, being a gift that the receiver has not used, and will not use, solely or substantially for a purpose related to an election or referendum.

The transfer or loan of funds from an account containing gifts received in a personal capacity to an account from which election or referendum-related expenses were paid is considered to be a use of those funds for election or referendum purposes. This could render all gifts in that account disclosable.

pre-election period

The pre-election period commences 36 days before polling day and ends on polling day.

public inspection

Copies of all disclosure returns become available for scrutiny by the public at the office of the Commission and on the Commission's website. Annual returns are available from 1 February. Election returns are available from 24 weeks after polling day.

registered officer

The person identified in the register of political parties who has the authority to nominate and verify the endorsed candidates of the party.

The registered officer is deemed to be the reporting agent if the party does not have an appointed agent.

The registered officer cannot be replaced except by a formal written application made under the Electoral Act.

registered political party

A political party registered with the ACT Electoral Commission under the Electoral Act. Political parties not registered with the Commission are treated as third parties for disclosure purposes.

third party

A generic term used to describe an individual or organisation other than a registered political party, MLA, candidate, associated entity, broadcaster or publisher who is under an obligation to furnish a disclosure return.

Third parties who may be required to furnish returns include:

- individuals;
- unregistered political parties;
- bodies corporate;
- members of an unincorporated association;
- the trustees of a trust; and
- registered industrial organisations.

For example, a donor of \$1500 or more up to 30 June 2008, or \$1000 or more from 1 July 2008, to a registered political party or an interest group that published electoral advertisements during an election campaign is considered to be a third party.

volunteer labour

Volunteer labour does not need to be disclosed. The donation of time by a member of a party is volunteer labour. The donation of time by a person who is not a party member is only considered volunteer labour where it does not constitute a service for which that person normally charges.

For example, the donation of legal advice by a solicitor who is a party member is volunteer labour, but the donation of legal advice by a solicitor who is not a party member is a gift-in-kind. If, however, a solicitor who is not a party member delivers voting material, then that constitutes volunteer labour because it is not a service for which that person normally charges.



Elections ACT

Appointment of a reporting agent by a candidate

An appointment does not take effect until it has been entered in the Commission's register of candidate reporting agents. The appointment is effective for one election only.

Enquiries and this form should be addressed to:

Elections ACT, PO Box 272, Civic Square ACT 2608

O'Connell Centre, Cnr Stuart Street & Blaxland Crescent, Griffith ACT 2603

Telephone: 6205 0224

Fax: 6205 0382

Email: elections@act.gov.au

Website: www.elections.act.gov.au

Appointment of agent

Notice is hereby given of the
appointment of (full name of agent):

As agent for (name of candidate):

Address of candidate:

Postcode:

Signature of candidate:

 / /

Agent's consent

I (name of agent)

consent to this appointment.

Date of birth:

 / /

Agent's address for correspondence:

(Acknowledgment of receipt of notice
will be sent to this address)

Postcode:

Residential address of agent:

Postcode:

Daytime contact number:

Email:

Agent's signature:

 / /

Approved form 2008 – 84 made under the *Electoral Act 1992* Elections ACT**Election return by a candidate****Following the ACT Legislative Assembly election held on****18/10/2008**

Please refer to the Funding and financial disclosure handbook, Candidates when completing this form.

**The due date for lodging this return is 2 February 2009
(15 weeks after polling day)***Enquiries and returns should be addressed to:*ACT Electoral Commission, PO Box 272, CIVIC SQUARE ACT 2608
O'Connell Centre, Cnr Stuart Street & Blaxland Crescent, Griffith ACT 2603

Telephone: 6205 0224 Fax: 6205 0382 Email: elections@act.gov.au Website: www.elections.act.gov.au

Candidate details

Full name of candidate:

Was the candidate endorsed by a registered political party?

 yes no

If yes, the name of the party:

Electorate contested:

 Brindabella Ginninderra Molonglo**Reporting agent's details**

Name of reporting agent:

Postal address:

Postcode:

Daytime contact number:

Email:

I certify that the information contained in this return and its attachments is true and complete.

Agent's signature:

 / /

Electoral expenditure

This section of the return covers the period:

12/9/2008

to

18/10/2008

Set out the total expenditure incurred by, or on behalf of, the candidate during the pre-election period in the categories identified below.

Note:

- all figures must be gross;
- only the listed categories of campaign expenditure need be disclosed (for example, travel or telephone costs are not required to be included);
- expenditure on campaign goods or services used during the pre-election period must be included irrespective of when payment was actually made (for example, the cost of production incurred before the pre-election period of advertisements shown during the campaign period).

Categories of electoral expenditure	Amount Paid
Broadcasting electoral advertisements (including production costs)	\$
Publishing electoral advertisements (including production costs)	\$
Displaying electoral advertisements at a theatre or other place of entertainment (including production costs)	\$
Production of printed electoral matter requiring authorisation (for example, how-to-vote cards, posters and pamphlets)	\$
Producing and distributing electoral matter addressed to particular persons or organisations (such as direct mailing, including printing and postage)	\$
Consultant's or advertising agent's fees in respect of services provided or material used relating to the election	\$
Opinion polling and other electoral research	\$