

Statement

By the Chairperson, NSW Electoral Commission

7 June 2018

In April 2018 the Australian Labor Party (NSW Branch) (the ALP) referred a matter to the NSW Electoral Commission relating to donations made by Metropolitan Demolitions Pty Ltd to the ALP and Mr Michael Daley MP.

The NSW Electoral Commission has reviewed the matter and concluded that the evidence available did not support that Metropolitan Demolitions Pty Ltd was, at the time the donations were made, a property developer as defined under section 96GB of the *Election Funding, Expenditure and Disclosures Act 1981* (the Act). Consequently, the donations made by Metropolitan Demolitions Pty Ltd were not unlawful.

In the course of this review, the NSW Electoral Commission identified other political donations (totalling \$1,980) made by individuals to Mr Daley during the same financial year. The evidence available supported that these individuals were property developers under the Act, by virtue of being close associates of a corporation involved in property development.

Under section 96J of the Act, the NSW Electoral Commission can recover the value of unlawful donations as a debt to the State. The ALP has since voluntarily paid to the NSW Electoral Commission \$1,980.

At the time these donations were made, namely during the 2010/11 financial year, the limitation period for prosecuting offences against the Act was 3 years. The NSW Electoral Commission is not proposing to take any further action in this matter.

ABOUT THE NSW ELECTORAL COMMISSION

In December 2014, the three member Electoral Commission was constituted. It is separate to the agency led by the Electoral Commissioner. The Commission is an independent, statutory authority. It approves public funding to the political parties and others and enforces the provisions of four NSW Acts. These provisions govern electoral funding, expenditure and disclosures, the conduct of State and local government elections and the lobbying of government officials. The Commission's Chairperson is the Hon Keith Mason AC QC, a former President of the NSW Court of Appeal (1997 to 2008). Information about this independent Commission's work can view viewed at: www.elections.nsw.gov.au/about_us/work_of_the_commission.