

In reply please quote:
Your ref:

30 June 2023

Ms Liz Williams
Chair
Electoral Review Expert Panel - Victoria

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By email electoral.review@dpc.vic.gov.au

Dear Ms Williams

Re: Public consultation – Independent review of Victoria’s electoral and political donations systems

Thank you for the opportunity to provide input into the independent review of Victoria’s electoral and political donations systems.

In 2015, South Australia enacted Part 13A of the *Electoral Act 1985*, which established a scheme that required electoral participants to regularly disclose their receipts and debts. This was a significant development, as it was the first time such a scheme had been introduced in the state. The scheme also mandates that donors submit returns that match the donations shown on the participant's returns. It should be noted that South Australia does not impose any restrictions on donations in terms of amount or donor type. Additionally, the scheme introduced special assistance funding for all parties with a member of parliament. This funding is claimed every six months and uses public funds to cover eligible parties' expenditure that is not defined as a political expenditure.

Further to this is an election funding scheme available to all candidates and parties in a parliamentary election. Participants are required to opt into the scheme. During the capped expenditure period, they are then bound by expenditure caps. Following the election, their political expenditure is reimbursed up to an eligible amount based on their first preference votes.

South Australia does not require compliance audits. Instead, all returns must be accompanied by an audit certificate from a registered company auditor. This certificate, along with matching donor returns provides a degree of certainty regarding the validity of the disclosed amounts.

After the 2018 South Australian State Election, the Electoral Commission of South Australia (ECSA) reviewed the Funding, Expenditure, and Disclosure Legislation's operation and administration. This review resulted in a report containing 45 recommendations for legislative change, which was tabled in the South Australian Parliament on 9 September 2019.

The report can be accessed through the following link
<https://www.ecsa.sa.gov.au/news/report-into-funding-and-disclosure-legislation>.

Subsequently, a Bill was introduced in Parliament on 9 June 2021, adopting some of the recommendations in the report. However, Parliament was adjourned in November 2021 without the Bill being enacted.

Following the 2022 State Election, ECSA is conducting a further review of the Funding and Disclosure legislation. A further report will be tabled in Parliament at the end of 2023.

For local government elections in South Australia, candidates are required to lodge two donation returns at prescribed periods. Even if a 'nil' return, candidates are still required to lodge a return.

Local government candidates are also required to lodge a large gift return within 5 days of receipt of any gifts above \$2,500. These provisions can be found in the Local Government (Elections) Act 1999.

Additional information regarding South Australia's funding and disclosure requirements for elections can be found on the ECSA website via the following link [Funding and disclosure - state elections - Electoral Commission SA \(ecsa.sa.gov.au\)](https://www.ecsa.sa.gov.au/funding-and-disclosure-state-elections)

Please advise if you require any additional information.

I wish you all the best with your review.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Mick Sherry', with a long horizontal stroke extending to the right.

Mick Sherry
ELECTORAL COMMISSIONER