

# Introduction of the referendum disclosure scheme

Increasing transparency of referendum campaigning and donations

# Legislation

The *Referendum (Machinery Provisions) Act 1984* has been amended to include a referendum disclosure scheme in Part VIIIA

The new disclosure amendments broadly align with Part XX of the *Commonwealth Electoral Act 1918*

# Key terms

**Referendum matter** is matter communicated, or intended to be communicated, for the dominant purpose of influencing voters in a referendum

**Referendum expenditure** is expenditure incurred for the dominant purpose of creating or communicating referendum matter

# Key terms (continued)

## The referendum expenditure period

- starts on the day that is six months before the writ for a referendum is issued, and
- ends on the voting day for the referendum

## A disclosure threshold

- applies to the referendum expenditure period
- currently \$15,200

# Key terms (continued)

A **referendum entity** is a person or organisation that incurs referendum expenditure over the referendum disclosure threshold during the referendum expenditure period

A **referendum donor** is a person or organisation that makes one or more donations totalling more than the disclosure threshold to a referendum entity during the referendum expenditure period and the donor intends for the donation to be used:

- for the dominant purpose of incurring referendum expenditure or
- for the dominant purpose of creating or communicating referendum matter

# Transparency

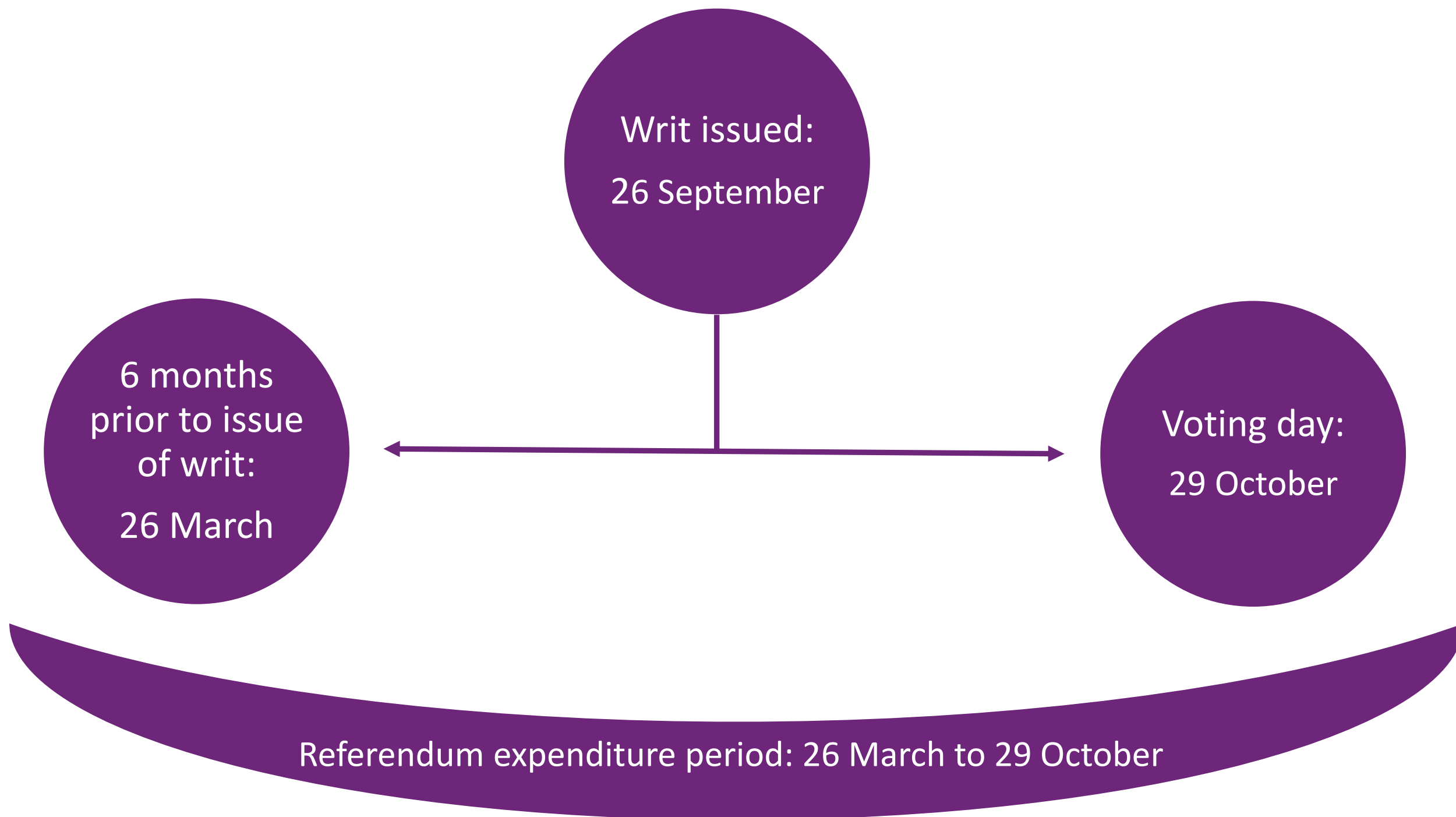
## Lodging a return

Referendum entities and donors lodge a return within 15 weeks after voting day for a referendum

## Publication

The AEC publishes the returns 24 weeks after the referendum

# Example of timing



# Example of referendum expenditure

## Not referendum expenditure

- Association has some FT employees work 2 days per week on referendum campaigning for 8 months
- These staff were not employed to work on referendum campaigning (continue other duties throughout and after referendum)
- The dominate purpose of employment was not the referendum campaign

## Referendum expenditure

- Association hires a referendum campaign manager, opens a campaign shop front, coordinates volunteers, and issues a voting guide
- Although association has wider purposes, the dominant purpose of these campaign-related expenses are to create and communicate referendum matter - makes the expenses referendum expenditure



# Referendum and financial disclosure obligations

Where a referendum entity is also a financial disclosure entity

## Example

An association is a significant third party and incurs referendum expenditure over the disclosure threshold during the referendum expenditure period - becoming a referendum entity

- For **financial disclosure obligations**, the association lodges a significant third party annual return
- For **referendum disclosure obligations**, the association lodges a referendum entity return

# Limiting foreign influence

Referendum entities are prohibited from receiving **foreign donations** of \$100 or more for referendum campaigning

A **foreign campaigner** is limited from directly incurring referendum expenditure or fundraising for the purpose of incurring referendum expenditure of \$1,000 or more in a financial year

Further information: search **Referendum disclosure** at [aec.gov.au](https://aec.gov.au)