



DETERMINATION UNDER THE *ELECTORAL ACT 2002*

DETERMINATION No 3 of 2018

APPOINTMENT OF A NOMINATED ENTITY BY A REGISTERED POLITICAL PARTY

I, Warwick Gately, Electoral Commissioner, by delegation of the Commission pursuant to section 16(1)(b) of the *Electoral Act 2002*, make the following determination under section 9(3) of the *Electoral Act 2002*.

1. Application

This determination will apply in relation to the appointment of a nominated entity by a registered political party in accordance with section 222G of the *Electoral Act 2002* which states that:

- (1) A registered political party may provide written notice of the appointment of an entity as its nominated entity to the Commission in the form and manner determined by the Commission, specifying-
 - (a) the name and address of the registered political party; and
 - (b) the name and address of the entity; and
 - (c) such other information as is determined by the Commission.
- (2) An entity appointed as the nominated entity of a registered political party must provide to the Commission –
 - (a) written notice, in the form and manner determined by the Commission, that the entity consents to the appointment; and
 - (b) a declaration, duly executed by the entity, stating that the entity is eligible to be appointed as the nominated entity of the registered political party.

2. Commencement

This determination commences on 1 August 2018.

3. Authority

This determination is made under section 222G of the *Electoral Act 2002*.

4. Repeal

Nil

5. Definitions

Nominated entity: of a registered political party, means an entity the name and address of which is entered on the Register of Nominated Entities as the nominated entity of the registered political party.



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Registered officer: means the person shown on the Register of Political Parties as the registered officer of that party.

Registered political party: means a political party that is registered under Part 4 of the *Electoral Act 2002*.

Register of Nominated Entities: means the Register of Nominated Entities established and maintained under section 222E of the *Electoral Act 2002*.

6. Purpose

This determination details the requirements of the Commission in relation to a registered political party appointing a nominated entity, including consent from the nominated entity. The requirements are attached.


W.M. GATELY AM
Electoral Commissioner



Requirements in relation to a registered political party appointing a nominated entity, including consent from the nominated entity

Section 222G of the *Electoral Act 2002* allows registered political parties to appoint an entity as that party's nominated entity. This appointment must be made in writing to the Commission in the form and manner detailed below:

- Completing the *Nominated Entity Appointment Form*, including part A - the Registered Officer attestation and Part B – the Nominated Entity Attestation and Consent and emailing it to the Commission via disclosures@vec.vic.gov.au.
- Completing the *Nominated Entity Appointment Form* and posting it to the Commission via The Victorian Electoral Commission, Level 11, 530 Collins Street, Melbourne VIC 3000, along with required attachments.
- Information required on the *Nominated Entity Appointment Form* includes:
 - Confirmation of the entity's eligibility to be the registered political party's nominated entity, including:
 - The entity is an incorporated body that is controlled, within the meaning of section 50AA of the *Corporations Act 2001* (Cwlth), by the registered political party
 - The entity operates for the principal benefit of the members of the registered political party; or is established and maintained, or is the trustee of a trust established and maintained, for the principal benefit of the members of the registered political party¹
 - The entity does not have voting rights in the registered political party
 - The entity is not the nominated entity of another registered political party
 - The entity, or an officer of the entity within the meaning of section 9 of the *Corporations Act 2001* (Cwlth), has not been convicted of an offence under Part 12 of the *Electoral Act 2002*.
 - Confirmation that the registered political party does not have another entity appointed as its nominated entity.
 - Details of the registered political party, including the following mandatory details:
 - Registered political party name
 - Registered political party street address (including city, state and postcode)
 - Registered Officer name
 - Registered Officer email address
 - Registered Officer phone number
 - Name of entity nominated by Registered Political Party
 - Address of entity nominated by Registered Political Party.

¹ For any appointments made after 1 July 2020, or further appointments beyond the first appointment of a nominated entity that has been made if between 1 August 2018 and 30 June 2020, the entity must operate for the **sole** benefit of the members of the registered political party; or be established and maintained, or is the trustee of a trust established and maintained, for the **sole** benefit of members of the registered political party.



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- Signed attestation by the Registered Officer.
- Details of the nominated entity, including the following mandatory details:
 - Name of entity nominated by the registered political party
 - Address of entity nominated by the registered political party
 - Entity ABN/ACN
 - Entity street address (including city, state and postcode) nominated by the registered political party
 - Responsible person (e.g. CEO, Managing Director) name
 - Responsible person email address
 - Responsible person phone number.
- Signed attestation by the nominated entity responsible person in relation to the eligibility criteria.
- Signed consent by the nominated entity responsible person.
- To be accepted, the original signed document (or an uploaded scanned copy provided the original document is retained for records) must be submitted.
- A copy of the *Nominated Entity Appointment Form* can be accessed via the Commission website, or contacting the Commission via phone on 131 832, or email at disclosures@vec.vic.gov.au.