

NSW Electoral Commission

Report to the NSW Parliament

2023-24

The Hon. Benjamin Cameron Franklin, MLC
President, Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

The Hon. Greg Piper MP
Speaker Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Mr President and Mr Speaker

In accordance with section 154 of the *Electoral Funding Act 2018*, I am pleased to present the *Report of the NSW Electoral Commission* with respect to its work and activities under the *Electoral Funding Act 2018* for the year 2023-24, including statistical information on the use of enforcement powers.

I recommend that the Report be laid before the Council and the Assembly as soon as practicable.

Yours sincerely,



The Hon Arthur Emmett, AO KC
Chairperson, NSW Electoral Commission

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The NSW Electoral Commission acknowledges the Traditional Owners of Country throughout New South Wales and their continuing connection to the land, sea and community. Our head office is located on Gadigal land. We pay our respects to Elders past and present.

Foreword by the Chairperson of the Electoral Commission



I am pleased to provide to the NSW Parliament this report on the work and activities of the Electoral Commission for NSW (Electoral Commission) for 2023–24. This report has been prepared in accordance with section 154 of the *Electoral Funding Act 2018* and includes statistical information on the use of enforcement powers under the Act. This report is distinct from the NSW Electoral Commission's agency annual report under the *Government Sector Finance Act 2018* and highlights the independent role of the Electoral Commission in regulating participants in New South Wales electoral and political processes.

On 5 April 2024, John Schmidt retired from public office after serving almost eight years as the Electoral Commissioner for New South Wales and almost 40 years in public service.

Since December 2021, Deputy Chairperson Alan Robertson and I, joined shortly by Member Sandra Boswell, have worked closely with John to continue the work of the Electoral Commission in fairly and transparently investigating possible contraventions of electoral and third-party lobbying laws, taking enforcement action where it is warranted, maintaining a fair and transparent electoral funding, expenditure and disclosure scheme, and promoting the requirements of the scheme to political participants. I thank John for the support and advice that he has provided since my commencement as Chairperson. On 6 April 2024, Matthew Phillips was appointed as Acting Electoral Commissioner for New South Wales, to lead the agency until the appointment of a permanent Electoral Commissioner. I thank Matt also for his support and advice and particularly for his work in leading the agency in the administration of the 2024 NSW Local Government elections.

The 2023-24 reporting period falls between two major election events, the 2023 NSW State election and the 2024 NSW Local Government elections. During this period, the Electoral Commission was particularly focussed on investigating possible contraventions of electoral laws, taking enforcement action and finalising disclosures and public funding in relation to the 2023 NSW State election while also delivering education activities to support political participants in meeting their statutory obligations and supporting local government political parties in the leadup to the 2024 NSW Local Government elections.

For the first time the Electoral Commission exercised the statutory power to provide a Special Report to the NSW Parliament on the public funding and regulation of the 2023 NSW State election. This reported on the activities relating to electoral funding and the regulation of the State general election and included information about the registration of electoral participants and appointment of agents for campaign finance regulation purposes; disclosure of political donations in the pre-election period; public funding of election campaigns of political parties and candidates; compliance operations undertaken during the election period; support for regulated election participants including enhancements to the Funding and Disclosure Online system and online training for party agents and official agents; and public interest publication of information about disclosed pre-election period political donations. The report recognised that while the election was conducted by the Electoral Commissioner for NSW under the provisions of the *Electoral Act 2017*, the Electoral Commission was responsible for the administration and enforcement of the Electoral Funding Act and the enforcement of the Electoral Act.

During the reporting period, 25,286 compliance audits of disclosures were completed and a further 2,276 audits were commenced, with matters requiring review referred to investigators. A total of 2,441 warnings, 1,281 cautions and 75 penalty notices were issued in relation to the failure to lodge a disclosure, eight recommendations to prosecute were made, and \$23,568.03 in unlawful political donations was recovered from 13 matters. The Electoral Commission's investigators reviewed 144 new matters of potential breaches falling under the Electoral Commission's enforcement authority and conducted a compliance operation involving field teams at the Northern Tablelands State by-election.

Rates of on-time lodgement of disclosures of political donations and electoral expenditure improved in every category of political participant during 2023-24, though particularly for candidates and major political donors. The improved on-time lodgement coincides with increased use of Funding and Disclosure Online, which assists political participants to comply with the disclosure requirements, as well as targeted education programs delivered by the Electoral Commission to encourage compliance with disclosure obligations. This included a particular focus on awareness-raising activities encouraging donation recipients to remind major political donors of their obligations to disclose.

New system functions for the Funding and Disclosure Online portal were deployed this year allowing public funding claims to be lodged and tracked electronically and automated updates to the registers published on the Electoral Commission's website. During the reporting year, 954 new individual portal users were granted access to Funding and Disclosure Online with a total of 5,033 users now approved to view and comply with their registration, political donation and electoral expenditure disclosure obligations, and apply for public funding, online.

During the reporting year, \$23,790,787.08 in public funding was paid to eligible parties, candidates and elected members. This comprised \$6,682,057.34 in Election Campaigns Fund payments made in relation to the 2023 NSW State election (the balance having been paid in the previous financial year), \$17,070,823.23 in Administration Fund payments to eligible parties and independent members of Parliament and \$37,906.51 paid from the New Parties Fund to non-parliamentary registered political parties.

I commend the NSW Electoral Commission's staff for their continued dedicated and skilful work. I thank my fellow members Sandie Boswell and Matthew Phillips, as well as my Deputy Chairperson, the Hon Alan Robertson SC, for their contributions to the Electoral Commission remaining the trusted election administrator and regulator that it is. I particularly thank the former Electoral Commissioner for New South Wales, John Schmidt, for his advice and for his leadership of the staff agency across the years and I particularly wish him well in his retirement.

A handwritten signature in black ink that reads "Arthur Emmett". The signature is written in a cursive, slightly slanted style.

The Hon Arthur Emmett, AO KC
Chairperson

Highlights from 2023-24



Funding and Disclosure Online now available for online public funding claims



64% of disclosures made using **Funding and Disclosure Online**
With no invalid disclosures



5,033 active users of **Funding and Disclosure Online**



8,607 disclosures due in 2023-24 and 5,525 submitted on-time



82% on-time lodgement of disclosures by candidates



144 new matters of potential breaches investigated



25,286 compliance audits finalised



Regulatory priorities renewed for 2024-25



18 new third-party lobbyists registered with 174 currently on the register



Approximately **\$24 million** (\$23,790,787.08) in public funding payments made

Constitution and members of the Electoral Commission

The Electoral Commission for NSW (Electoral Commission) was constituted on 1 December 2014 under the [Parliamentary Electorates and Elections Act 1912](#) as a statutory body representing the Crown.

The Electoral Commission consists of three members:

- a former Judge appointed by the NSW Governor as Chairperson
- the Electoral Commissioner for NSW, *ex officio*
- a person appointed by the NSW Governor who has financial or audit skills and qualifications relevant to the functions of the Electoral Commission.

The Hon. Arthur Emmett AO KC was appointed Chairperson on 1 December 2021. Mr John Schmidt, Electoral Commissioner for NSW was the *ex officio* member until 5 April 2024. Dr Matthew Phillips, Acting Electoral Commissioner for NSW, was the *ex officio* member from 6 April 2024. Ms Sandie Boswell was appointed as member on 11 May 2022.

The Hon. Alan Robertson SC was appointed as deputy Chairperson on 1 December 2021.

The appointed members and deputy Chairperson of the Electoral Commission have been appointed for a seven-year term, which for the Chairperson and deputy commenced on 1 December 2021 and will expire 30 November 2028; and for the member commenced on 11 May 2022 and will expire 10 May 2029.

Hon. Arthur Emmett AO KC

Chairperson



The Hon Arthur Emmett AO KC graduated from the University of Sydney with a Bachelor of Arts (1964), Bachelor of Laws (1967) and Master of Laws with honours (1976). Arthur has been Challis Lecturer in Roman Law at the University of Sydney since 1990. In 2009, the University conferred on him the degree of Doctor of Laws (honoris causa). In 2016 Arthur was appointed as an Officer of the Order of Australia.

In 1967 Arthur was admitted as a solicitor in New South Wales, in 1978 he was admitted as a barrister in New South Wales and in 1985 he was appointed Queen's Counsel. Arthur was a judge of the Federal Court of Australia from 1997 until 2013, a Judge of Appeal of the Supreme Court of New South Wales from 2013 to 2015, and for six years from October

2015, was an Acting Judge of Appeal, also sitting in the Commercial and Real Property Lists of the Equity Division.

From October 2007 to March 2011, Arthur was the President of the Copyright Tribunal of Australia.

Prior to commencing as Chair of the NSW Electoral Commission, Arthur served as Chair of the Electoral Districts Redistribution Panel to determine the 2021 redistribution of names and boundaries of NSW electoral districts.

John Schmidt

Electoral Commissioner for NSW



John Schmidt was appointed NSW Electoral Commissioner on 8 August 2016. From 2009 to 2014 John was the Chief Executive Officer of the Australian Transactions Reports & Analysis Centre (AUSTRAC), after serving in senior NSW Government positions within the Department of Premier and Cabinet and the Department of Fair Trading. John holds a Bachelor degree in Arts and Laws and a Master's degree in Arts. John's last day as NSW Electoral Commissioner was 5 April 2024 and he has now retired from public service.

Matthew Phillips

Acting Electoral Commissioner for NSW



Dr Phillips was appointed acting NSW Electoral Commissioner by the Governor of New South Wales effective 6 April 2024. Matt joined the Electoral Commission in 2016 as the Executive Director Corporate and Chief Audit Executive leading functions including finance and procurement, communications, people and safety, the enterprise portfolio management office and funding transformation. Prior to joining the NSW Electoral Commission Matt held senior executive roles in Australian and New South Wales government agencies, and in local government. Matt holds a Bachelor degree in Arts and a Doctorate of Philosophy.

Sandie Boswell

Member



Ms Sandra (Sandie) Boswell graduated from the University of Sydney with a Bachelor of Economics and a Graduate Diploma of Education and has over 25 years' experience in professional services.

Sandie is a partner of Grant Thornton Australia. Prior to this, Sandie was a partner for 15 years with PwC Australia and was also a member of the Australian Governance Board of Partners. Sandie chaired the Finance and Operations (Audit) Committee while on the board and was a member of several other committees. In 2017 Sandie was appointed as a member of the PwC Asia Pacific Board.

Sandie is also a non-executive director of the Global Legal Identity Foundation (GLEIF) based in Switzerland, where she is currently a member of the audit committee having been Chair of that committee from 2019 to 2021. Sandie has held several other board appointments including board member and Chair of the audit committee for the Sisters of Charity Foundation as well as a board member of the Heart Research Institute where she was Chair of the commercialisation committee.

Hon. Alan Robertson SC

Deputy Chairperson



The Hon Alan Robertson SC graduated from the Australian National University with a Bachelor of Arts (Hons) (1972) and Bachelor of Laws (Hons) (1980). Alan was admitted in 1980 as a Legal Practitioner of the Supreme Court of the Australian Capital Territory.

After working in the Commonwealth Attorney General's Department from 1980 to 1983, Alan moved to the New South Wales Bar and, in 1995, was appointed Senior Counsel.

Alan was a part-time member of the Administrative Review Council between 1992 and 1997 and was appointed a judge of the Federal Court in April 2011, retiring from that court in 2020. While a judge of the court, Alan was a Deputy President of the Administrative Appeals Tribunal and a Deputy President of the Australian Competition Tribunal. Alan is an Honorary Professor at the Australian National University and President of the Australian Academy of Law.

Meetings of the Electoral Commission

The Electoral Commission meets on the second Wednesday of every alternate month and as agreed by the members. The quorum for a meeting is two members (one of whom is the Chairperson or the deputy of the Chairperson). The Chairperson (or, in the Chairperson's absence, the deputy of the Chairperson) presides at each meeting. The presiding member has a vote and, in the event of an equality of votes, has a second or casting vote.

A decision of the Electoral Commission is one that is supported by a majority of the votes cast at a meeting of the Electoral Commission at which a quorum is present.

Table 1: Scheduled meetings of the Electoral Commission during 2023-24

| Date | Attendees |
|-----------------------------|--|
| Wednesday, 9 August 2023 | Arthur Emmett, Sandie Boswell, John Schmidt, Alan Robertson |
| Wednesday, 18 October 2023 | Arthur Emmett, Sandie Boswell, John Schmidt, Alan Robertson |
| Wednesday, 13 December 2023 | Arthur Emmett, Sandie Boswell, John Schmidt, Alan Robertson |
| Wednesday, 21 February 2024 | Arthur Emmett, Sandie Boswell, John Schmidt, Alan Robertson |
| Wednesday, 10 April 2024 | Arthur Emmett, Sandie Boswell, Matt Phillips, Alan Robertson |
| Wednesday, 12 June 2024 | Arthur Emmett, Matt Phillips, Alan Robertson |

Between scheduled meetings, some matters that required attention by the Electoral Commission were dealt with 'out-of-session' by circulating the relevant papers electronically. Votes on decisions are cast by email, are recorded, and are then confirmed at the following scheduled meeting. Out-of-session decisions are generally in relation to the approval of public funding payments of more than a delegated amount that have a statutory deadline. During 2023-24, the members made decisions on 24 matters out-of-session.

From time to time the Electoral Commission will schedule an ad hoc meeting to address a specific matter. During 2023-24 one out-of-session meeting was held to consult the Electoral Commission on the Regulatory priorities for 2024-25.

Table 2: Additional and ad hoc meetings of the Electoral Commission during 2023-24

| Date | Attendees |
|-----------------------|---|
| Wednesday, 8 May 2023 | Arthur Emmett, Sandie Boswell, Matthew Phillips, Alan Robertson |

Functions of the Electoral Commission

The Electoral Commission has a duty to exercise its functions in a way that is not unfairly biased against or in favour of any party, group, candidate or other person, body or organisation. Staff employed in the NSW Electoral Commission Public Service agency (agency) support the Electoral Commission in the exercise of those of its functions that are exercised as part of the day-to-day operations of the agency.

The Electoral Commission has the functions conferred or imposed on it by or under several acts, including the:

- *Electoral Act 2017* (Electoral Act)
- *Electoral Funding Act 2018*
- *Lobbying of Government Officials Act 2011*
- electoral provisions of the *Local Government Act 1993*.

The functions of the Electoral Commission include:

- instituting proceedings for offences under NSW electoral, electoral funding and lobbying laws
- assisting the Electoral Commissioner with the conduct of elections
- conducting, promoting and publishing research into electoral and other matters that relate to its functions
- promoting public awareness of electoral matters that are in the public interest by means of education and information programs.

Delegations

The Electoral Commission is authorised under the Electoral Act to delegate any of its functions to:

- the Electoral Commissioner
- a member of staff of the Electoral Commission Public Service agency, whether they are permanent, temporary, casual, or contracted.¹
- an officer or member of staff of an electoral commission or electoral office of the commonwealth or of a state or territory
- any person, or any class of persons, authorised by the Electoral Regulation.

Those delegations exercised by the Executive Director, Funding, Disclosure, Compliance and General Counsel (FDC&GC) (or in some cases, the Director Compliance) under the Lobbying of Government Officials Act and the Electoral Funding Act are reported to the Electoral Commission at every scheduled meeting. Delegations are made in accordance with the Delegations Policy published on the Electoral Commission's [website](https://elections.nsw.gov.au/about-us/policy-library) (elections.nsw.gov.au/about-us/policy-library).

Guidelines

The Electoral Commission is authorised under the Electoral Funding Act to determine and issue guidelines, consistent with the Electoral Funding Act and regulations, for or in relation to any matters dealt with under the Electoral Funding Act. The Electoral Commission is required to have regard to its guidelines in the operation, application and enforcement of the Electoral Funding Act including dealing with any applications, claims or disclosures.

¹ Note: The Electoral Commission and Electoral Commissioner may not delegate functions to contractors or contingent labour, however contractors and contingent labour may perform tasks as directed by delegation holders to support the FDC&GC business functions and day-to-day operations.

Two new guidelines were issued during 2023-24, one of which was subsequently withdrawn, and one guideline was amended:

- At the December 2023 meeting, the Electoral Commission issued two new guidelines relating to expenditure by Members of Parliament that cannot be reimbursed from the Administration Fund. Guideline 23 concerned expenditure for which a member may claim a parliamentary allowance as a member. Guideline 24 concerned expenditure that confers a private benefit.
- At the April 2024 meeting, the Electoral Commission amended Guideline 15 on uncharged interest on a loan, to include the current generally prevailing interest rates ahead of the 2024 NSW Local Government elections.
- At the June 2024 meeting, the Electoral Commission withdrew Guideline 23 following an amendment to the Electoral Funding Act.

The guidelines are published on the Electoral Commission's [website](https://elections.nsw.gov.au/About-us/Legislation/Funding-legislation/Guidelines-under-the-Electoral-Funding-Act-2018) (elections.nsw.gov.au/About-us/Legislation/Funding-legislation/Guidelines-under-the-Electoral-Funding-Act-2018).

Policies

The Electoral Commission has policies and procedures that set out frameworks for how the various administrative and enforcement functions are carried out in accordance with relevant legislation. The policies are reviewed and updated every three years and as required. The Electoral Commission did not publish any new policies during 2023-24, but did review and update six policies and procedures as part of a triennial review of policies and in response to legislative change introduced by the *Electoral Legislation Amendment Act 2022 (1) and (2)*, and the *Electoral Funding Amendment (Registered Clubs) Act 2023*. The Electoral Commission's policies are set out below and can be found on the Electoral Commission's [website](https://elections.nsw.gov.au/about-us/policy-library) (https://elections.nsw.gov.au/about-us/policy-library):

- Administration Fund Procedures
- Compliance Audit Policy
- Compliance and Enforcement Policy
- Compliance and Enforcement Procedures
- Compliance and Enforcement Publication Policy
- Disclosure Policy and Procedures
- Election Campaigns Fund Procedures
- Electoral Participants and Agents Registration Policy
- Identification of Potential Political Donors Policy and Procedures
- New Parties Fund Procedures
- Public Funding Policy
- Penalty Notice Caution Procedures
- Potential Political Donors Policy and Procedures
- Prosecution Policy
- Registration of Political Participants Policy.

Extensions of time

The Electoral Commission is authorised under section 153 of the Electoral Funding Act to extend the time for doing anything under the Act in a particular case, if satisfied that proper reasons exist justifying the extension. During 2023-24, the Electoral Commission extended the time in four cases for lodging a claim from the Election Campaigns Fund.

In addition, section 60 of the Act authorises the Electoral Commission to extend the due date for a person to lodge a disclosure if the person makes a request on or before the due date for lodging the disclosure. During 2023-24 eight requests for extensions to the due date for lodging a disclosure were received and approved.

Determination by the Electoral Commission that a person is not a prohibited donor

Under section 56 of the Electoral Funding Act, a person may apply to the Electoral Commission for a determination they or another person or entity are not a prohibited donor. A determination remains in force for 12 months. A person is a prohibited donor in New South Wales if they are, or are a close associate of, a property developer, a tobacco industry business entity or a liquor or gambling industry business entity. The Electoral Commission is to make its determination solely based on the information provided by the applicant. During the 2023-24 period the Electoral Commission made no such determinations. The Register of non-prohibited donors is published on the Electoral Commission's [website](https://elections.nsw.gov.au/funding-and-disclosure/public-register-and-lists/register-of-non-prohibited-donors) (https://elections.nsw.gov.au/funding-and-disclosure/public-register-and-lists/register-of-non-prohibited-donors). There are no non-prohibited donors currently registered.

Regulatory priorities 2023-24

On 1 July 2023, the Electoral Commission adopted the 2023-24 Regulatory priorities statement setting out the strategic regulatory focus for the year ahead, including the period following the 2023 NSW State election (conducted March 2023). This was the Electoral Commission's second Regulatory priorities statement.

The Regulatory priorities are informed by a risk-based assessment of legislated regulatory functions and anticipated events. They support the Electoral Commission to optimise the efficiency and value of its regulatory effort and ensure responses to non-compliance are targeted and proportionate. The [Regulatory Priorities Procedures](#), published on the Electoral Commission's [website](https://elections.nsw.gov.au/about-us/policy-library/policies#procedures) (https://elections.nsw.gov.au/about-us/policy-library/policies#procedures) facilitate the development of the priorities.

Regulatory priorities for the period 1 June 2023 to 30 June 2024

Regulatory priority 1: Enforce compliance with disclosure obligations, particularly arising from the 2023 NSW State election

Key actions

Following the 2023 NSW State election, the Electoral Commission enforced compliance with disclosure obligations by:

- reviewing compliance with disclosure of political donations and electoral expenditure, particularly focusing on pre-election period donation disclosure obligations
- taking appropriate and consistent enforcement action on breaches of disclosure rules, including: issuing warnings for outstanding disclosures for the relevant periods; acting on late lodgment and failure to lodge disclosures in accordance with the Electoral Commission's *Compliance and Enforcement Policy* and *Compliance and Enforcement Procedures*.

Highlights

- A total of 2,441 warnings, 1,281 cautions and 75 penalty notices were issued to candidates, groups, elected members, third-party campaigners, political parties and major political donors; and eight recommendations to prosecute were made.
- Compliance actions were taken in relation to half-yearly donations disclosures for three periods from 1 July 2022 to 31 December 2023, the annual expenditure disclosures, and the annual major political donors disclosure for the period 1 July 2022 to 30 June 2023.

Regulatory priority 2: Strengthen transparency through publication of data about compliance and enforcement activities concerning electoral funding and disclosures

Key actions

To strengthen transparency and to support the accessibility of data about compliance and enforcement activities, in October 2023 the Electoral Commission published information about its state-wide compliance operations at the 2023 NSW State election and related compliance and enforcement data in the NSW Electoral Commission's *Special Report on the public funding and regulation of the 2023 NSW State election*.

The Electoral Commission also commenced examining ways to publish data about compliance and enforcement activities in a more timely and accessible way and this initiative continues into the next reporting period.

Regulatory priority 3: Provide regulated participants in upcoming NSW elections with access to useful and timely information about their key obligations

Key actions

The Electoral Commission supported compliance by regulated electoral participants in the lead up to the 2024 NSW Local Government elections and following the 2023 NSW State election (including candidates, political parties, donors and third-party campaigners), through education initiatives that raised awareness about the regulatory obligations that apply at elections in New South Wales.

Highlights

- A dedicated election page and resources were published, with [key dates](#) for the 2024 NSW Local Government election and information on [becoming a candidate](#) as well as template slides and material for councils to use in presentations and seminars for councillors and prospective candidates.
- Two [bulletins](#) for local government election participants were issued in May and June, and there were seven [council updates](#) between October 2023 and June 2024.
- Three webinars in May and June 2024, which can be viewed on the Electoral Commission's website along with Q&As, and on the Electoral Commission's YouTube channel, covered candidate information and election funding, disclosure and compliance information for candidates, parties and third-party campaigners.
- Fact sheets and information about electoral expenditure rules, third-party campaigners, annual expenditure disclosures and major political donors were updated on the website.
- Direct email communication with political participants via targeted emails about disclosures, registration, political donations, electoral expenditure caps and public funding.
- Production of the [Candidate handbook: 2024 NSW Local Government elections](#) (published in July 2024) to provide a single source of information about election processes, online systems, regulatory obligations and key dates for candidates, political parties, groups of candidates and scrutineers.

Regulatory priority 4: Raise awareness amongst election participants about prohibited donors

Key actions

The Electoral Commission supported integrity in campaign finances by:

- educating electoral participants and the community about prohibited donors in NSW, including about the legislative amendment prohibiting donations from registered clubs engaged in betting, wagering or other gambling, which commenced on 1 July 2023
- creating and disseminating resources to political participants to raise awareness about the new prohibited donor amendment in the lead-up to the 2024 NSW Local Government elections.

Highlights

- A six-week digital media campaign raising awareness about political donations and prohibited donors in May and June 2024. The campaign was run on Facebook, YouTube, Instagram and achieved more than 15.2 million impressions and nearly 50,000 clicks. The campaign shared a series of animations on the Electoral Commission's website and YouTube channel about prohibited donors and electoral funding rules.
- Information sessions with newly registered political parties participating in the 2024 NSW Local Government elections included content on prohibited donors and unlawful donations.

Regulatory priority 5: Maintain accuracy of registered political party membership information in the lead-up to the 2024 NSW Local Government elections

Key actions

The Electoral Commission supported integrity in electoral participation by:

- assessing the membership of registered parties to ensure membership information was accurate and up to date and encouraging parties to maintain their party membership records
- educating newly registered political parties and appointed senior office holders about their obligations and the rules to remain eligible for registration.

Highlights

- Information sessions were held with five newly registered political parties and appointed senior office holders. The sessions provided key dates and information about electoral funding and campaign finance and compliance obligations for parties under the Electoral Funding Act, as well as how to confirm party registration annually and amend registered details.
- Following June 2023 the NSW Electoral Commission completed the annual confirmation process for 14 parties registered for state elections and local government elections, and 26 parties registered for local government elections.
- Party membership surveys were conducted for nine newly registered parties and one existing party.

Regulatory priority 6: Respond to material that misleads electors about the electoral process and undermines integrity

Key actions

The Electoral Commission supported integrity in election campaigning by focusing on the regulation of material that could mislead voters about the electoral process. This involved monitoring electoral and election-related material online, maintaining a Disinformation register, engaging with social media platforms and working with election regulators across the country to develop and embed protocols for responding to unlawful and/or misleading electoral material or content related to elections in New South Wales.

Highlights

- Active monitoring of electoral material and election-related content posted online began in May with the first entry in the Disinformation register in June 2024, ahead of the 2024 NSW Local Government elections.
- The Electoral Commissioner approved messages to be incorporated into postal vote applications regarding the use of candidate and political party applications and the return options available to them, consistent with the process followed at the 2023 NSW State election.
- The Electoral Commission contributed to a paper about online safety matters in collaboration with the Electoral Council of Australia and New Zealand (ECANZ) and contributed to a joint protocol between ECANZ and the e-Safety Commissioner. ECANZ also engaged with social media platforms like Facebook and monitored activities in other jurisdictions where elections took place in 2024.
- A project team, headed by a newly appointed Director, Major Event Integrity and Risk, was established in the lead up to the 2024 NSW Local Government elections to provide strategic advice to mitigate physical security and integrity threats in the lead up to those elections.

Regulatory priority 7: Support voting in person at NSW elections to be safe and free of interference, including for election officials working at polling places

Key actions

The Electoral Commission supported voting in person to be safe and without interference by focusing on:

- training and education for staff and voters on interference and safety challenges at voting centres
- embedding an escalation path for responding to interference and safety challenges at voting centres, including through engaging with NSW Police and local councils
- recording incidents of non-compliance to support future risk-management strategies.

Highlights

- Standard Operating Procedures and manuals for use at the 2024 NSW Local Government elections were updated along with safety induction material for online training of election workers. These manuals provide an understanding of how to handle safety and integrity challenges at voting centres and polling places.
- Face-to-face and online training for Returning Officers and Returning Officer Support Officers took place from May 2024. During the training sessions, procedures for escalating responses to safety incidents and challenges were reinforced. This ensured that election officials understood how to respond to incidents in line with a standard process.
- Enhancements were made to the Work Health and Safety (WHS) Incident Reporting System to capture hazards, near misses, incidents and injuries more efficiently and effectively.

Regulatory priority 8: To support privacy, educate authorised recipients of enrolment information about handling personal data securely

Key actions

The Electoral Commission is legislated to provide enrolment data to political parties and candidates. To support the protection of NSW electors' personal information, the Electoral Commission focused on raising awareness about the proper handling of sensitive information, including:

- communicating with electoral participants and other stakeholders about the expectation to destroy or return personal data after an election
- reviewing and updating the Electoral Commission's arrangements with other authorised users of enrolment information.

Highlights

- The Electoral Commission produced a one-page, easy-to-read fact sheet on enrolment information with infographics. The fact sheet covers what enrolment information is, how it can be used, why it is sensitive and what to do if it is lost, and how it can be destroyed.
- A submission was made to the Industrial Registrar concerning access to roll data for commercial elections.

Regulatory priorities statement 2024-25

As the reporting year drew to a close, the Electoral Commission reviewed the Regulatory priorities with a view to developing an appropriate focus for the year ahead which would include the 2024 NSW Local Government elections and potentially some State and local government by-elections. The Regulatory priorities statement 2024-25 will be reported on in the next annual report.

Funding and Disclosure Online

The online services available to political participants through Funding and Disclosure Online were expanded during the reporting year to allow eligible candidates, members of Parliament and political parties to apply for and track public funding claims online. At the time of publication, further enhancements to the system were being made to allow political parties to apply to be registered for State and local government elections and complete other party-related processes online.

Funding and Disclosure Online was developed in response to several reviews about improving electoral funding regulation in New South Wales through technology. Use of Funding and Disclosure Online continues to grow with now more than 5,000 active users. Across the year, the Electoral Commission provided support and guidance by telephone and email to political participants on the new and existing online functions.

A key benefit of Funding and Disclosure Online is that political participants are guided by the system to comply with their legal obligations and so unintentional non-compliance is reduced. The Electoral Commission continues to measure the transition from the manual paper-based system to the online system and particularly monitors the critical success factors detailed below, including tracking improvements in compliance.

Success measures: Adoption and use of online functions

Total portal users

During the 2023-24 reporting year, 954 new individual users were granted access to Funding and Disclosure Online with a total of 5,033 users approved to view and comply with their registration, political donations and electoral expenditure disclosure obligations, and apply for public funding, online. The majority of users are candidates and elected members; other users include 36 party agents and one official agent responsible for making disclosures; and more than 220 authorised administrative staff who assist political participants to comply (bookkeepers, compliance managers and administrators); as well as political party officials (party secretaries, registered officers and deputy registered officers).

Public funding claims

Eligible candidates, Members of Parliament and parties were able to prepare and lodge public funding claims online for the first time from November 2023. Since that time, 96 out of 106 public funding claims received were made online.

Disclosures submitted online verses paper forms

The number of online submissions of political donation and electoral expenditure disclosures received during the financial year exceeded the number of disclosures submitted using the manual paper process, with 5,693 or 64 per cent of disclosures submitted online compared with 3,248 or 36 per cent submitted manually.

Reduced invalid disclosures

There was a significant reduction in invalid disclosures submitted. There were no invalid disclosures submitted online compared with 202 disclosures submitted using paper forms being invalid.

Applications for registration made online verses paper forms

During the financial year approximately 96 per cent of candidates applied for registration online and 100 per cent of groups of candidates applied for registration online. Of candidates who applied for registration, 518 used Funding and Disclosure Online and 20 used a paper form. Of groups that applied for registration, 58 used Funding and Disclosure Online and no groups used a paper form.

Education and information for political participants

The Electoral Funding Act provides that the Electoral Commission may undertake education and information programs to inform political participants of their obligations under the Act. The Electoral Commission carried out a range of such educational activities during 2023-24. There were no statewide elections conducted during the reporting period, however education and awareness raising activities commenced for the 2024 NSW Local government elections.

State by-election

One State by-election was conducted during 2023-24, the Northern Tablelands State by-election held on 22 June 2024. Five bulletins were issued, and the Electoral Commission's website was progressively updated to provide information about the by-election including key dates and education resources for electoral participants. Social media was used to promote the Northern Tablelands State by-election.

2024 NSW Local Government elections

The Electoral Commission began educating, informing and supporting participants in the 2024 NSW Local Government elections well ahead of election day on 14 September 2024. This included direct support and guidance by phone, email and online. During the 2023-24 financial year, the Electoral Commission provided education and information about the 2024 NSW Local Government elections, including:

- website content about registration and the management and disclosure of political donations and electoral expenditure and changes to the law
- instructional video animations about key aspects of electoral funding laws were updated where necessary to reflect legislative changes, made available on the website and via social media, and translated into multiple community languages
- webinars explaining the regulatory and administrative requirements of the 2024 NSW Local Government elections
- election bulletins communicating legal and administrative requirements ahead of due dates and providing key information about the election
- social media and other advertising mediums, used to convey information to political participants who might not receive direct communications.

Educating candidates about their electoral funding obligations

The Electoral Commission provides information about electoral funding obligations of candidates directly via an email or letter sent to every candidate registered for an election in NSW, including all candidates deemed to be registered after nomination. This conveys comprehensive information about a candidate's obligations under the Electoral Funding Act and the resources available to help candidates understand and comply with the law.

Educating newly registered political parties for local government elections about their electoral funding obligations

The Electoral Commission conducted information sessions with five political parties newly registered for the local government elections about their electoral funding obligations and to clarify questions on a number of topics.

Complying with the electoral funding rules video animations

During 2023-24, the Electoral Commission produced and updated four additional educational video animations to add to the suite of video animations designed to educate electoral participants and the broader community about the rules regarding electoral funding obligations:

- electoral expenditure caps
- ensuring political donations comply with the law
- spotlight on fundraisers
- what are reportable donations.

The content in the video animations is applicable to State and local government elections, making them a useful resource for all electoral participants. The videos are published on the Electoral Commission's website and YouTube channel and translated into key languages to support engagement with members of culturally and linguistically diverse communities. During 2023-24, the videos were used in the promotional campaign in the lead-up to the 2024 NSW Local Government elections as well as at key points during the electoral funding regulatory cycle such as disclosure lodgement periods.

Raising awareness of political donation and electoral expenditure obligations

As part of its information and education programs, the Electoral Commission used multiple channels to promote awareness of and compliance with the disclosure requirements of the Electoral Funding Act prior to, during, and following each disclosure lodgement period.

Email and SMS reminders

Emails were sent to political participants to remind them of their disclosure obligations. These emails informed participants about when and how to submit their disclosures and where to find more information and assistance. The emails were sent prior to and at the beginning of each disclosure lodgement period. Follow-up emails and SMS reminder messages were sent to political participants who were late submitting their disclosures.

Website updates

The Electoral Commission's website was updated in the lead-up to each disclosure lodgement period to promote the disclosure requirements. These updates included notifications on the website, information about how to disclose using Funding and Disclosure Online, as well as publication of forms and fact sheets to assist political participants to understand their disclosure obligations, and how and when to comply. The following fact sheets were published on the Electoral Commission's [website](#):

- Disclosing political donations (half-yearly period 1 July to 31 December 2023)
- Disclosing political donations (half-yearly period 1 January to 30 June 2024)
- Disclosing electoral expenditure
- Disclosures by major political donors
- Timeline: Disclosure reporting periods and due dates 2023-24.

Social media

The disclosure lodgement periods were promoted more broadly on the Electoral Commission's social media platforms prior to and during each disclosure lodgement period.

Political donations education campaign

The Electoral Commission ran a political donation public awareness campaign during 2023-24, to educate the NSW community about political donation laws, particularly about unlawful political donations and prohibited donors. This was a particular focus in the lead up to the 2024 NSW Local Government elections with the campaign run in print and on digital and social media platforms.

Messaging

The political donations education campaign provided information about the rules that apply when making a political donation in New South Wales. Encouraging viewers to visit the Electoral Commission’s website for more information, the campaign provided the following key messages:

- political donations paid in cash must not exceed \$100
- there are limits on the total amount any political participant can accept from a donor in a financial year
- certain industries, individuals and their close associates are banned from making political donations in NSW
- prohibited donors include property developers, tobacco industry business entities and liquor and gambling industry business entities, and
- registered clubs can also be prohibited donors if the registered club’s business includes wagering, betting or other gambling.

Campaign results

Table 3: Results of the political donations public awareness campaign

| Channel | Result |
|--------------|---|
| Print | 15 half-page ads were placed in eight regional print publications across NSW. |
| Programmatic | Programmatic audio and video advertising delivered 4,013,517 impressions. |
| Display | Translated display advertising was rolled out in five languages: Simplified Chinese, Traditional Chinese, Arabic, Korean and Vietnamese. The advertising delivered 2,237,841 impressions and 10,643 clicks through to the NSW Electoral Commission’s website. |
| Social media | Paid social media advertising on Meta channels delivered 8,953,007 impressions and 37,994 clicks through to the NSW Electoral Commission’s website. |

Regulatory guidance services

Staff of the Electoral Commission agency provide direct support and assistance to existing and prospective political participants by answering their enquiries over the telephone and in writing, Monday to Friday during business hours with additional staff assigned to provide support during busy periods. While the Electoral Commission does not provide legal advice in relation to political participants’ questions, agency staff do provide guidance and information about the legislation the Electoral Commission administers, including lobbying and electoral funding provisions.

Direct support by telephone and in writing

During 2023-24, the Electoral Commission managed 3,435 telephone enquiries from political participants and provided a further 5,760 responses in writing on a range of complex matters. The subject of inquiries received was broad ranging.

Correspondence with political participants

During 2023-24 the Electoral Commission received 10,103 items of correspondence, including enquiries, paper-based party and election registration forms, disclosure forms and supporting documentation (such as receipts, invoices, financial statements), public funding claims and supporting documentation, notifications of appointment of agents and changes to registered details, and correspondence relating to the Electoral Commission’s compliance audit functions.

Table 4: Registration, funding, disclosure and compliance correspondence processed during 2023-24

| Correspondence type | Number |
|--------------------------------------|---------------|
| Emails received | 8,880 |
| Faxes received | 31 |
| Letters and hand deliveries received | 1,192 |
| Total | 10,103 |

Implementing legislative amendments

During 2023-24, several changes were made to the legislative framework under which the Electoral Commission operates, which largely affected the regulation of funding and disclosure obligations for political participants. These changes were implemented through internal system change, updating staff knowledge and procedure regarding electoral expenditure caps and claims from the Administration Fund, and communicating the changes to political participants via updates to the Electoral Commission's website, webinars and direct correspondence to certain political participants.

Electoral expenditure cap for third-party campaigners

Changes enacted during the reporting year by the *Electoral Funding Amendment Act 2023* concerned the re-introduction of an electoral expenditure cap for third-party campaigners in Legislative Assembly by-elections:

- The cap amount introduced was \$180,720 which is to be indexed with inflation in line with other adjustable electoral expenditure caps under the *Electoral Funding Act 2018*.
- The amendment reflects the implementation of a recommendation of the Joint Standing Committee on Electoral Matters in its report *Third-party campaigners' caps in s 29(11) and s 35 of the Electoral Funding Act 2018* and follows a decision of the High Court in *Unions NSW v New South Wales* which invalidated the previous cap of \$20,000 on the basis that it was too restrictive.

The *Electoral Funding Amendment (Local Government Electoral Expenditure Caps) Act 2024*, commencing on 25 March 2024, made provision for the indexation of expenditure caps for local government elections where no elections are held on the date prescribed by the *Local Government Act 1993*. This amendment triggered the indexation of expenditure caps for the 2024 NSW Local Government elections, which had not been adjusted following the 2021 NSW Local Government elections, postponed due to the COVID-19 pandemic.

Scope of administrative expenditure

Additionally, the *Electoral Funding Amendment Act 2024* was passed on 20 June 2024, with retrospective effect on 1 April 2023. It addressed the definition of administrative expenditure under section 84 of the Electoral Funding Act in relation to parliamentary allowances and introduced a power for the regulations to prescribe the expenditure that can be claimed from the Administration Fund.

Electoral funding registrations

The Electoral Commission is responsible for the registration of electoral participants under the Electoral Funding Act. The Act prescribes that, for campaign funding purposes, candidates, groups of candidates and third-party campaigners register for each election they contest and provides the rules for the management and disclosure of political donations and electoral expenditure. This includes the registration of associated entities, the registration of party agents for political parties and the registration of official agents for third-party campaigners and associated entities.

Registration enables a candidate, group or third-party campaigner to accept political donations and pay for electoral expenditure for the election in which they are registered. Associated entities, party agents and official agents are also registered under the Electoral Funding Act.

Candidates, groups and third-party campaigners were able to register for elections during 2023-24 online or by submitting the applicable paper form provided on request.

Members of Parliament seeking re-election do not need to register before accepting political donations or making payments for electoral expenditure.

The Electoral Commission maintains registers for each type of electoral participant and information contained in the registers is published on the Electoral Commission's [website](https://www.elections.nsw.gov.au/Funding-and-disclosure/public-register-and-lists) (<https://www.elections.nsw.gov.au/Funding-and-disclosure/public-register-and-lists>). The registers are fully accessible for people who are blind, have low vision or who have reading difficulties. The registers meet the Australian Government Digital Service Standard and conform with Level AA of the Web Content Accessibility Guidelines (WCAG) 2.1 standards.

Political parties are registered by the Electoral Commissioner under the Electoral Act and details of party registration are provided in the Electoral Commission agency annual report.

Political participant registration requirements

Candidates — a person must be registered as a candidate before accepting a donation or making a payment for electoral expenditure for their proposed candidacy at a future election. A person nominated as a candidate for the purpose of having their name included on the ballot paper is deemed to be registered as a candidate from the time of nomination if not already registered.

Group of candidates — two or more individuals must be registered as a group of candidates before accepting a donation or making a payment for electoral expenditure for the proposed candidacy of the individuals at a future election. Nominated candidates who comprise a group for the purpose of a ballot paper are deemed to be registered as a group of candidates from the time of nomination.

Third-party campaigners — an entity or person must be registered as a third-party campaigner before paying for more than \$2,000 in electoral expenditure incurred in the capped expenditure period for an election.

Associated entities — a corporation or other entity that operates solely for the benefit of one or more registered parties or elected members must be registered as an associated entity.

Party agents and official agents — each party must appoint a party agent and each third-party campaigner and associated entity must appoint an official agent. An appointed agent is registered following notice of an appointment being provided by the party, third-party campaigner or associated entity to the Electoral Commission. Agents are responsible for disclosing political donations and electoral expenditure on behalf of parties, third-party campaigners, associated entities and, in certain cases, candidates, groups, and elected members.

Registrations for elections during 2023-24

During 2023-24, election participants were registered for one State by-election and the 2024 NSW Local Government elections. The Electoral Commission registered candidates, groups of candidates and third-party campaigners for the elections. Details are provided in the table below:

Table 5: 2024 Northern Tablelands State by-election (22 June 2024)

| 2024 Northern Tablelands State by-election | Number |
|--|--------|
| Candidates registered prior to nomination | 2 |
| Candidates deemed registered upon nomination | 3 |
| Candidate registrations cancelled | 0 |
| Third-party campaigners registered | 0 |

At the 2024 Northern Tablelands State by-election, one (1) candidate applied for registration online and one (1) candidate applied for registration using a paper form. No third-party campaigners were registered.

Table 6: 2024 NSW Local Government elections (14 September 2024) as at 30 June 2024

| 2024 NSW Local Government elections | Number |
|---|--------|
| Registered candidates | 461 |
| Candidates who registered online | 452 |
| Groups of candidates | 56 |
| Groups of candidates that registered online | 56 |
| Candidate registrations cancelled | 6 |
| Third-party campaigners registered | 0 |

While most political participants participating in the 2024 NSW Local Government elections will be registered during the 2024-25 financial year, the first candidate applied for registration on 2 August 2023, and 523 political participants applied for registration during the 2023-24 financial year. Ninety-eight per cent of candidates and 100 per cent of groups that applied for registration during 2023-24, applied online. No third-party campaigners applied for registration during 2023-24.

Table 7: Total candidate, group and third-party campaigner registered during 2023-24

| Election event | Candidates | Groups | TPCs | Cancelled |
|--|------------|-----------|----------|-----------|
| 2024 Northern Tablelands State by-election | 5 | 0 | 0 | 0 |
| 2024 NSW Local Government elections | 461 | 56 | 0 | 6 |
| Total | 466 | 56 | 0 | 6 |

Agents responsible for complying with electoral funding laws in 2023-24

At 30 June 2024, 60 appointed agents were registered by the Electoral Commission to be legally responsible for the campaign finances and disclosure of political donations and electoral expenditure of 48 registered political parties, including 14 State registered parties, 34 local government registered parties, eight unregistered parties and four associated entities. No appointed official agents for third-party campaigners were registered during 2023-24. The registers of state and local government party agents; and official agents for associated entities and third-party campaigners for each election are published on the Electoral Commission's [website](https://elections.nsw.gov.au/funding-and-disclosure/public-register-and-lists/register-of-party-agents) (<https://elections.nsw.gov.au/funding-and-disclosure/public-register-and-lists/register-of-party-agents>).

Party agents

A party agent is the person legally responsible for the campaign finances, including the management and disclosure of political donations and electoral expenditure, for a political party. Party agents appointed by registered political parties are also responsible for elected members of the NSW Parliament, groups and candidates for State elections that are members of the party, and local government elected members, groups and candidates that are members of the party (in certain circumstances and only where the Electoral Commission has been notified in writing).

At 30 June 2024, there were 14 political parties registered for State elections and 34 political parties registered for local government elections. Each had an appointed party agent. A further eight political parties that were unregistered at 30 June 2024, had an appointed party agent.

Official agents

An official agent is the person who is legally responsible for the management and disclosure of political donations and electoral expenditure for an associated entity or third-party campaigner.

At 30 June 2024, there were no registered third-party campaigners and so no official agents were registered for a third-party campaigner. There was one official agent appointed by four associated entities, registered by the Electoral Commission.

If, at any time, a third-party campaigner or associated entity does not have an appointed official agent the Electoral Commission may designate a person as official agent. During the year, the Electoral Commission designated one person to be the official agent for a third-party campaigner registered for the 2023 NSW State general election. No registrations of official agents were cancelled.

Online compliance training for party and official agents

To be eligible to be appointed as a party agent or official agent a person must satisfy several criteria including successfully completing an agent training program provided by the Electoral Commission. Individuals who have certain accounting qualifications are not required to complete the agent training program.

The Electoral Commission authorises an online training program for party agents and official agents, as a requirement of the Electoral Funding Act. The online training and testing program is integrated with Funding and Disclosure Online providing a better user experience for prospective agents required to complete the training and pass the test as part of the appointment process.

Notification of party agent agreement

Each candidate at local government elections is responsible for the management and disclosure of their political donations and electoral expenditure. The lead candidate of each group is responsible for the management and disclosure of the group's political donations and electoral expenditure. Each local government elected member is responsible for the management and disclosure of their political donations and electoral expenditure.

If an elected member or candidate is a member of a registered party, or if members of a group of candidates are members of a registered party, the elected member, candidate or group can enter into an agreement with the party agent of that party for the party agent to be responsible for the management and disclosure of the elected member, candidate or group's political donations and electoral expenditure. Alternatively, the party agent can decide to be the person responsible for these disclosures. Such decisions or agreements are only in effect if the Electoral Commission has been notified.

During the 2023-24 financial year, the Electoral Commission received no such notifications.

Registration of third-party lobbyists

Third-party lobbyists and individuals engaged to lobby on behalf of third-party lobbyists must be included on the Lobbyists Register, which is kept and maintained by the Electoral Commission under the Lobbying of Government Officials Act. The Lobbyists Register is published on the Electoral Commission's [website](#).

Eighteen new third-party lobbyists were registered by the Electoral Commission during 2023-24 and at 30 June 2024, 174 third-party lobbyists were registered in NSW. Each registered third-party lobbyist is required to appoint a person as the officer responsible for the lobbyist's compliance with NSW lobbying laws. Such officers must complete the Electoral Commission's online training annually.

Registered third-party lobbyists are responsible for updating the Lobbyists Register within 10 days of any change to the information on the register including the details of both clients and foreign principals whose interests the lobbyist is representing. Twelve third-party lobbyists had declared in the Lobbyists Register that during 2023-24 18 clients met the legislated definition of foreign principal.

Registered third-party lobbyists are required to provide the Electoral Commission with confirmation that their registered details are up to date, three times annually on 31 January, 31 May and 30 September. During 2023-24, third-party lobbyists were reminded of their obligations to confirm their details twice before each confirmation period. Where third-party lobbyists failed to confirm their registered details, the Electoral Commission issued a warning of imminent suspension within a week following the due date resulting in the vast majority complying and only one suspension for failure to confirm details in the financial year. The Electoral Commission amended the Third-party Lobbyist Compliance Protocol with the aim to increase compliance with the regulatory requirements by the due date. Following the change, if a third-party lobbyist received a warning for failing to confirm details for the immediate past event, a warning of imminent suspension was issued a week prior to the next confirmation date. Failure to comply with the requirements of the Lobbying of Government Officials Act or the Lobbyists Code of Conduct can result in the suspension or cancellation of a lobbyist's registration.

During 2023-24, 19 lobbyists had their registration cancelled and two lobbyists had their registration suspended. Details of the decisions made by the Electoral Commission in relation to the registration of third-party lobbyists are published on the Electoral Commission's [website](https://www.elections.nsw.gov.au/Political-participants/Third-party-lobbyists/NSW-Electoral-Commission-decisions) (<https://www.elections.nsw.gov.au/Political-participants/Third-party-lobbyists/NSW-Electoral-Commission-decisions>).

Adjustment of monetary amounts

The Electoral Funding Act requires the caps on political donations, indirect campaign contributions, electoral expenditure, and public funding amounts to be adjusted for inflation periodically. A notice of adjusted amounts must be posted on the Electoral Commission's website and on the NSW legislation website.

Political donations and indirect campaign contributions

Political donations and indirect campaign contributions are subject to caps that are adjusted for inflation annually.

During 2023-24, the caps on political donations and indirect campaign contributions were adjusted for inflation for the 2024-25 financial year and are published on the Electoral Commission's [website](#).

Table 8: Caps on political donations and indirect campaign contributions 2023-24

| Political participant type | Donation cap 2023/24 | Donation cap 2024/25 |
|--------------------------------|----------------------|----------------------|
| Registered political parties | \$7,600 | \$7,900 |
| Unregistered political parties | \$3,600 | \$3,800 |
| Groups of candidates | \$7,600 | \$7,900 |
| Candidates | \$3,600 | \$3,800 |
| Elected members | \$3,600 | \$3,800 |
| Third-party campaigners | \$3,600 | \$3,800 |
| Associated entities | \$3,600 | \$3,800 |

The amounts for exemptions to the donation caps were also adjusted for inflation for 2024-25, except for the exemption for a candidate for a Legislative Assembly election donating to their party during the financial year in which the election is held. This amount is adjusted directly after a NSW State general election for the four-year period until the next general election, and so was adjusted in April 2023 during the 2022-23 financial year.

Table 9: Exemptions to the donation caps 2024-25

| Category | Exemption on cap 2023/24 | Exemption on cap 2024/25 |
|--|--------------------------|--------------------------|
| A candidate for a Legislative Assembly election, can donate to their party up to a certain amount, during the financial year in which the election is held: <ul style="list-style-type: none">for state elections held during the four-year period up to, and including, the financial year in which the 2027 NSW State election is held | \$66,400 | \$75,500 |
| Donations made to a party by a candidate in a Legislative Council election who is a member of the party | \$59,900 | \$62,300 |
| Donations made to a group of candidates by a candidate in Legislative Council election who is a member of the group but is not a member of a party | \$59,900 | \$62,300 |

Electoral expenditure

Electoral expenditure at State and local government elections is subject to caps. Expenditure caps that apply to state elections are adjusted for inflation every four years after each NSW State general election. During the previous financial year and following the 2023 NSW State general election held on 25 March 2023, the expenditure caps were adjusted for inflation for the four-year period leading up to the 2027 NSW State general election. These caps were not adjusted during the 2023-24 financial year.

The expenditure caps that apply at all state general and by-elections during the four-year period to 2027 are listed in the following table.

Table 10: Caps on electoral expenditure incurred for the state elections

| Political participant | Applicable expenditure cap 2019-23 | Applicable expenditure cap 2023-27 |
|---|--|--|
| Party with more than 10 endorsed Legislative Assembly candidates at a general election | \$132,600 multiplied by the number of electoral districts in which a candidate is endorsed by the party | \$150,700 multiplied by the number of electoral districts in which a candidate is endorsed by the party |
| Party that endorses candidates in a group for the Legislative Council but does not endorse any candidates for election to the Legislative Assembly or does not endorse candidates in more than 10 electoral districts | \$1,389,900 | \$1,579,400 |
| Independent Legislative Council group at a general election | \$1,389,900 | \$1,579,400 |
| Endorsed Legislative Assembly candidate at a general election | \$132,600 | \$150,700 |
| Independent Legislative Assembly candidate at a general election | \$198,700 | \$225,800 |
| Ungrouped Legislative Council candidate at a general election | \$198,700 | \$225,800 |
| Candidate at a Legislative Assembly by-election | \$265,000 | \$301,200 |
| Third-party campaigner at a general election | \$1,288,500 if the third-party campaigner was registered before the commencement of the capped state expenditure period for the election \$644,300 in all other cases | \$1,464,200 if the third-party campaigner was registered before the commencement of the capped state expenditure period for the election \$732,200 in all other cases |
| Third-party campaigner at a state by-election | \$21,600 | n/a |
| Electoral district cap for a party | \$66,400 within the party's overall expenditure cap | \$75,500 within the party's overall expenditure cap |
| Electoral district cap for a third-party campaigner | \$26,700 | \$30,400 within the third-party campaigner's overall expenditure cap |
| Maximum amount for expenditure incurred for campaign office accommodation that is not included in the electoral expenditure cap | \$21,600 within the third-party campaigner's overall expenditure cap | \$22,800 |

The caps for state elections are published on the Electoral Commission's [website](https://www.elections.nsw.gov.au/Funding-and-disclosure/Electoral-expenditure/Caps-on-electoral-expenditure/What-are-the-expenditure-caps-for-State-elections) (<https://www.elections.nsw.gov.au/Funding-and-disclosure/Electoral-expenditure/Caps-on-electoral-expenditure/What-are-the-expenditure-caps-for-State-elections>).

In the lead-up to the 2024 NSW Local Government elections, provisions for the caps on electoral expenditure at local government elections were altered by the *Electoral Funding Amendment (Local Government Electoral Expenditure Caps) Act 2024*. The amending Act resolved an issue caused by the delay in the previous NSW local government elections by providing for an end to the election period and the trigger for indexation of electoral expenditure caps where the local government ordinary elections were not held on the day specified in the *Local Government Act 1993*.

The caps for local government elections are published on the Electoral Commission's [website](#) along with the expenditure caps for [each local government area for the 2024 NSW Local Government elections](#).

Determination of number of enrolled electors

The expenditure caps applicable to each local government area or ward are based on the number of enrolled residential electors in that area or ward². Local government expenditure caps are adjusted a year ahead of the local government ordinary elections. The caps for the 2024 NSW Local Government elections were adjusted during the 2023-24 financial year.

The Electoral Commission is required to publish on its website the details of the enrolled electors and applicable caps for each area or ward and notify registered candidates, groups and third-party campaigners of the applicable caps. For local government by-elections held after the previous local government ordinary elections, the number of enrolled electors was determined as at the date of those ordinary elections that is, 4 December 2021.

There are eight levels of expenditure caps based on the number of enrolled electors in a local government area or ward. These are set out in the following table.

Table 11: Applicable caps that apply to electoral expenditure incurred for local government elections held from 1 July 2024

| Number of enrolled electors for a local government area or ward | Non-mayoral candidates (and groups that do not include mayoral candidates) | Mayoral candidates in undivided areas (and groups that include mayoral candidates) | Third-party campaigners |
|---|--|--|-------------------------|
| 1-5,000 | \$6,600 | \$8,250 | \$2,200 |
| 5,001-10,000 | \$11,000 | \$13,750 | \$3,670 |
| 10,001-20,000 | \$19,800 | \$24,750 | \$6,600 |
| 20,001-30,000 | \$27,500 | \$34,375 | \$9,170 |
| 30,001-50,000 | \$39,600 | \$49,500 | \$13,200 |
| 50,001-75,000 | \$50,600 | \$63,250 | \$16,870 |
| 75,001-125,000 | \$69,900 | \$87,375 | \$23,300 |
| 125,001 or more | \$79,200 | \$99,000 | \$26,400 |

Caps for mayoral candidates in areas divided into wards

The cap for a candidate for mayor (or a group that includes a candidate for mayor) in a local government area that is divided into wards, is equal to:

- 100 per cent of the cap for a non-mayoral candidate in a ward of the area plus 25 per cent of the non-mayoral candidate cap in each of the other wards of the area.

Example: if an area has four wards and the expenditure cap for a non-mayoral candidate in a ward is \$10,000, the expenditure cap for a mayoral candidate in that area is \$10,000 (ward 1) + \$2,500 (ward 2) + \$2,500 (ward 3) + \$2,500 (ward 4) = \$17,500.

² Prior to the commencement of the *City of Sydney Amendment Act 2023*, the City of Sydney also included non-residential electors such as owners, occupiers and rate-paying lessees as enrolled electors.

Caps for candidates running for mayor and councillor at the same time

The cap for a candidate running for mayor and councillor at the same election, is set at the level of the applicable cap for a mayoral candidate.

Public funding adjustments

Amounts to be distributed from the Election Campaigns Fund to eligible parties and candidates are to be adjusted for inflation after each State general election. The maximum amount of applicable payments from the Administration Fund and New Parties Fund are adjusted for inflation each year. Public funding amounts are published on the Electoral Commission's [website](#).

Election Campaigns Fund amounts adjusted

The amounts to be distributed from the Elections Campaign Fund to eligible parties and independent candidates, or candidates of parties not eligible for Election Campaigns Funding, must be adjusted for inflation each election period. A notice containing the adjusted amounts is published on the Electoral Commission's [website](#) prior to the start of the election period.

The adjustable amounts apply to the four-year election period from the return of the writs for the 2023 State general election, to the return of the writs for the 2027 State general election. These are listed in the tables below.

Table 12: The 'dollar per vote' amounts for eligible parties are:

| Criteria | 2019 State election \$per vote | Four-year period to 2023 State election \$per vote | Four-year period to 2027 State election \$per vote |
|--|---|---|---|
| A party that has at least one Legislative Assembly candidate elected, or the party's endorsed candidates in the Legislative Assembly received, in total, at least four per cent of the total first preference votes in the electoral districts for which the candidates were nominated | \$4.32 per first preference vote received by the endorsed candidates of the party in the Legislative Assembly, plus \$3.24 per first preference vote received by the endorsed candidates of the party in the Legislative Council | \$4.66 per first preference vote received by the endorsed candidates of the party in the Legislative Assembly, plus \$3.50 per first preference vote received by the endorsed candidates of the party in the Legislative Council | \$5.30 per first preference vote received by the endorsed candidates of the party in the Legislative Assembly, plus \$3.98 per first preference vote received by the endorsed candidates of the party in the Legislative Council |
| A party that does not satisfy category 'A' but that has 10 or more endorsed candidates in the Legislative Assembly election | \$4.32 per first preference vote received by the endorsed candidates of the party in the Legislative Assembly, plus \$3.24 per first preference vote received by the endorsed candidates of the party in the Legislative Council | \$4.66 per first preference vote received by the endorsed candidates of the party in the Legislative Assembly, plus \$3.50 per first preference vote received by the endorsed candidates of the party in the Legislative Council | \$5.30 per first preference vote received by the endorsed candidates of the party in the Legislative Assembly, plus \$3.98 per first preference vote received by the endorsed candidates of the party in the Legislative Council |
| A party that does not satisfy category 'A' or 'B' that has less than 10 (including zero) endorsed candidates in the Legislative Assembly election | \$4.86 per first preference vote received by the endorsed candidates of the party in the Legislative Council | \$5.25 per first preference vote received by the endorsed candidates of the party in the Legislative Council | \$5.97 per first preference vote received by the endorsed candidates of the party in the Legislative Council |

Table 13: The 'dollar per vote' amounts for eligible candidates are:

| Criteria | 2019 State election \$per vote | Four-year period to 2023 State election \$per vote | Four-year period to 2027 State election \$per vote |
|--|--|--|--|
| A candidate for a Legislative Assembly general election or by-election | \$4.32 per first preference vote received by the candidate | \$4.66 per first preference vote received by the candidate | \$5.30 per first preference vote received by the candidate |
| A candidate for a Legislative Council election | \$4.86 per first preference vote received by the candidate | \$5.25 per first preference vote received by the candidate | \$5.97 per first preference vote received by the candidate |

Administration Fund amounts adjusted

The amount payable to an eligible party or elected member is the amount of actual administrative expenditure incurred by the party or elected member during a quarterly period up to a maximum amount. The maximum amounts are adjusted for inflation on a calendar year basis.

The maximum amount an eligible party or elected member can receive from the Administration Fund in relation to a quarterly period is the lesser amount of the party or elected member's applicable cap or the amount of administrative and operating expenditure incurred in a quarterly period. The applicable maximum amounts for the Administration Fund for the 2023 and 2024 calendar year are listed in the following table.

Table 14: Caps applicable to quarterly payments from the Administration Fund for expenditure incurred in 2023 and 2024

| Category | Amounts for 2023 | Amounts for 2024 |
|---|---|--|
| If a Parliamentary party has one endorsed elected member | \$100,400 | \$106,100 |
| If a Parliamentary party has two endorsed elected members | \$171,900 | \$181,600 |
| If a Parliamentary party has three endorsed elected members | \$214,700 | \$226,800 |
| If a Parliamentary party has more than three endorsed elected members | \$214,700 + 34,500 For each additional elected member up to 22 elected members | \$226,800+ \$36,500 For each additional elected member up to 22 elected members |
| An independent elected member | \$64,900 | \$68,600 |

New Parties Fund amounts adjusted

The annual amount payable to an eligible party from the New Parties Fund is the amount of actual policy development expenditure incurred by or on behalf of the party during the year to which the payment relates, but not exceeding the relevant maximum amount applicable to the party.

The maximum amounts payable from the New Parties Fund for policy development expenditure are adjusted for inflation each financial year. The relevant maximum amounts for the New Parties Fund for the 2023-24 financial year are shown in the following table.

Table 15: Relevant annual maximum amounts payable from the New Parties Fund for expenditure incurred in 2023-24

| Category | Amount for 2023-24 | Amount for 2024-25 |
|---|--------------------|--------------------|
| Per first preference vote received by each endorsed candidate of the party at the previous state general election | \$0.75 | \$0.78 |
| Maximum amount for a party that is registered less than eight years | \$14,300 | \$14,900 |

Disclosures of political donations and electoral expenditure

The Electoral Funding Act requires political donations and electoral expenditure to be disclosed to the Electoral Commission by:

- political parties (registered and unregistered)
- elected members of the NSW Parliament and local councils
- associated entities of registered parties and elected members
- candidates, groups and third-party campaigners for NSW state and local government elections
- political donors who make reportable political donations.

The Act requires the Electoral Commission to publish details of political donations and electoral expenditure disclosed, and make disclosures available, on the Electoral Commission's [website](https://elections.nsw.gov.au/funding-and-disclosure/disclosures/view-disclosures) (elections.nsw.gov.au/funding-and-disclosure/disclosures/view-disclosures). The Electoral Commission is also responsible for enforcing the laws that apply to political donations and electoral expenditure.

Disclosures required to be made

Political participants may have been required to make one or more of the following disclosures during the 2023-24 financial year:

- half-yearly disclosure of political donations
- annual disclosure of electoral expenditure
- annual donor disclosure.

Every four years in the lead-up to a NSW State general election, pre-election disclosures of all reportable political donations are required to be made by certain political participants within 21 days of the donation being made or received. The pre-election disclosure period coincides with the capped expenditure period for a State general election, which ends on election day. No pre-election disclosures were required to be made during 2023-24.

Half-yearly disclosure of political donations

Political donations made or received by, or on behalf of, political parties, elected members, candidates, groups of candidates and associated entities must be disclosed every six months in a half-yearly disclosure of political donations. Reportable political donations received by, or on behalf of, third-party campaigners for the purpose of incurring electoral expenditure during the capped expenditure period for an election must also be disclosed every six months in a half-yearly disclosure of political donations.

The half-yearly disclosure periods for the disclosure of political donations are 1 July to 31 December and 1 January to 30 June each year. Disclosures must be submitted within six weeks after the end of the disclosure period, by 11 February and 11 August respectively, or on the next business day if the legislated date falls on a weekend or public holiday.

Annual disclosure of electoral expenditure

Electoral expenditure incurred by, or on behalf of, political parties, associated entities, elected members, candidates, groups, and third-party campaigners must be disclosed annually. The annual disclosure period is 1 July to 30 June with disclosures due by 22 September, or the next business day if the legislated date falls on a weekend or public holiday. Third-party campaigners are only required to disclose electoral expenditure incurred during the capped expenditure period for an election.

Annual donor disclosure

Political donors that make reportable political donations of \$1,000 or more are known as major political donors and are required to disclose those donations annually. Political donors include third-party campaigners that make reportable political donations. The annual disclosure period is 1 July to 30 June with disclosures due by 11 August, or the next business day if the legislated date falls on a weekend or public holiday.

Who is responsible for making disclosures?

The Electoral Funding Act contains the rules that determine the person responsible for making disclosures that were due to be submitted to the Electoral Commission during 2023-24, as set out in the following table.

Table 16: Person responsible to submit disclosures due during 2023-24

| Category | Person responsible |
|---|---|
| Political party (registered and unregistered) | Party agent ³ . |
| Member of Parliament (MP) | Party agent, if the MP is a member of a party that is registered for state elections. MP in all other cases. |
| State election candidate | Party agent, if the candidate is a member of a party that is registered for state elections. State candidate in all other cases. |
| State election group of candidates | Party agent of a party registered for state elections where all candidates in the group are members of the party. Party agent of a party registered for state elections where the lead candidate is a member of the party and one or more other candidates in the group are members of another party that is registered for state elections. Lead candidate ⁴ of the group in all other cases. |
| Councillor or mayor | Councillor or mayor. Party agent of a registered party where the councillor or mayor is a member of the party and the party agent has consented, or made a decision, to be the person responsible ⁵ . |
| Local government election candidate | Candidate. Party agent of a registered party where the candidate is a member of the party and the party agent has consented, or made a decision, to be the person responsible ⁵ . |
| Local government election group of candidates | Lead candidate ⁴ of the group. Party agent of a registered party where one or more of the candidates are members of the party and the party agent has consented, or made a decision, to be the person responsible ⁵ . |
| Associated entity | Official agent of associated entity. |

³ The registered officer of a political party can now make a disclosure (or public funding claim) when the party agent is absent or unavailable if: the registered officer has completed the agent training (or is exempt); and the party agent or registered officer has advised the Electoral Commission in writing in advance of any occasion on which the registered officer is to lodge a disclosure or claim on the agent's behalf.

⁴ The lead candidate is the candidate in the group whose name is first in the order of names in the Register of Candidates in relation to the group; or if the group is not registered, the candidate whose name is first in the order of names of candidates on a ballot paper (whichever occurs first).

⁵ A party agent for a registered party can be responsible for making disclosures on behalf of a local government elected member, candidate or group in certain circumstances. In such cases, the Electoral Commission must be notified in writing.

| Category | Person responsible |
|------------------------|--|
| Third-party campaigner | Official agent of third-party campaigner. |
| Major political donor | If the donor is an individual, the individual. If the donor is an entity, the entity. |
| Dis-endorsed candidate | Where a candidate in a state election is dis-endorsed by a registered party, a party agent may notify the Electoral Commission that the party has dis-endorsed the candidate. On and from the receipt of the notice by the Electoral Commission, the person responsible for making a disclosure for the dis-endorsed candidate is the candidate, and not the party agent of the registered party. |

How are disclosures made?

Disclosures due during 2023-24 were required to be made using Funding and Disclosure Online, or using the downloadable forms published on the Electoral Commission's [website](https://www.elections.nsw.gov.au/About-us/Forms-and-Fact-sheets/Forms) (https://www.elections.nsw.gov.au/About-us/Forms-and-Fact-sheets/Forms). Individuals who are responsible for submitting a disclosure are notified when the disclosure period is ending and provided with information on how and when to disclose. The disclosure requirements are promoted on the Electoral Commission's website during the period that disclosures are due to be submitted along with education resources designed to support compliance with the legal requirements. The Electoral Commission shares information about disclosure on social media to raise awareness.

The disclosure forms, online and paper, include a declaration, that must be made by the person responsible, that all the disclosure requirements have been met. Each disclosure received is checked to ensure the person who is lawfully required to submit the disclosure has signed the declaration and used the approved form. Political parties are provided with a worksheet to populate the information required to be disclosed in lieu of using the tables in the disclosure forms, though a disclosure form must be signed and submitted even where a worksheet has been used.

A person responsible for making a disclosure who is unable to lodge the form on time, can request an extension. The request must be made on or before the due date for submitting the disclosure and the Electoral Commission can only approve an extension if proper reasons exist to justify it. The Electoral Commission can grant a conditional extension where the person is asked to disclose what they can by the due date and then disclose the remaining information by the extended due date.

If a disclosure has not been submitted in the form and manner approved by the Electoral Commission or in accordance with the Electoral Funding Act, it is taken to be 'invalidly' submitted. An invalid disclosure generally occurs where:

- the approved form is not used, or
- the declaration was not signed by the person responsible.

In such cases, the person responsible for submitting the disclosure is notified and advised how to validly submit the disclosure.

An 'incomplete' disclosure form is one where the information submitted is not complete. When an incomplete disclosure form is received the person responsible for making the disclosure is notified and given an opportunity to provide the information to be disclosed.

The Electoral Funding Act provides that a person who submitted a disclosure (or that person's successor as the agent of the party, elected member, group, candidate, third-party campaigner or associated entity concerned) may amend the disclosure by submitting an amended disclosure in the manner and form approved by the Electoral Commission. An amended disclosure can alter, omit, add or substitute information disclosed.

The Electoral Funding Act authorises the Electoral Commission to audit disclosures that are received and to enforce breaches of the disclosure requirements. Detailed information about the audit activities of the Electoral Commission is set out in the *Compliance and enforcement* section of this report.

Disclosures received during 2023-24

During 2023-24, 8,531 disclosures were required from political participants for the disclosure periods listed in the following table, including for the second half-year donations disclosure period for 2022-23, and the annual electoral expenditure disclosure period for 2022-23 and for the first half-year donations disclosure period for 2023-24.

Table 17: Disclosures due to be lodged during 2023-24 and relevant disclosure periods

| Disclosure obligation | Disclosure period | First date of lodgement | Due date | Disclosures due |
|---|---------------------------------|-------------------------|-------------------|-----------------|
| Second half-yearly political donation 2022-23 | 1 January 2023 to 30 June 2023 | 1 July 2023 | 11 August 2023 | 2,510 |
| Annual reportable political donations by donors 2022-23 | 1 July 2022 to 30 June 2023 | 1 July 2023 | 11 August 2023 | 2,017 |
| Annual electoral expenditure 2022-23 | 1 July 2022 to 30 June 2023 | 1 July 2023 | 22 September 2023 | 2,546 |
| First-half period political donation 2023-24 | 1 July 2023 to 31 December 2024 | 1 January 2024 | 12 February 2024 | 1,458 |

On-time lodgement rates

During 2023-24, 5,525 of the 8,531 disclosures due were submitted to the Electoral Commission on time. This represents an 'on-time' submission rate of 65 per cent across all political participants, and a substantial improvement on the previous financial year. The improvement in on-time submission of disclosures made by candidates, from 49 per cent last year to 82 per cent, is noteworthy.

A comparison of on-time lodgement rates across the financial years since 2014-15, set out in the following table, shows varying levels of compliance by different political participants across the years, and lower compliance for candidates and groups of candidates who participated in the December 2021 Local Government elections. During 2023-24, rates of on-time lodgement improved in every category of political participant. This is particularly for candidates and major political donors, however there were fewer disclosures due overall from a smaller cohort of political participants compared to the previous two years. The improved on-time lodgement coincides with increased use of Funding and Disclosure Online, which assists political participants to comply with the disclosure requirements; education and awareness raising activities; and direct support to participants, to encourage compliance with disclosure obligations. Additionally, during the reporting year, political participants were not required to lodge a disclosure of political donations in relation to the second half-year period if they were not a registered participant during the period or had ceased to be a participant earlier in the year.

The Electoral Commission is required to publish, as soon as practicable, disclosures of reportable political donations and electoral expenditure and any other information it considers relevant, and this includes amended disclosures received in relation to prior periods. Disclosures are published once processed and checked and can be viewed on the Electoral Commission's [website](https://elections.nsw.gov.au/funding-and-disclosure/disclosures/view-disclosures) (https://elections.nsw.gov.au/funding-and-disclosure/disclosures/view-disclosures).

Table 18: On-time* submission rates for disclosures received since 2014-15, up to 2023-24 (excluding pre-election period disclosures).

| Political participant | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Political parties | 81% | 78% | 64% | 72% | 76% | 76% | 72% | 71% | 66% | 69% |
| Elected members | 83% | 76% | 67% | 74% | 76% | 70% | 75% | 69% | 64% | 71% |
| Candidates | 63% | 71% | 64% | 60% | 78% | 78% | 56% | 59% | 49% | 82% |
| Groups of candidates | 71% | 67% | 65% | 58% | 75% | 68% | 53% | 74% | 58% | 72% |

| Political participant | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|-------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Third-party campaigners | 85% | N/A | 54% | 47% | 98% | 80% | 100% | 74% | 68% | 69% |
| Associated entities | N/A | N/A | N/A | N/A | 100% | 67% | 100% | 100% | 100% | 100% |
| Donors | 52% | 57% | 50% | 47% | 43% | 43% | 31% | 25% | 21% | 34% |

Note: Where “N/A” is shown, the political participant category was not required to submit disclosures or there were no political participants of that category for that year.

*On-time submission means the disclosure was lodged by the statutory due date or, where a participant requested and was granted an extension of time, it was lodged by the extended due date.

Second half-yearly political donation disclosures 2022-23 (1 January 2023 to 30 June 2023)

Political donation disclosures for the second half-yearly period ending 30 June 2023 were due to be submitted between 1 July and 11 August 2023, with 2,510 expected. Seventy-two per cent of these were received on time with 1,813 submitted by the due date across all political participant categories, and 606 received late. The due date was extended in five cases. In addition to disclosures lodged, 30 amended disclosures were made.

There were 49 disclosure forms invalidly lodged, of which 46 disclosures were subsequently validly lodged. The most common reason for a disclosure form to be invalidly lodged was that the wrong disclosure form was used. There were no invalid disclosures made using Funding and Disclosure Online; all invalid disclosures were made using paper forms.

Table 19: Disclosure obligations and disclosures received second half-yearly period 2022-23

| Political participant | Disclosure obligations | Received on time | Received late | Not received | On time lodgement rate* |
|-------------------------|------------------------|------------------|---------------|--------------|-------------------------|
| Political parties | 54 | 27 | 24 | 3 | 50% |
| Elected members | 1,440 | 934 | 463 | 43 | 65% |
| Candidates | 919 | 788 | 91 | 40 | 86% |
| Groups of candidates | 28 | 20 | 4 | 4 | 71% |
| Third-party campaigners | 65 | 40 | 22 | 3 | 62% |
| Associated entities | 4 | 4 | 0 | 0 | 100% |
| Total | 2,510 | 1,813 | 606 | 91 | 72% |

*On-time lodgement means the disclosure was lodged by the statutory due date or, where a participant requested and was granted an extension of time, the disclosure was lodged by the extended due date.

A ‘nil’ disclosure is a declaration that there are no political donations to be disclosed. During the second half-yearly donation disclosure period for 2022-23, 1,609 or 67 per cent of disclosures received were ‘nil’ disclosures. The following table shows the ‘nil’ disclosures for this disclosure period.

Table 20: ‘Nil’ disclosures received for the second half-yearly period 2022-23

| Political participant | Number of ‘nil’ disclosures received | ‘Nil’ disclosures as a percentage of all disclosures received by political participant |
|-----------------------|--------------------------------------|--|
| Political parties | 26 | 51% |
| Elected members | 956 | 69% |
| Candidates | 564 | 64% |

| Political participant | Number of 'nil' disclosures received | 'Nil' disclosures as a percentage of all disclosures received by political participant |
|-------------------------|--------------------------------------|--|
| Groups of candidates | 20 | 83% |
| Third-party campaigners | 39 | 63% |
| Associated entities | 4 | 100% |
| Total | 1,609 | 67% |

Based on the disclosures and amended disclosures received for 2022-23, a total of \$9,923,995.79 in political donations and reportable loans were received by political participants in the half-yearly period, as shown in the following table.

Table 21: Political donations and loans received second half-yearly period 2022-23

| Political participant | Small political donations received | Reportable political donations received | Membership and affiliation fees received | Reportable loans received | Total donations and loans received |
|-------------------------|------------------------------------|---|--|---------------------------|------------------------------------|
| Political parties | \$2,032,246.55 | \$1,147,327.67 | \$1,048,255.06 | \$4,258,839.44 | \$8,486,668.72 |
| Elected members | \$345,845.31 | \$65,879.55 | N/A | \$0 | \$411,724.86 |
| Candidates | \$686,748.14 | \$219,046.17 | N/A | \$49,534.40 | \$955,328.71 |
| Groups | \$2,254.00 | \$0 | N/A | \$0 | \$2,254.00 |
| Third-party campaigners | N/A | \$68,019.50 | N/A | \$0 | \$68,019.50 |
| Associated entities | \$0 | \$0 | N/A | \$0 | \$0 |
| Total | \$3,067,094.00 | \$1,500,272.89 | \$1,048,255.06 | \$4,308,373.84 | \$9,923,995.79 |

Note: N/A means the political participant category is not required to disclose the category of political donations.

Based on the disclosures and amended disclosures received for the second half-yearly period 2022-23, a total of \$977,291.43 in political donations were made by political participants in the second half-yearly period as shown in the following table.

Table 22: Political donations made second half-yearly period 2022-23

| Political participant | Small political donations made | Reportable political donations made | Total |
|-------------------------|--------------------------------|-------------------------------------|---------------------|
| Political parties | \$60,400.68 | \$4,300.00 | \$64,700.68 |
| Elected members | \$101,422.87 | \$391,961.47 | \$493,384.34 |
| Candidates | \$42,162.87 | \$102,442.95 | \$144,605.82 |
| Groups | \$1,075.00 | \$15,190.89 | \$16,265.89 |
| Third-party campaigners | N/A | \$258,334.70 | \$258,334.70 |
| Associated entities | \$0 | \$0 | \$0 |
| Total | \$205,061.42 | \$772,230.01 | \$977,291.43 |

*Third-party campaigners can disclose reportable political donations made in a third-party campaigner disclosure form or in an annual major political donor form.

The disclosures and amended disclosures received also included the net or gross proceeds from fundraising ventures and functions. The legislation provides that in connection with fundraising ventures or functions, during the relevant disclosure period, disclosures of political donations may include either the net or gross proceeds for the venture or function. The amounts disclosed, totalling \$869,339.59, are listed in the following table.

Table 23: Net or gross proceeds from fundraising ventures and functions second half-yearly period 2022-23

| Political participant | Net or gross proceeds from fundraising ventures and functions |
|-------------------------|---|
| Political parties | \$317,775.15 |
| Elected members | \$252,910.71 |
| Candidates | \$297,728.73 |
| Groups | \$0 |
| Third-party campaigners | \$925.00 |
| Associated entities | \$0 |
| Total | \$869,339.59 |

The disclosures and amended disclosures received also included the payments made by candidates and elected members into a campaign account. The amounts disclosed are listed in the following table.

Table 24: Payments made by candidates, groups, and elected members into their campaign account second half-yearly period 2022-23

| Political participant | Payments made into a campaign account |
|-----------------------|---------------------------------------|
| Elected members | \$197,603.29 |
| Candidates | \$837,099.77 |
| Groups | \$0 |
| Total | \$1,034,703.06 |

Note: the disclosure of payments into a campaign account only applies where a party agent is not the person responsible to disclose on behalf of an elected member, candidate or group.

Financial records of political parties

Political parties are required to lodge copies of their financial records with their second half-yearly donations disclosure to be eligible to receive public funding payments. The financial records provided during 2023-24, were for the 2022-23 financial year. These records are used as part of the audits of political party disclosures. The following table shows the number of parties that complied with this requirement.

Table 25: Lodgement of financial records by parties second half-yearly disclosure 2022-23

| Document | Lodged | Not available/not lodged | Total |
|--|-----------|--------------------------|-----------|
| Audited financial statements (only for parties registered for state elections) | 12 | 3 | 15 |
| Financial records | 18 | 36 | 54 |
| Chart of accounts | 17 | 37 | 54 |
| Trial balance | 16 | 38 | 54 |
| Bank statements | 20 | 34 | 54 |

Annual electoral expenditure disclosures 2022-23

Electoral expenditure disclosures for the annual period ending 30 June 2023 were due to be lodged between 1 July and 22 September 2023. There were 2,546 electoral expenditure disclosures expected. Of these, 1,879 or 74 per cent were received by the due date, a total of 579 were received after the due date and 88 had not been received by 30 June 2024. The due date was extended in four cases. In addition to disclosures lodged there were 86 amended disclosures lodged.

There were 23 disclosure forms that were not validly lodged. In 22 cases a valid disclosure form was subsequently received. The most common reasons for a disclosure form not being validly lodged were that the disclosure was not signed. All invalid disclosures were received using paper forms.

Table 26: Annual electoral expenditure disclosure obligations and disclosures received for the annual electoral expenditure period 2022-23

| Political participant | Disclosure obligations | Received on time | Received late | Not received | On-time lodgement rate* |
|-------------------------|------------------------|------------------|---------------|--------------|-------------------------|
| Political parties | 54 | 38 | 15 | 1 | 70% |
| Elected members | 1,443 | 1,019 | 380 | 44 | 71% |
| Candidates | 951 | 747 | 166 | 38 | 79% |
| Groups of candidates | 29 | 21 | 5 | 3 | 72% |
| Third-party campaigners | 65 | 50 | 13 | 2 | 77% |
| Associated entities | 4 | 4 | 0 | 0 | 100% |
| Total | 2,546 | 1,879 | 579 | 88 | 74% |

*On-time lodgement means the disclosure was lodged by the statutory due date or, where a participant requested and was granted an extension of time, the disclosure was lodged by the extended due date.

For the annual electoral expenditure period 2022-23, 2,059 or 84 per cent of disclosures received were 'nil' disclosures. The following table shows the 'nil' disclosures by each category of political participant.

Table 27: 'Nil' disclosures lodged for the annual electoral expenditure period 2022-23

| Political participant | Number of 'nil' disclosures received | 'Nil' disclosures as a percentage of all disclosures received |
|-------------------------|--------------------------------------|---|
| Political parties | 31 | 58% |
| Elected members | 1315 | 94% |
| Candidates | 665 | 73% |
| Groups of candidates | 22 | 85% |
| Third-party campaigners | 22 | 35% |
| Associated entities | 4 | 100% |
| Total | 2,059 | 84% |

Based on the disclosures and amended disclosures received in 2022-23, a total of \$54,372,336.86 in electoral expenditure was incurred in the annual period as shown in the following table.

Table 28: Electoral expenditure incurred annual period 2022-23

| Political participant | Political parties | Elected member | Candidates | Groups | Third-party Campaigners | Total |
|--|------------------------|-----------------------|------------------------|--------------------|-------------------------|------------------------|
| Advertising | \$15,719,379.51 | \$629,207.83 | \$8,347,031.12 | \$1,801.46 | \$5,101,195.81 | \$29,798,615.73 |
| Production and distribution of electoral material | \$4,455,394.46 | \$332,679.34 | \$4,166,665.28 | \$8,123.30 | \$1,168,633.99 | \$10,131,496.37 |
| Internet, telecommunications, stationery, and postage | \$355,068.35 | \$447,730.34 | \$1,061,540.88 | \$0 | \$67,565.14 | \$1,931,904.71 |
| Employing staff engaged in election campaigns | \$3,041,327.04 | \$73,186.22 | \$921,307.55 | \$0 | \$657,896.96 | \$4,693,717.77 |
| Office accommodation for staff and candidates | \$376,162.25 | \$14,102.58 | \$236,173.05 | \$0 | \$30,712.00 | \$657,149.88 |
| Travel and travel accommodation for staff and candidates | \$283,358.40 | \$20,236.52 | \$139,729.30 | \$2,525.64 | \$90,495.79 | \$536,345.65 |
| Election campaign research | \$3,878,859.58 | \$1,778.42 | \$92,568.07 | \$0 | \$1,126,757.91 | \$5,099,963.98 |
| Fundraising and audit expenses | \$951,108.63 | \$234,645.14 | \$300,564.05 | \$0 | \$36,824.95 | \$1,523,142.77 |
| Total | \$29,060,658.22 | \$1,753,566.39 | \$15,265,579.30 | \$12,450.40 | \$8,280,082.55 | \$54,372,336.86 |

Annual major political donor disclosures 2022-23

A political donor is required to disclose reportable political donations of \$1,000 or more made to a party, candidate, group of candidates, elected member, third-party campaigner or associated entity. The disclosure is made by lodging an annual major political donor disclosure with the Electoral Commission and donors must be advised of this disclosure obligation, including on the receipt issued by the political participant. Donor disclosures are published on the Electoral Commission's website.

Major political donor disclosures for the annual period ending 30 June 2023 were due to be received between 1 July and 11 August 2023, with approximately 2,017 major political donor disclosures expected. The Electoral Commission received 694 by the due date, representing an 'on-time' lodgement rate of 34 per cent; 767 disclosures were received during 2023-24 after the due date and 556 were not received during 2023-24.

The due date was not extended in any case for major political donors, and 17 amended disclosures were received during 2023-24. Based on the disclosures and amended disclosures received during 2023-24, a total of \$5,845,261.71 in reportable political donations were disclosed by major political donors as having been made during the annual period ending 30 June 2023.

While political participants are responsible for advising donors of the annual disclosure requirement, for example issuing receipts which contain a message about disclosure, on time donor disclosure lodgement rates remain low. Where the Electoral Commission is aware a donor must make a disclosure, they will be sent a reminder close to the due date. However, donors are often disclosed to the Electoral Commission in a political participant donation disclosure which is due at the same time as the donor's disclosure. Where this occurs it is not possible for the Electoral Commission to contact a donor before the due date. This is a legislative departure from the disclosure scheme in place for political donations prior to 1 July 2018 where the major political donor disclosures were due four weeks after other political participants. This allowed the Commission time to remind donors so more could lodge their disclosures on time.

First half-yearly political donation disclosures 2023-24

Political donation disclosures for the first half-yearly period starting on 1 July and ending on 31 December 2023 were due to be received between 1 January and 12 February 2024.

The Electoral Commission expected to receive 1,458 disclosures and there were 1,139 lodged by the due date, with 292 disclosures received during 2023-24 after the due date and 27 not received during 2023-24, as illustrated in the following table. The due date was extended in one case.

In addition to disclosures lodged there were 21 amended disclosures lodged by or on behalf of two political parties, 16 elected members, and three candidates. Thirty-six disclosure forms were not validly lodged, though a valid disclosure form was subsequently lodged in all cases. The most common reason for a disclosure form not being validly lodged was that the wrong disclosure form was used.

Table 29: Disclosure obligations and disclosures received first half-yearly period 2023-24

| Political participant | Disclosure obligations | Received on time | Received late | Not received | On-time lodgement rate* |
|-------------------------|------------------------|------------------|---------------|--------------|-------------------------|
| Political parties | 57 | 49 | 6 | 2 | 86% |
| Elected members | 1,387 | 1,078 | 284 | 25 | 78% |
| Candidates | 10 | 8 | 2 | 0 | 80% |
| Groups of candidates | 0 | 0 | 0 | 0 | NA |
| Third-party campaigners | 0 | 0 | 0 | 0 | NA |
| Associated entities | 4 | 4 | 0 | 0 | 100% |
| Total | 1,458 | 1,139 | 292 | 27 | 78% |

*On-time lodgement means the disclosure was lodged by the statutory due date or, where a participant requested and was granted an extension of time, the disclosure was lodged by the extended due date.

There were 1,029 'nil' disclosures lodged. The following table shows the 'nil' disclosures by political participant.

Table 30: 'Nil' disclosures lodged first half-yearly period 2023-24

| Political participant | Number of 'nil' disclosures lodged | 'Nil' disclosures as a percentage of all disclosures lodged |
|-------------------------|------------------------------------|---|
| Political parties | 38 | 69% |
| Elected members | 979 | 72% |
| Candidates | 8 | 80% |
| Groups of candidates | 0 | NA |
| Third-party campaigners | 0 | NA |
| Associated entities | 4 | 100% |
| Total | 1,029 | 72% |

Based on the disclosures and amended disclosures received during the first half-yearly period 2023-24, a total of \$4,756,171.63 in political donations and reportable loans were received in the half-yearly period as shown in the following table.

Table 31: Political donations and loans received during the first half-yearly period 2023-24

| Political participant | Small political donations received | Reportable political donations received | Membership and affiliation fees received | Reportable loans received | Total donations and loans received |
|-------------------------|------------------------------------|---|--|---------------------------|------------------------------------|
| Political parties | \$1,120,921.15 | \$2,522,373.27 | \$991,883.18 | \$40,039.58 | \$4,675,217.18 |
| Elected members | \$20,619.45 | \$58,535.00 | N/A | \$1,000.00 | \$80,154.45 |
| Candidates | \$800.00 | \$0 | N/A | \$0 | \$800 |
| Groups | \$0 | \$0 | N/A | \$0 | \$0 |
| Third-party campaigners | N/A | \$0 | N/A | \$0 | \$0 |
| Associated entities | \$0 | \$0 | N/A | \$0 | \$0 |
| Total | \$1,142,340.60 | \$2,580,908.27 | \$991,883.18 | \$41,039.58 | \$4,756,171.63 |

Based on the disclosures and amended disclosures received during the first half-yearly period 2023-24, a total of \$663,401.22 in political donations were made in the half-yearly period as shown in the following table.

Table 32: Political donations made first half-yearly period 2023-24

| Political Participant | Small political donations made | Reportable political donations made | Total |
|--------------------------|--------------------------------|-------------------------------------|---------------------|
| Political parties | \$0 | \$0 | \$0 |
| Elected members | \$93,474.28 | \$569,926.94 | \$663,401.22 |
| Candidates | \$0 | \$0 | \$0 |
| Groups | \$0 | \$0 | \$0 |
| Third-party campaigners* | N/A | \$0 | \$0 |
| Associated entities | \$0 | \$0 | \$0 |
| Total | \$93,474.28 | \$569,926.94 | \$663,401.22 |

*Third-party campaigners can disclose reportable political donations made in their third-party campaigner disclosure form or in an annual major political donor form.

The disclosures and amended disclosures lodged also included the net or gross proceeds from fundraising ventures and functions. The amounts disclosed are listed in the following table.

Table 33: Net or gross proceeds from fundraising ventures and functions first half-yearly period 2023-24

| Political participant | Net or gross proceeds from fundraising ventures and functions |
|-------------------------|---|
| Political parties | \$612,698.34 |
| Elected members | \$63,423.00 |
| Candidates | \$0 |
| Groups | \$0 |
| Third-party campaigners | \$0 |
| Associated entities | \$0 |
| Total | \$676,121.34 |

The disclosures and amended disclosures received also included the payments made by candidates, elected members, and groups of candidates into a campaign account. The amounts disclosed are listed in the following table.

Table 34: Payments made by candidates, groups, and elected members into a campaign account first half-yearly period 2023-24

| Political participant | Payments made into a campaign account |
|-----------------------|---------------------------------------|
| Elected members | \$44,302.24 |
| Candidates | \$15,000.00 |
| Groups | \$0 |
| Total | \$59,302.24 |

Note: the disclosure of payments into a campaign account only applies where a party agent is not the person responsible to disclose on behalf of an elected member, candidate, or group.

Disclosures received for past periods

During 2023-24, 856 disclosures and 187 amended disclosures were received for prior disclosure periods as shown in the following table. Amended disclosures are generally received because of findings through a compliance audit.

Table 35: Disclosures received during 2023-24 for past disclosure periods

| Political participant | Annual period 2019-20 | 1st half yearly 2019-20 | 2nd half-yearly 2019-20 | Annual period 2020-21 | 1st half-yearly 2020-21 | 2nd half yearly 2020-21 | Annual period 2021-22 | 1st half yearly 2021-22 | 2nd half yearly 2021-22 | 1st half yearly 2022-23 | Pre-election period 2023 NSW State Election |
|--------------------------------|-----------------------|-------------------------|-------------------------|-----------------------|-------------------------|-------------------------|-----------------------|-------------------------|-------------------------|-------------------------|---|
| Candidate | 0 | 0 | 0 | 18 | 1 | 10 | 272 | 64 | 195 | 10 | 2 |
| Elected Member | 4 | 6 | 10 | 12 | 6 | 5 | 147 | 33 | 77 | 86 | 0 |
| Group of Candidates | 0 | 0 | 0 | 3 | 0 | 3 | 68 | 8 | 35 | 0 | 0 |
| Major Political Donor | 2 | NA | NA | 5 | NA | NA | 50 | NA | NA | NA | NA |
| Major Political Donor - Entity | 0 | NA | NA | 2 | NA | NA | 33 | NA | NA | NA | NA |
| Political Party | 0 | 0 | 0 | 1 | 0 | 0 | 5 | 0 | 3 | 6 | 0 |
| Third-Party Campaigner | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 |
| Total | 6 | 6 | 10 | 41 | 7 | 18 | 575 | 105 | 310 | 105 | 2 |

Table 36: Amended disclosures received during 2023-24 for past disclosure periods

| Political participant | Annual period 2019-20 | 1st half yearly 2019-20 | 2nd half yearly 2019-20 | Annual period 2020-21 | 1st half yearly 2020-21 | 2nd half yearly 2020-21 | Annual period 2021-22 | 1st half yearly 2021-22 | 2nd half yearly 2021-22 | 1st half yearly 2022-23 | Pre-election period 2023 NSW State Election |
|------------------------|-----------------------|-------------------------|-------------------------|-----------------------|-------------------------|-------------------------|-----------------------|-------------------------|-------------------------|-------------------------|---|
| Candidate | 0 | 0 | 0 | 2 | 0 | 1 | 17 | 76 | 12 | 3 | 9 |
| Elected Member | 0 | 0 | 1 | 0 | 0 | 1 | 10 | 7 | 3 | 19 | 5 |
| Group of Candidates | 0 | 0 | 0 | 0 | 0 | 1 | 29 | 32 | 7 | 0 | 0 |
| Major Political Donor | 0 | 0 | 0 | 1 | 0 | 0 | 19 | 0 | 0 | 0 | 0 |
| Political Party | 0 | 0 | 1 | 1 | 1 | 2 | 0 | 3 | 3 | 2 | 10 |
| Third-party Campaigner | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 |
| Total | 0 | 0 | 2 | 4 | 1 | 5 | 75 | 118 | 25 | 26 | 24 |

Obligations of registered parties and senior office holders

The Electoral Funding Act imposes certain governance and accountability requirements on registered political parties.

Audited annual financial statements of registered parties

The Electoral Funding Act requires parties that are registered for state elections to provide the Electoral Commission with copies of their audited annual financial statements. The annual financial statements must be prepared in accordance with the Australian Auditing Standards. The annual financial statements are used as part of the audit and compliance program to ensure parties are complying with the disclosure and public funding requirements of the Electoral Funding Act.

A registered party is not entitled to receive public funding payments if the latest copy of the party's audited annual financial statements has not been lodged. The Electoral Commission is authorised to waive this requirement for parties that are not eligible to receive public funding or where the cost of compliance is unreasonable. The Electoral Commission has waived this requirement for parties that were not entitled to receive public funding payments during the financial year to which the financial statements relate.

During 2023-24, the audited annual financial statements were due to be received by 20 October 2023. Of the 15 parties registered for state elections at that time, 12 provided copies of the audited annual financial statements and three parties did not provide copies of the statements, of which two applied for public funding. In accordance with the Electoral Funding Act, public funding payments were withheld from these two parties until they complied.

Senior office holders of registered parties

A senior office holder of a party is a person involved in the management or control of the party or the operations of the party. Senior office holders have a duty under the Electoral Funding Act to report to the Electoral Commission any conduct in connection with the party that the office holder knows or reasonably believes constitutes a contravention of the Act. This applies to senior office holders of parties registered for state elections and parties registered for local government elections.

A registered party is not eligible to receive public funding payments unless it provides the Electoral Commission with a list of senior office holders, their roles, and responsibilities. The NSW Electoral Commission must be notified as and when senior office holders change or the roles and responsibilities of a senior office holder changes.

During 2023-24 the registered parties that received public funding payments had all provided a list of senior office holders. The lists are published on the Electoral Commission's website. The Electoral Commission was notified on 52 occasions of changes to senior office holder lists for 14 political parties. No public funding payments were withheld or delayed due to a party not providing a senior office holders list or not notifying the Electoral Commission of changes to a senior office holders list.

Public funding

The Electoral Funding Act provides for three schemes where public funds may be approved by the Electoral Commission for payment to eligible political parties, candidates and members of the NSW Parliament. These are the:

- Election Campaigns Fund – which provides payments to eligible parties and candidates for electoral expenditure incurred at a state election
- Administration Fund – which provides payments to eligible parties and independent members of the NSW Parliament for administrative expenditure incurred
- New Parties Fund – which provides payments to eligible parties for policy development expenditure incurred.

Each scheme sets out criteria that determines eligibility to receive payments, the way claims for funding must be made and the rules for assessing the amount a claimant is entitled to receive. Information about public funding claims is published and updated on the Electoral Commission's [website](https://elections.nsw.gov.au/about-us/reports/public-funding-claims-and-payments) (https://elections.nsw.gov.au/about-us/reports/public-funding-claims-and-payments), in accordance with the legislation.

One of the objects of the Electoral Funding Act is to provide for the effective administration of public funding of elections, recognising the importance of the appropriate use of public money for that purpose. To support this objective the Electoral Commission audits claims, and claimants are required to respond to requests for information and provide documents to support the audit process.

A risk-based audit is conducted for each claim. A risk-based audit may include auditing a sample of expenditure included in a claim. A risk profile is determined for each claimant based on the likelihood and consequence of potential incidents including unauthorised expenditure in a claim.

Each scheme reimburses claimants for expenditure incurred. In some cases, payments are made in advance where claimants subsequently provide evidence of expenditure incurred. Any excess amounts paid to claimants are payable back to New South Wales consolidated revenue.

The Electoral Commission is authorised under the legislation to withhold payments where a claimant has not met the disclosure requirements for political donations or electoral expenditure or where a party has not provided the Electoral Commission with a copy of its audited annual financial statements or an up-to-date list of senior office holders.

The Electoral Commission is authorised under the legislation to disallow items of expenditure included in a claim under certain circumstances, including if expenditure is not eligible to be included in a claim.

During the reporting year, Funding and Disclosure Online functions were expanded to include public funding, and eligible candidates, members of Parliament and parties were able to apply for and track public funding claims through Funding and Disclosure Online from November 2023.

Section 153 (1) of the Electoral Funding Act provides for the Electoral Commission to extend the time for doing anything under the Act, if it is satisfied there is a proper reason to justifying the extension. During 2023-24, the Electoral Commission extended the time for lodging a claim from the Election Campaigns Fund in four cases under section 153(1). No extensions were requested for lodging a claim from the Administration Fund or the New Parties Fund.

Election Campaigns Fund

The purpose of the Election Campaigns Fund is to reimburse eligible political parties and candidates for electoral expenditure incurred in connection with a state election. Electoral expenditure is expenditure that promotes or opposes a party or candidate or influences the vote at an election. Electoral expenditure is capped in the lead-up to a state election, which means parties and candidates can only spend within the applicable cap amount.

Provisions for the Electoral Campaigns Fund were altered ahead of the 2023 NSW State election by the *Electoral Legislation Amendment Act 2022* increasing the advance payments that a party can receive from the Election Campaigns Fund before a State general election from 50 per cent to 75 per cent of the party's entitlement for the previous State general election.

During the 2023-24 financial year, payments totalling \$1,097,509.47 were made to 33 candidates, and payments totalling \$5,584,547.87 were made to six parties in connection with the 2023 NSW State Election. The balance of payments in connection with the 2023 NSW State Election were made in the 2022-23 financial year. Copies of claims for payment received and payments and repayments made are published on the Electoral Commission's [website](https://elections.nsw.gov.au/about-us/reports/public-funding-claims-and-payments) (<https://elections.nsw.gov.au/about-us/reports/public-funding-claims-and-payments>).

Administration Fund

The purpose of the Administration Fund is to reimburse eligible political parties and independent members of the NSW Parliament for administrative and operating expenditure incurred. The legislation was amended towards the end of the reporting year. The amendment addressed the definition of administrative expenditure under section 84 of the Electoral Funding Act. It also created a regulation making power to add new types of expenditure to the definition of Administrative Expenditure. The change is retroactive to 1 April 2023 and the Electoral Commission is assessing the impact and whether those affected resubmit their previous claims from the relevant period.

Parties and elected members must meet certain criteria to be eligible to receive payments from the fund. This includes that a party is registered for state elections and Members of Parliament are endorsed by the party. A Member of Parliament is eligible to receive payments from the fund only if the elected member was not endorsed by a party at the election in which the elected member was last elected and continues not to be endorsed by a party.

The fund operates on a calendar-year basis where eligible parties and elected members have a maximum amount payable each quarter and a claim for quarterly payment may be made following the end of a quarter. The maximum amount payable to an eligible party is based on the number of endorsed elected members of the party. The maximum amounts payable are adjusted for inflation each calendar year. If an eligible party or elected member claims expenditure more than the maximum amount payable, the amount payable to the eligible party or elected member cannot exceed the maximum amount payable. Excess amounts of expenditure can be carried over to the following quarter in the calendar year.

Eligible parties and elected members are entitled to claim an advance payment at the beginning of each quarter. A quarterly advance payment is equal to 100 per cent of what the eligible party or elected member would be entitled to claim in relation to the quarter once the quarter has ended. Quarterly advance payments are made on the first business day of each quarter. Claims for quarterly payment must be made within three months of the end of a quarter.

Quarterly payments must be made by the Electoral Commission within 30 days of receiving a claim for payment, declaration of expenditure and the required supporting documentation in relation to the expenditure included in the claim. An advance payment made to a party or elected member is deducted from the quarterly amount payable.

If a party or elected member receives by way of an advance payment or quarterly payment more than the amount the party or elected member is entitled to receive the excess amount must be repaid.

Payments made with respect to expenditure incurred in the second half of the 2023 calendar year are shown in the following table. The Electoral Commission paid over \$8.3 million from the Administration Fund to nine eligible parties and nine eligible independent elected members during this period. Copies of claims for payment received and payments and repayments made are published on the Electoral Commission's [website](https://elections.nsw.gov.au/about-us/reports/public-funding-claims-and-payments) (<https://elections.nsw.gov.au/about-us/reports/public-funding-claims-and-payments>) and in the following table.

Table 37: Administration Fund amounts paid for administrative expenditure incurred during 1 July to 31 December 2023

| Name of party or MP | Quarterly maximum amount* | Payment Type | Status | Amount | Date of payment/ Repayment |
|-------------------------------------|---------------------------|-----------------------|--------|--------------|----------------------------|
| Alexander Greenwich | \$64,900.00 | 3rd quarterly advance | Paid | \$64,900.00 | 3/07/2023 |
| | \$64,900.00 | 4th quarterly advance | Paid | \$64,900.00 | 3/10/2023 |
| Animal Justice Party | \$100,400.00 | 2nd quarterly claim | Repaid | \$71,500.00 | 3/07/2023 |
| | \$100,400.00 | 3rd quarterly advance | Paid | \$100,400.00 | 3/07/2023 |
| | \$100,400.00 | 4th quarterly advance | Paid | \$100,400.00 | 3/10/2023 |
| Australian Labor Party (NSW Branch) | \$973,700.00 | 3rd quarterly advance | Paid | \$973,700.00 | 3/07/2023 |
| | \$973,700.00 | 4th quarterly advance | Paid | \$973,700.00 | 3/10/2023 |

| Name of party or MP | Quarterly maximum amount* | Payment Type | Status | Amount | Date of payment/Repayment |
|--|---------------------------|-----------------------|--------|--------------|---------------------------|
| Gareth Ward | \$64,900.00 | 2nd quarterly claim | Paid | \$21,261.22 | 3/10/2023 |
| | | 2nd quarterly claim** | Paid | \$43,638.78 | 11/01/2024 |
| | \$64,900.00 | 3rd quarterly advance | Paid | \$64,900.00 | 3/07/2023 |
| | \$64,900.00 | 4th quarterly advance | Paid | \$64,900.00 | 3/10/2023 |
| Gregory Piper | \$64,900.00 | 1st quarterly claim | Repaid | \$13,779.40 | 11/07/2023 |
| | \$64,900.00 | 3rd quarterly advance | Paid | \$64,900.00 | 3/07/2023 |
| | | 3rd quarterly claim | Paid | \$4,394.20 | 7/02/2024 |
| | \$64,900.00 | 4th quarterly advance | Paid | \$64,900.00 | 3/10/2023 |
| | | 4th quarterly claim | Paid | \$6,531.09 | 4/04/2024 |
| Helen Dalton | \$64,900.00 | 2nd quarterly claim | Paid | \$26,438.50 | 21/12/2023 |
| | \$64,900.00 | 3rd quarterly advance | Paid | \$64,900.00 | 3/07/2023 |
| | \$64,900.00 | 4th quarterly advance | Paid | \$64,900.00 | 3/10/2023 |
| Joseph McGirr | \$64,900.00 | 1st quarterly claim | Repaid | \$45,095.60 | 24/08/2023 |
| | \$64,900.00 | 3rd quarterly advance | Paid | \$64,900.00 | 3/07/2023 |
| | \$64,900.00 | 4th quarterly advance | Paid | \$64,900.00 | 3/10/2023 |
| Judy Hannan | \$64,900.00 | 2nd quarterly claim | Paid | \$64,900.00 | 11/01/2024 |
| | \$64,900.00 | 3rd quarterly advance | Paid | \$64,900.00 | 3/07/2023 |
| | \$64,900.00 | 4th quarterly advance | Paid | \$64,900.00 | 3/10/2023 |
| Libertarian Party (formerly Liberal Democrats) | \$100,400.00 | 2nd quarterly claim | Paid | \$30,438.37 | 18/01/2024 |
| | \$100,400.00 | 3rd quarterly advance | Paid | \$100,400.00 | 3/07/2023 |
| | \$100,400.00 | 4th quarterly advance | Paid | \$100,400.00 | 3/10/2023 |
| Legalise Cannabis NSW Party | \$100,400.00 | 2nd quarterly claim | Paid | \$40,880.00 | 14/12/2023 |
| | | 3rd quarterly advance | Paid | \$100,400.00 | 3/07/2023 |
| | \$100,400.00 | 3rd quarterly claim | Repaid | \$15,096.76 | 2/04/2024 |
| | | 4th quarterly advance | Paid | \$100,400.00 | 3/10/2023 |
| | | 4th quarterly claim | Paid | \$14,996.66 | 6/06/2024 |
| The Liberal Party of Australia, NSW Division | \$973,700.00 | 3rd quarterly advance | Paid | \$973,700.00 | 3/07/2023 |
| | \$973,700.00 | 4th quarterly advance | Paid | \$973,700.00 | 3/10/2023 |
| Michael Regan | \$64,900.00 | 2nd quarterly claim | Paid | \$60,632.64 | 17/08/2023 |
| | | 2nd quarterly claim** | Paid | \$4,267.36 | 21/12/2023 |

| Name of party or MP | Quarterly maximum amount* | Payment Type | Status | Amount | Date of payment/ Repayment |
|--|---------------------------|-----------------------|--------|-----------------------|----------------------------|
| | \$64,900.00 | 3rd quarterly advance | Paid | \$64,900.00 | 3/07/2023 |
| | \$64,900.00 | 4th quarterly advance | Paid | \$64,900.00 | 3/10/2023 |
| National Party of Australia – NSW | \$663,200.00 | 2nd quarterly claim | Repaid | \$69,000.00 | 3/07/2023 |
| | \$663,200.00 | 3rd quarterly advance | Paid | \$663,200.00 | 3/07/2023 |
| | \$663,200.00 | 4th quarterly advance | Paid | \$663,200.00 | 3/10/2023 |
| Pauline Hanson's One Nation | \$171,900.00 | 1st quarterly claim | Repaid | \$89,255.82 | 29/08/2023 |
| | \$214,700.00 | 2nd quarterly claim | Repaid | \$44,254.37 | 18/01/2024 |
| | \$100,400.00 | 3rd quarterly advance | Paid | \$214,700.00 | 3/07/2023 |
| | | 3rd quarterly claim | Repaid | \$99,106.69 | 2/04/2024 |
| | \$100,400.00 | 4th quarterly advance | Paid | \$100,400.00 | 3/10/2023 |
| Philip Donato | \$64,900.00 | 2nd quarterly claim | Paid | \$62,748.27 | 3/10/2023 |
| | | 2nd quarterly claim** | Paid | \$2,151.73 | 21/12/2023 |
| | \$64,900.00 | 3rd quarterly advance | Paid | \$64,900.00 | 3/07/2023 |
| | \$64,900.00 | 4th quarterly advance | Paid | \$64,900.00 | 3/10/2023 |
| Roy Butler | \$64,900.00 | 2nd quarterly claim | Paid | \$29,833.05 | 11/01/2024 |
| | \$64,900.00 | 3rd quarterly advance | Paid | \$64,900.00 | 3/07/2023 |
| | \$64,900.00 | 4th quarterly advance | Paid | \$64,900.00 | 3/10/2023 |
| Shooters, Fishers and Farmers Party (NSW) Incorporated | \$171,900.00 | 1st quarterly claim | Repaid | \$50,444.37 | 15/09/2023 |
| | \$171,900.00 | 2nd quarterly claim | Paid | \$27,126.78 | 15/09/2023 |
| | \$171,900.00 | 3rd quarterly advance | Paid | \$171,900.00 | 3/07/2023 |
| | | 3rd quarterly claim | Paid | \$23,317.59 | 20/12/2023 |
| | \$171,900.00 | 4th quarterly advance | Paid | \$171,900.00 | 3/10/2023 |
| The Greens NSW | \$318,200.00 | 1st quarterly claim | Repaid | \$82,774.54 | 19/09/2023 |
| | \$352,700.00 | 2nd quarterly claim | Paid | \$117,274.54 | 16/11/2023 |
| | \$352,700.00 | 3rd quarterly advance | Paid | \$352,700.00 | 3/07/2023 |
| | \$352,700.00 | 4th quarterly advance | Paid | \$352,700.00 | 3/10/2023 |
| Total of all payments | | | | \$8,356,623.23 | |

*Estimated maximum amount – may be different when eligibility is determined.

** Supplementary payments

During the first half of the 2024 calendar year, the Electoral Commission paid over \$8.7 million from the Administration Fund to nine eligible parties and nine eligible independent elected members. Copies of claims for payment received and payments and repayments made are published on the Electoral Commission's [website](#) and in the following table.

Table 38: Administration Fund amounts paid for administrative expenditure incurred from 1 January to 31 June 2024

| Name of MP or Party | Quarterly maximum amount* | Payment Type | Status | Amount | Date of payment/Repayment |
|--|---------------------------|-----------------------|--------|----------------|---------------------------|
| Alexander Greenwich | \$68,600.00 | 1st quarterly advance | Paid | \$68,600.00 | 2/01/2024 |
| | \$68,600.00 | 2nd quarterly advance | Paid | \$68,600.00 | 2/04/2024 |
| Animal Justice Party | \$106,100.00 | 1st quarterly advance | Paid | \$106,100.00 | 2/01/2024 |
| | \$106,100.00 | 2nd quarterly advance | Paid | \$106,100.00 | 2/04/2024 |
| Australian Labor Party (NSW Branch) | \$1,029,800.00 | 1st quarterly advance | Paid | \$1,029,800.00 | 2/01/2024 |
| | \$1,029,800.00 | 2nd quarterly advance | Paid | \$1,029,800.00 | 2/04/2024 |
| Gareth Ward | \$68,600.00 | 1st quarterly advance | Paid | \$68,600.00 | 2/01/2024 |
| | \$68,600.00 | 2nd quarterly advance | Paid | \$68,600.00 | 2/04/2024 |
| Gregory Piper | \$68,600.00 | 1st quarterly advance | Paid | \$68,600.00 | 2/01/2024 |
| | \$68,600.00 | 2nd quarterly advance | Paid | \$68,600.00 | 2/04/2024 |
| Helen Dalton | \$68,600.00 | 1st quarterly advance | Paid | \$68,600.00 | 2/01/2024 |
| | \$68,600.00 | 2nd quarterly advance | Paid | \$68,600.00 | 2/04/2024 |
| Joseph McGirr | \$68,600.00 | 1st quarterly advance | Paid | \$68,600.00 | 2/01/2024 |
| | \$68,600.00 | 2nd quarterly advance | Paid | \$68,600.00 | 2/04/2024 |
| Judy Hannan | \$68,600.00 | 1st quarterly advance | Paid | \$68,600.00 | 2/01/2024 |
| | \$68,600.00 | 2nd quarterly advance | Paid | \$68,600.00 | 2/04/2024 |
| Libertarian Party (Formerly Liberal Democrats) | \$106,100.00 | 1st quarterly advance | Paid | \$106,100.00 | 2/01/2024 |
| | \$106,100.00 | 2nd quarterly advance | Paid | \$106,100.00 | 2/04/2024 |
| Legalise Cannabis NSW Party | \$106,100.00 | 1st quarterly advance | Paid | \$106,100.00 | 2/01/2024 |
| | \$106,100.00 | 2nd quarterly advance | Paid | \$106,100.00 | 2/04/2024 |
| The Liberal Party of Australia, NSW Division | \$1,029,800.00 | 1st quarterly advance | Paid | \$1,029,800.00 | 2/01/2024 |
| | \$1,029,800.00 | 2nd quarterly advance | Paid | \$1,029,800.00 | 2/04/2024 |
| Michael Regan | \$68,600.00 | 1st quarterly advance | Paid | \$68,600.00 | 2/01/2024 |
| | \$68,600.00 | 2nd quarterly advance | Paid | \$68,600.00 | 2/04/2024 |
| National Party of Australia - NSW | \$701,300.00 | 1st quarterly advance | Paid | \$701,300.00 | 2/01/2024 |
| | \$701,300.00 | 2nd quarterly advance | Paid | \$701,300.00 | 2/04/2024 |
| | \$106,100.00 | 1st quarterly advance | Paid | \$106,100.00 | 2/01/2024 |

| Name of MP or Party | Quarterly maximum amount* | Payment Type | Status | Amount | Date of payment/ Repayment |
|--|---------------------------|-----------------------|--------|-----------------------|----------------------------|
| Pauline Hanson's One Nation | \$106,100.00 | 2nd quarterly advance | Paid | \$106,100.00 | 2/04/2024 |
| Philip Donato | \$68,600.00 | 1st quarterly advance | Paid | \$68,600.00 | 2/01/2024 |
| | \$68,600.00 | 2nd quarterly advance | Paid | \$68,600.00 | 2/04/2024 |
| Roy Butler | \$68,600.00 | 1st quarterly advance | Paid | \$68,600.00 | 2/01/2024 |
| | \$68,600.00 | 2nd quarterly advance | Paid | \$68,600.00 | 2/04/2024 |
| Shooters, Fishers and Farmers Party (NSW) Incorporated | \$181,600.00 | 1st quarterly advance | Paid | \$181,600.00 | 2/01/2024 |
| | \$181,600.00 | 2nd quarterly advance | Paid | \$181,600.00 | 2/04/2024 |
| The Greens NSW | \$372,800.00 | 1st quarterly advance | Paid | \$372,800.00 | 2/01/2024 |
| | \$372,800.00 | 2nd quarterly advance | Paid | \$372,800.00 | 2/04/2024 |
| Total of all payments: | | | | \$8,714,200.00 | |

New Parties Fund

The purpose of the New Parties Fund is to reimburse eligible political parties for policy development expenditure incurred. Policy development expenditure includes:

- expenditure on providing information to the public or a section of the public about the eligible party
- expenditure for conferences, seminars, meetings, or similar functions at which the policies of the eligible party are discussed or formulated
- expenditure on providing information to members and supporters of the eligible party
- expenditure in respect of the audit of the financial accounts of the eligible party
- expenditure on the reasonable remuneration of staff engaged in the above activities for the eligible party (being the proportion of that remuneration that relates to the time spent on those activities)
- reasonable expenditure on equipment or vehicles used for the purposes of the above activities (being the proportion of the cost of their acquisition and operation that relates to the use of the equipment or vehicles for those activities)
- expenditure on office accommodation for the above staff and equipment
- expenditure on interest payments on loans.

Policy development expenditure does not include:

- electoral expenditure incurred outside the capped expenditure period for a state election
- expenditure incurred substantially in respect of operations or activities that relate to the election of members to a Parliament other than the NSW Parliament
- expenditure prescribed by the Electoral Funding Regulation.

Parties must meet the criteria to be eligible to receive payments from the fund. This includes that a party is registered for state elections, the Electoral Commission is satisfied the party operates as a genuine party and the party is not eligible to receive payments from the Administration Fund.

A claim for payment can now only include actual policy development expenditure incurred by a party in the relevant financial year. Eligible parties are not entitled to be reimbursed more than the amount of policy development expenditure incurred and the amount payable is subject to a cap called a 'maximum amount payable'.

The maximum amounts payable to an eligible party are based on the number of first preference votes received by the party's endorsed candidates at the previous NSW State general election. The maximum amounts payable are adjusted for inflation each financial year. If an eligible party claims expenditure more than the maximum amount payable, the amount payable to the eligible party cannot exceed the maximum amount payable. The maximum amounts payable for the 2023-24 financial year and the 2024-25 financial year, are published on the Electoral Commission's [website](https://www.elections.nsw.gov.au/Funding-and-disclosure/Public-funding/New-Parties-Fund) (<https://www.elections.nsw.gov.au/Funding-and-disclosure/Public-funding/New-Parties-Fund>).

After a financial year has ended, an eligible party is entitled to claim a payment for expenditure incurred in that year. Claims for payment must be made within six months of the end of a financial year. Payments must be made by the Electoral Commission within 30 days of receiving a claim for payment, declaration of expenditure and the required supporting documentation in relation to the expenditure included in the claim.

The Electoral Commission paid \$37,906.51 from the New Parties Fund to two eligible parties during 2023-24 financial year. The payments were made in relation to expenditure incurred by the parties between 1 July 2022 to 30 June 2023. Copies of claims for payment received and payments made are published on the Electoral Commission's [website](https://www.elections.nsw.gov.au/Funding-and-disclosure/Public-funding/New-Parties-Fund). One eligible party lodged a late claim with an extension of time to lodge the claim for payment for expenditure incurred in 2022-23 which was to be paid in the 2024-25 financial year and three eligible parties did not lodge a claim for payment for expenditure incurred in 2022-23.

Table 39: New Parties Fund amounts paid during the 2023-24 reporting year

| Name of party | Maximum amount | Status | Amount Paid | Date of Payment |
|-------------------------------|----------------|--------|---------------------|-----------------|
| Public Education Party | \$29,004.75 | Paid | \$24,241.31 | 19/09/2024 |
| Socialist Alliance | \$13,890 | Paid | \$13,665.20 | 25/07/2024 |
| Total of all payments: | | | \$ 37,906.51 | |

Note: not all eligible parties submitted a claim from the New Parties Fund.

Public funding payments not made

If at the time a payment is due to be made, a party, elected member or candidate has any outstanding disclosures of political donations or electoral expenditure, or, in the case of a party, the party has not provided us with copies of its audited annual financial statements, they are ineligible to receive public funding payments. In some instances, the Electoral Commission delayed making payments to political participants until they lodged an outstanding disclosure, however those payments were ultimately made when the participants complied with their obligations.

Repayments of public funding

The Electoral Commission is authorised to recover any excess public funding amounts paid to a party, candidate, or elected member. This generally occurs where the amount of expenditure actually incurred by an elected member or a party in a period is less than the amount paid in advance.

There were ten repayments to the Administration Fund during the 2023-24 financial year totalling \$580,307.55, three repayments to the Election Campaigns Fund during 2023-24 financial year totalling \$282,455.50, and no repayments to the New Parties Fund. Repayments of public funding made during 2023-24 are set out in the following table.

Table 40: Repayments of public funding made during 2023-24

| Fund | Party, elected member or candidate | Amount repaid | Repayment date |
|-------------------------|------------------------------------|---------------|----------------|
| Administration Fund | Animal Justice Party | \$71,500.00 | 03/07/2023 |
| Election Campaigns Fund | Animal Justice Party | \$51,001.01 | 3/07/2023 |
| Administration Fund | Gregory Piper | 13,779.40 | 11/07/2023 |
| Administration Fund | Joseph McGirr | \$45,095.60 | 24/08/2023 |
| Administration Fund | Legalise Cannabis Party | \$15,096.76 | 2/04/2024 |

| Fund | Party, elected member or candidate | Amount repaid | Repayment date |
|----------------------------|--|---------------------|----------------|
| Administration Fund | National Party of Australia | \$69,00.00 | 3/07/2023 |
| Administration Fund | Pauline Hanson's One Nation | \$89,255.82 | 29/08/2023 |
| Administration Fund | Pauline Hanson's One Nation | \$44,254.37 | 18/01/2024 |
| Administration Fund | Pauline Hanson's One Nation | \$99,106.69 | 2/04/2024 |
| Election Campaigns Fund | Pauline Hanson's One Nation | \$1,353.10 | 23/10/2023 |
| Administration Fund | Shooters, Fishers and Farmers Party (NSW) Incorporated | \$50,444.37 | 15/09/2023 |
| Election Campaigns Fund | Shooters, Fishers and Farmers Party (NSW) Incorporated | \$230,101.39 | 5/07/2023 |
| Administration Fund | The Greens | \$82,774.54 | 19/09/2023 |
| Total amount repaid | | \$862,763.05 | |

Compliance and enforcement

The Electoral Commission is responsible for the monitoring and enforcement of compliance with New South Wales electoral, electoral funding and lobbying laws.

The Electoral Commission is required to report statistical information each year to the NSW Parliament about the use of its enforcement powers. These include issuing statutory notices to require the provision of documents or information or require a person to attend an interview and to be subject to an inspection.

During 2023-24, the Electoral Commission continued to regulate and enforce the Electoral Act and the Electoral Funding Act and, the now repealed, *Election Funding, Expenditure and Disclosures Act 1981*, for breaches of the legislation that occurred in relation to electoral funding obligations before 1 July 2018.

Additionally, the Electoral Commission regulated and enforced matters under the *Local Government Act 1993* (electoral provisions only) and the Lobbying of Government Officials Act.

The Electoral Commission seeks to detect, review and investigate potential non-compliance, initiating enforcement actions as appropriate and operate in accordance with key policies and procedures including the following that are published on the Electoral Commission's website:

- Compliance Audit Policy
- Compliance and Enforcement Policy
- Compliance and Enforcement Procedures
- Prosecution Policy
- Compliance and Enforcement Publication Policy.

Compliance framework

The Electoral Commission's compliance framework is structured around core audit and investigation capabilities with the work, processes and procedures supported by ongoing compliance and intelligence functions.

The Electoral Commission receives allegations of breaches of electoral and lobbying laws directly from members of the public, the media, political participants and other government agencies. Non-compliance with electoral funding and lobbying laws is also identified through compliance audits and other operational processes.

The Electoral Commission conducts compliance audits of parties, elected members, candidates, groups, third-party campaigners and associated entities to determine compliance with the requirements for political donations and electoral expenditure. Compliance reviews are undertaken of disclosures lodged by major political donors.

As part of the compliance audits the Electoral Commission audits disclosures of political donations and electoral expenditure. The Electoral Commission can also appoint a registered company auditor to undertake an audit of a disclosure on its behalf. During 2023-24, the Electoral Commission did not appoint any registered company auditors, relying instead on its own audit team.

A political party, elected member, group of candidates, candidate, third-party campaigner or associated entity must assist the Electoral Commission with the audit of a disclosure by complying with reasonable requests for information, explanations, financial and other records.

A compliance audit includes assessing compliance with all aspects of the laws that apply to political donations and electoral expenditure including the use and operation of campaign accounts and the registration of electoral participants for the purposes of accepting political donations and making payments for electoral expenditure.

Using a risk-based approach, the validity and completeness of disclosures is determined and supporting documentation such as financial records, invoices and receipts are verified.

Table 41: Compliance audits and reviews finalised and commenced for disclosures received during 2023-24

| Political participant | Audits finalised for the 12-month disclosure period ending 30 June 2022 | Audits finalised for the 12-month disclosure period ending 30 June 2023 | Audits commenced for the 12-month disclosure period ending 30 June 2023 | Audits to be started for the 12-month disclosure period ending 30 June 2023 |
|-------------------------|---|---|---|---|
| Political parties | 140 | 192 | 1 | 125 |
| Elected members | 4,948 | 4,138 | 5 | 530 |
| Candidates | 10,621 | 1,358 | 4 | 845 |
| Groups | 2,003 | 30 | 0 | 29 |
| Third-party campaigners | 95 | 135 | 10 | 64 |
| Associated entities | 12 | 12 | 0 | 0 |
| Major political donors | 808 | 794 | 33 | 630 |
| Total | 18,627 | 6,659 | 53 | 2,223 |

Where compliance issues including financial or factual anomalies are identified through a compliance audit or review, enforcement action may be taken including issuing warnings, cautions or penalty notices.

Compliance reviews are also conducted on registered third-party lobbyists and the Electoral Commission may issue warnings or suspend or cancel the registration of third-party lobbyist where there is a failure to comply with the Lobbying of Government Officials Act or the Lobbyists Code of Conduct.

In certain cases, a compliance matter may be referred to another NSW government agency. This may occur where the matter is not within the Electoral Commission's remit, or the Electoral Commission is required by law to refer a matter in the case of referrals to the Independent Commission Against Corruption.

Information management and case recording

All compliance and enforcement work undertaken by the Electoral Commission is recorded using systems designed for, and exclusively managed by, the Electoral Commission.

The Electoral Commission's Funding and Disclosure Management System (FADMS) is used to record and manage the audit of disclosures. The FADMS platform contains disclosure data inputted through the lodgement of disclosures and published to the Electoral Commission's website.

The Investigations Matter Management System (IMMS) is used to manage compliance reviews and investigations. IMMS ensures that cases can be tracked with workflows of actions, activities, and milestones.

Both FADMS and IMMS also store audit, high volume non-compliance, and investigation and intelligence data securely in the agency's records management system.

Compliance activities

Compliance operations for the June 2024 Northern Tablelands State by election

The Investigations team led a compliance operation involving field teams at the Northern Tablelands State by election held on 22 June 2024. More details about this compliance operation will be found in the election report to be published on the [website](#).

During the by-election, the Investigation team was available to respond to any compliance issue arising during early voting and on election day.

Focused reviews following compliance audits of disclosures

During 2023-24, investigators reviewed matters identified by the audit team arising from compliance audits where further review was warranted. These mostly related to suspected failures to:

- maintain a campaign account
- pay for electoral expenditure from the campaign account
- disclose reportable political donations or ensure donors are on the electoral roll
- provide required vouching to support the disclosure of political donations or electoral expenditure
- disclose electoral expenditure
- identify donations in breach of the donation caps
- provide receipts for donations, which include statements regarding the obligation of a donors to disclose.

In relation to the above matters, 71 warnings were issued as shown in the following table and no further action was taken in relation to a further 205 matters. A warning is issued to the person who was responsible for complying with the disclosure requirements.

Table 42: Warnings issued because of compliance audit referrals to the investigations team

| Political participant | Warnings issued |
|---|-----------------|
| Party agents | 6 |
| Official agents of third-party campaigners | 3 |
| Major political donors | 4 |
| Elected Members | 13 |
| Candidates | 26 |
| Lead Candidates of a Group of Candidates | 19 |
| Total warnings issued from compliance audits and reviews | 71 |

Other significant matters identified through a compliance audit (for example, accepting unlawful donations) that were subject to a full compliance review are included at Table 45.

Failure to lodge disclosures

It is an offence to fail to submit a disclosure by the due date. The Electoral Commission may issue penalties or prosecute a person who commits an offence in relation to a disclosure. The Electoral Commission manages, in accordance with an approved protocol, a measured process to encourage timely lodgement and penalise non-compliant behaviour. As an initial step, a 'first-level warning' is issued to a person or entity who failed to lodge a disclosure, after the due date has passed, giving them an opportunity to submit the disclosure. Warnings and cautions are also issued to persons who lodged after the due date.

Final enforcement decisions consider responses to the 'first-level warning' and any aggravating or mitigating circumstance around the alleged breach.

During 2022-23, the Investigations team worked on examining those who lodged a disclosure past the due date, or who had failed to lodge a disclosure. The following disclosure periods were examined:

- half-yearly political donations disclosures for the period 1 July 2022 to 31 December 2022, due 13 February 2023
- half-yearly political donation disclosures for the period 1 January 2023 to 30 June 2023, due 11 August 2023
- annual expenditure disclosures for the period 1 July 2022 to 30 June 2023, due 22 September 2023
- annual major political donors disclosure of reportable political donations for the period 1 July 2021 to 30 June 2022, due 28 July 2022

- annual major political donors disclosure of reportable political donations for the period 1 July 2022 to 30 June 2023, due 11 August 2023
- half-yearly political donations disclosures for the period 1 July 2023 to 31 December 2023, due 12 February 2024.

The following table shows the number of warnings issued through to enforcement actions taken in response to disclosures not lodged or not lodged by the due date. In these cases, the enforcement action is taken against the person responsible for submitting the disclosure. The examination of the 1st half-yearly disclosures for the period 1 July 2023 to 31 December 2023 continued beyond the reporting period.

Table 43: Enforcement actions in response to a failure to submit a disclosure by the due date

| Enforcement action | 1st half-yearly disclosures 2022-23 | 2nd half-yearly disclosures 2022-23 | Annual expenditure disclosures 2022-23 | Annual major political donors disclosure 2021-22 | Annual major political donors disclosure 2022-23 | 1st half-yearly disclosures 2023-24 | Total |
|-----------------------------|-------------------------------------|-------------------------------------|--|--|--|-------------------------------------|-------|
| Warning | 113 | 573 | 388 | 0 | 1,191 | 176 | 2,441 |
| Caution | 117 | 152 | 94 | 345 | 550 | 23 | 1,281 |
| Penalty Notice | 15 | 36 | 24 | 0 | 0 | 0 | 75 |
| Recommendation to prosecute | 2 | 3 | 3 | 0 | 0 | 0 | 8 |

Investigations

Reviews and investigations

During 2023-24, the Investigations team reviewed 144 new matters of potential breaches falling under the Electoral Commission's enforcement authority.

Electoral Funding Act

During 2023-24, the NSW Electoral Commission reviewed 58 new matters relating to potential breaches of the Electoral Funding Act. The breaches mainly concerned unlawful political donations.

Table 44: Outcomes of reviews and investigations conducted into breaches of the Electoral Funding Act

| Activity | Total | No further action | Warnings | Penalty Notice | Recovery of unlawful political donations | Prosecution | Ongoing |
|-----------------------|-------|-------------------|----------|----------------|--|-------------|---------|
| Review/ Investigation | 58 | 20 | 11 | 1 | 13 | 0 | 13 |

Electoral Act

During the 2023-24 period the NSW Electoral Commission reviewed 76 matters relating to potential breaches of the Electoral Act. Out of these 3 matters were linked to the 2024 Northern Tablelands State by election. Apart from the State by-election allegations, the Electoral Commission also reviewed potential cases of multiple voting arising from the 2023 State election, as well as matters concerning fail to vote incidents. A review or investigation into a failure to vote is only undertaken if the matter is not resolved through a separate penalty notice process and the alleged offender elected to have the matter heard by a court.

Table 45: Outcomes of reviews and investigations conducted into breaches of the Electoral Act

| Activity | Total | No further action | Warnings | Referral | Prosecutions | Ongoing | Failure to vote | Multiple voting |
|-----------------------|-------|-------------------|----------|----------|--------------|---------|-----------------|-----------------|
| Review/ Investigation | 76 | 6 | 5 | 1 | - | | 47 | 17 |

Local Government Act

During 2023-24 the NSW Electoral Commission reviewed seven matters relating to failing to vote at the 2021 Local Government elections. It is important to note that a review or investigation into a failure to vote is only undertaken if the matter is not resolved through a separate penalty notice process and the alleged offender elected to have the matter heard by a court.

Lobbying of Government Officials Act

Where breaches of the Lobbying of Government Officials Act occur, the registration of a third-party lobbyist may be suspended or cancelled, or the third-party lobbyist can be placed on a Watch list.

During the 2023-24 period the NSW Electoral Commission reviewed three matters relating to potential breaches of the Lobbying of Government Officials Act,

Table 46: Outcomes of reviews conducted into breaches of the Lobbying of Government Officials Act

| Activity | Total | No further action | Warnings | Cancelled Registration | Suspended | Ongoing |
|-----------------------|-------|-------------------|----------|------------------------|-----------|---------|
| Review/ Investigation | 3 | 1 | 1 | | | 1 |

Compliance Reviews are conducted following 31 January, 31 May, and 30 September to identify where a registered third-party lobbyist has not complied with the requirement to confirm the lobbyist's registered details are up to date.

Reviews are also undertaken where a registered third-party lobbyist has not appointed a responsible officer or where the responsible officer of a registered third-party lobbyist has not complied with the requirement to undertake the annual online training provided by the Electoral Commission.

During 2023-24 two registrations of a third-party lobbyist were suspended, one registration was cancelled for failure to confirm details and 85 registered third-party lobbyists received a warning. There were no third-party lobbyist placed on the Watch list.

During 2023-24, one matter was reviewed relating to a potential breach of the Lobbying of Government Officials Act. The review determined there was no need for any further action.

The following table shows the number of warnings, suspensions and cancellations during 2023-24 due to a breach of the Lobbying of Government Officials Act or Lobbyists Code of Conduct.

Details of the decisions made by the Electoral Commission in relation to the suspension or cancellation of registrations of third-party lobbyists are published on the Electoral Commission's [website](#).

Table 47: Enforcement actions taken in relation to third-party lobbyists for breaches of the Act or the Lobbyists Code of Conduct 2023-24

| Warnings issued | Suspension of registration | Cancellation of registration |
|-----------------|----------------------------|------------------------------|
| 85 | 2 | 1 |

Use of powers of compulsion

Under the Electoral Funding Act, the Electoral Commission and its appointed inspectors have the authority to issue notices for the provision of information, documents, or attendance for questioning. These powers empower the inspectors with the Investigation Team to carry out investigations.

Moreover, the Electoral Commission's enforcement powers extend beyond the Electoral Funding Act to include potential breaches of the Electoral Act, the Lobbying of Government Officials Act, electoral provisions of the Local Government Act as well as matters previously governed by the now repealed Parliamentary Electorates and Elections Act and Election Funding, Expenditure and Disclosures Act.

The Electoral Funding Act also grants inspectors appointed by the Electoral Commission the right to enter premises and inspect documents to determine whether any contraventions of the Electoral Funding Act have occurred. During the 2023-24 period no inspections were conducted.

Table 48: The following table shows the number of notices issued under section 138 of the Electoral Funding Act

| Notice type | Purpose | Number issued |
|--------------------------------|------------------------------------|---------------|
| s.138(a) Electoral Funding Act | Require information | 36 |
| s.138(b) Electoral Funding Act | Require the provision of documents | 21 |
| s.138(c) Electoral Funding Act | Answer questions | 13 |
| s.138(d) Electoral Funding Act | Attend interview | 1 |
| Total | | 71 |

Recovery of unlawful political donations and electoral expenditure incurred in excess of an applicable expenditure cap

The Electoral Commission is authorised under the Electoral Funding Act to recover the value of unlawful political donations and electoral expenditure incurred in excess of an applicable expenditure cap and pay these amounts to the State.

In the 2023-24 period, 13 matters led to the recovery of unlawful political donations totalling \$23,568.03. These donations were considered unlawful as they were received from a prohibited donor; exceeded the applicable political cap or were an unlawful campaign contribution. There were no compliance cases during this period where the value of electoral expenditure in excess of an expenditure cap was recovered.

Table 49: Recovery of unlawful political donations

| Political participant | Number | Total value |
|-----------------------|--------|--------------------|
| Political party | 12 | \$22,568.03 |
| Candidate | 1 | \$1,000.00 |
| Total | | \$23,568.03 |

Compliance agreements

Compliance agreements are a tool for remedying and/or avoiding breaches of electoral funding laws by way of a set of agreed actions between a duty-holder and the Electoral Commission. During 2023-24 no new agreements was entered into and the Electoral Commission continued to monitor, as required, compliance with agreements entered into in previous years.

Penalty notices issued in accordance with the *Fines Act* and internal review of decisions

During the year, 31 penalty notices were issued by authorised officers of the Electoral Commission for breaches of the Electoral Funding Act.

Table 50: Penalty notices issued for apparent breaches of the Electoral Funding Act

| Breach | Penalty Amount | Number of penalty notices issued |
|---|----------------|----------------------------------|
| Failure to lodge a disclosure by a party agent – s.141(1) | \$2,750 | 1 |
| Lodgement of an incomplete disclosure by a party agent – s.141(2) | \$2,750 | 1 |
| Failure to lodge a disclosure by anyone other than a party agent – s.141(1) | \$1,100 | 74 |
| Making payments for electoral expenditure while not registered as a TPC | \$1,100 | 1 |
| Total | | 77 |

In accordance with the *Fines Act* a person can apply for a review of the decision to issue a penalty notice. Reviews of penalty notice decisions issued under the Electoral Funding Act are conducted by authorised officers of the Electoral Commission. In the reporting period, the Electoral Commission received 25 applications to conduct an internal review of its decision to issue a penalty notice. In 12 instances the outcome of the review was for the penalty to stand, and 10 penalty notices were withdrawn. Determinations on three applications continued into the next reporting period.

Litigation

Failure to vote proceedings commenced in 2022-23

During 2022-23, the Electoral Commission commenced proceedings in relation to 71 electors who appeared to have failed to vote at the local government elections held on 4 December 2021 and who elected to have the matter heard by a court. Thirty-six of these matters concluded in 2023, while 34 more were finalised in 2023-24. The remaining matter is ongoing.

Of the 34 matters concluded in 2023-24, ten were withdrawn in line with the Prosecution Policy of the Electoral Commission. Two matters were dismissed by the Court on the basis that the reason provided for the failure to vote was a sufficient reason for not voting. The remaining 22 matters were concluded, with court outcomes ranging from a conviction and imposition of a fine (up to the maximum penalty of \$110) to an order dismissing the charge in accordance with section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999* whereby the offence has been proven but no conviction recorded.

The proceedings in relation to one failure to vote matter at the Tenterfield Local Government by-election held on 26 February 2022 and one at the Strathfield State by-election held on 12 February 2022 were withdrawn in accordance with the Prosecution Policy of the Electoral Commission.

The proceedings in respect of two failure to vote matters at the Willoughby State by-election held on 12 February 2022 were concluded, with a conviction recorded and a fine imposed in each matter.

Failure to vote proceedings commenced in 2023-24

During 2023-24, the Electoral Commission commenced proceedings in relation to 14 electors who failed to vote at the 2021 local government elections. A majority of those proceedings resulted from referrals by the Electoral Commission to RevenueNSW for penalty notice enforcement action under the *Fines Act 1996*, in response to which the relevant electors elected to have their matters dealt with by a court.

Of these matters, three were withdrawn in accordance with the Prosecution Policy of the Electoral Commission. The remaining 11 matters were concluded, with court outcomes ranging from a conviction and imposition of a fine (up to the maximum penalty of \$110) to an order dismissing the charge in accordance with section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999*.

In 2023-24, one elector who was convicted of his failure to vote offence at the 2021 local government elections filed an appeal in the District Court against his conviction. The proceedings were subsequently withdrawn by the elector.

Failure to lodge disclosure proceedings

There were 10 prosecutions commenced in 2023-24 for the offence of failure to lodge a declaration under the *Electoral Funding Act 2018*. Eight of these matters were concluded in 2023-24, while the remaining two matters will continue to be dealt with in 2024-25.

Of the eight matters concluded in 2023-24, two were withdrawn in accordance with the Prosecution Policy of the Electoral Commission; two matters were concluded with a conviction recorded and a maximum penalty (fine of \$1100) imposed for each charge laid; one matter resulted in a conviction with a \$500 fine imposed for each charge laid; while the remaining three matters were concluded with the Court finding the offenders guilty of an offence but discharging the offenders under a conditional release order, without conviction, pursuant to sections 9 and 10(1)(b) of the *Crimes (Sentencing Procedure) Act 1999*.

One defendant who was convicted and fined in the Local Court in respect of two failure to lodge offences appealed to the District Court against the severity of the sentence imposed. The District Court upheld that appeal and re-sentenced the defendant to a conditional release order for 12 months, without conviction, pursuant to sections 9 and 10(1)(b) of the *Crimes (Sentencing Procedure) Act 1999*.

Other prosecutions

The Electoral Commission commenced two other prosecutions during 2023-24.

The first of these concerned offences under the (now-repealed) *Election Funding, Expenditure and Disclosure Act 1981* (EFED Act). This, by operation of the relevant saving provisions in the *Electoral Funding Act 2018*, continued to operate in respect of political donations made and received and electoral expenditures incurred prior to that date. The proceedings related to a group of candidates for the 2017 Ku-Ring-Gai Council Local Government election. It was alleged against the lead candidate of the group that he had breached section 96I of the EFED Act by paying for electoral expenses otherwise than from a campaign account, and section 96H by giving information to an official agent knowing that it would result in the making of a false statement or disclosure. The defendant ultimately pleaded guilty to the offences and was convicted and fined a total of \$1,800 plus \$1,537 in costs.

The second prosecution concerned offences under the *Local Government (General) Regulation 1993* (the LG Regulation) in relation to the local government elections held in December 2021. The defendant in this matter was the lead candidate in a group of candidates for the 2021 Queanbeyan-Palerang Regional Council Local Government election. It was alleged that in the course of preparing the group's nomination documents the defendant applied the signatures of other candidates within the group to those documents, as well as that of a Justice of the Peace as the purported witness to the execution of those documents, without their knowledge and in contravention of section 371(e) of the LG Regulation. Prosecution proceedings were commenced in May 2024 and remained on foot at the end of the reporting year.

Table 51: Prosecutions and related proceedings commenced 2022-23 and 2023-24

| Act | Matter | Number of matters in 2022-23 | Number of matters in 2023-24 |
|--|---|------------------------------|------------------------------|
| <i>Electoral Act 2017</i> | Failure to vote. | 3 | 0 |
| <i>Election Funding, Expenditure and Disclosure Act 1981</i> | Pay for electoral expenses other than from a campaign account; give information to an official agent knowing that it would result in the making of a false statement or disclosure. | 0 | 1 |
| <i>Electoral Funding Act 2018</i> | Failure to lodge. | 1 | 10 |
| | Appeal regarding failure to lodge. | 1 | 1 |
| <i>Local Government Act 1993</i> | Failure to vote. | 72 | 14 |
| | Appeal regarding failure to vote. | 0 | 1 |
| <i>Local Government (General) Regulation 2021</i> | Improperly sign an electoral paper with a signature that purports to be that of another person. | 0 | 1 |

Glossary

Refer also to the Glossary on the Electoral Commission's [website](#). This is provided for assistance only. Reliance should be placed on the legislative source of each defined term.

| Name/Title | Definition |
|-----------------------------------|--|
| Actual administrative expenditure | Administrative expenditure for which the elected member or party has a legal liability to pay or has paid. |
| Actual campaign expenditure | The total actual electoral expenditure in connection with a state election that is incurred: <ul style="list-style-type: none"> • for a state general election – by a party or candidate between 1 July in the year before the election and the end of election day (and that, during the capped expenditure period, did not exceed the relevant cap), or • for a state by-election – by a candidate during the three-month period leading up to and including election day. |
| Actual electoral expenditure | Electoral expenditure for which the candidate or party has a legal liability to pay or has paid, including electoral expenditure incurred by a party for, and invoiced to, a candidate (as provided in section 9(9) of the <i>Electoral Funding Act 2018</i>). |
| Administrative expenditure | Administrative and operating expenditure includes: <ul style="list-style-type: none"> • expenditure on the administration or management of the activities of the eligible party or elected member • expenditure for conferences, seminars, meetings, or similar functions at which the policies of the eligible party or elected member are discussed or formulated • expenditure on providing information to the public or a section of the public about the eligible party or elected member • expenditure on providing information to members and supporters of the eligible party or elected member • expenditure in respect of the audit of the financial accounts of the eligible party or elected member • expenditure on equipment and training to ensure compliance by the eligible party, elected members or endorsed candidates of the eligible party with the obligations under the <i>Electoral Funding Act 1981</i> • expenditure on the reasonable remuneration of staff engaged in the above activities for the eligible party or elected member (being the proportion of that remuneration that relates to the time spent on those activities) • reasonable expenditure on equipment or vehicles used for the purposes of the above activities (being the proportion of the cost of their acquisition and operation that relates to the use of the equipment or vehicles for those activities) • expenditure on office accommodation for the above staff and equipment • expenditure on interest payments on loans • expenditure prescribed as such by the Electoral Funding Regulation. Administrative and operating expenditure does not include: <ul style="list-style-type: none"> • electoral expenditure • expenditure for which a member may claim a parliamentary allowance as a member, other than expenditure for which an electoral allowance is payable • expenditure incurred substantially in respect of operations or activities that relate to the election of members to a Parliament other than the NSW Parliament • expenditure prescribed as such by the Electoral Funding Regulation. |

| Name/Title | Definition |
|------------------------------|---|
| Administration Fund | <p>The purpose of the Administration Fund is to reimburse eligible political parties and independent members of parliament for administrative and operating expenditure incurred in a quarterly period.</p> <p>A political party or elected member that is eligible to receive a payment may make a claim with the NSW Electoral Commission for payment from the fund.</p> <p>The NSW Electoral Commission publishes reports on payments made from the Administration Fund.</p> |
| Aggregate political donation | Political donations added together. See also “political donation.” |
| Associated entity | A corporation or another entity that operates solely for the benefit of one or more parties registered for State elections or members of the NSW Parliament. |
| Auditor | A registered company auditor within the meaning of the Corporations Act 2001 (Cth). |
| By-election | <p>By-election means—</p> <ul style="list-style-type: none"> • in relation to State elections—a by-election for the Assembly, or • in relation to local government elections—a by-election for a councillor (including the mayor) of the council of a local government area. |
| Campaign account | A campaign account is an account held by political parties, elected members, candidates, groups of candidates, third-party campaigners and associated entities for the purpose of isolating certain income and payments for an election from other income and payments. The account is held in Australian dollars with an authorised deposit-taking institution. Campaign accounts allow election campaign finances to be more easily identified when a disclosure is audited by the NSW Electoral Commission. Political parties, elected members (NSW Members of Parliament and councillors), candidates, groups of candidates, third-party campaigners and associated entities may be required to use a campaign account. |
| Candidate | <p>A person who is nominated in accordance with the <i>Electoral Act 2017</i> or <i>Local Government Act 1993</i> for election to political office and whose nomination has been accepted.</p> <p>Under the <i>Electoral Funding Act 2018</i>, a candidate includes a person registered as a candidate under the <i>Electoral Funding Act 2018</i> for the purpose of accepting political donations and electoral expenditure.</p> <p>A candidate under the <i>Electoral Funding Act 2018</i> also includes an unregistered candidate who has accepted a political donation or made a payment for electoral expenditure for the election.</p> |
| Canvassing for votes | Soliciting votes in an election including the distribution of electoral material. It is an offence to canvas for votes within a pre-poll voting office, including canvassing for votes outside the pre-poll voting office using a loudspeaker or broadcasting device that can be heard within that office. It is also an offence to canvas for votes within six metres of the entrance of a polling place (or using a loudspeaker or broadcasting device that can be heard within that polling place). |
| Cap on electoral expenditure | Electoral expenditure incurred by parties, groups, candidates and third-party campaigners is limited during the capped expenditure period of a state general elections and by-elections and the capped local government expenditure period of local government ordinary elections and by-elections. There are different caps applicable to parties, groups, candidates and third-party campaigners. |

| Name/Title | Definition |
|--|--|
| Cap on political donations | Political donations made to registered political parties, unregistered parties, elected members, groups, candidates, associated entities and third-party campaigners are subject to caps. There are different caps applicable to registered political parties, unregistered parties, elected members, groups, candidates, associated entities and third-party campaigners. |
| Capped expenditure period | The period in which the electoral expenditure of parties, groups, candidates and third-party campaigners is capped. |
| Capped local government expenditure period | The period during which the electoral expenditure of parties, groups, candidates (including mayoral candidates) and third-party campaigners is capped for local government elections. For an ordinary election of the councillors, the capped local government expenditure period starts on 1 July in the year of the election. If an election is to be held where a council was constituted, has been dismissed, or has been declared to be non-functioning, the capped local government expenditure period will start 3 months before election day or on the day of proclamation of the election. In all other instances, it will start from and including the day on which the date of the election is publicly notified by the person conducting the election. The capped local government expenditure period for will end on election day. |
| Capped State expenditure period | <p>Capped State expenditure period means:</p> <ul style="list-style-type: none"> • for a State general election – from 1 October in the year before the election to the end of election day • for a State by-election – from the day the writ is issued for the by-election, to the end of election day. |
| Claimant/s | A party or independent elected member eligible for administrative funding. |
| Close associate of a corporation | <p>A close associate of a corporation means each of the following:</p> <ul style="list-style-type: none"> • a director or officer of the corporation or the spouse of such a director or officer • a related body corporate of the corporation • a person whose voting power in the corporation or a related body corporate of the corporation is greater than 20% or the spouse of such a person • if the corporation or a related body corporate of the corporation is a stapled entity in relation to that stapled entity • in relation to a corporation that is a property developer – a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if the development that would be or is authorised by the application is authorised or carried out and • if the corporation is a trustee, manager or responsible entity in relation to a trust-a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust). |
| Close associate of an individual | <p>Close associate of an individual means each of the following:</p> <ul style="list-style-type: none"> • the spouse of the individual and • in relation to an individual who is a property developer – a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out. |

| Name/Title | Definition |
|-------------------------------|--|
| Delegation | The formal assignment of the functions of the Electoral Commission to the Electoral Commissioner and staff of the agency, among others. In this document, delegation does not refer to financial delegations under the <i>Government Sector Finance Act 2018</i> (NSW) or other delegations in place for the Electoral Commission that relate to the day-to-day workings of the organisation, such as who can approve annual leave or staff travel. |
| Deputy registered officer | Deputy registered officer of a registered party means the person shown in the Register of Parties or the Local Government Register of Political Parties as the deputy registered officer of the party. |
| Disclosure | A person or entity who makes a political donation to a party, elected member, candidate, group or other person or entity (including a third-party campaigner or associated entity). See also: Major political donor and prohibited donor . |
| Disposition of property | Disposition of property means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes— <ul style="list-style-type: none"> • the allotment of shares in a company, and • the creation of a trust in property, and • the grant or creation of any lease, mortgage, charge, servitude, license, power, partnership or interest in property, and • the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of any debt, contract or chose in action, or of any interest in property, and • the exercise by a person of a special or general power of appointment of property in favour of any other person (or a hybrid of both), and • any transaction entered into by any person with intent to diminish, directly or indirectly, the value of the person’s own property and to increase the value of the property of any other person. |
| Donor | A person or entity who makes a political donation to a party, elected member, candidate, group or other person or entity (including a third-party campaigner or associated entity). See also: Major political donor. |
| Elected member | A member of Parliament, or a councillor (including the mayor) of the council of a local government area, and includes a person who, during any period after ceasing to be a member of Parliament or a councillor, is entitled to remuneration as such a member or councillor. |
| Election | Election means a State election or a local government election in NSW. See also Local government election. |
| Elector | A person entitled to vote at an election. |
| Election Campaigns Fund | The fund used by the NSW Electoral Commission to reimburse eligible parties and candidates for electoral expenditure incurred in connection with the election. |
| Electoral Commissioner of NSW | Appointed by the Governor under section 11 of the <i>Electoral Act 2017</i> . The Commissioner is responsible for the conduct of elections under the <i>Electoral Act 2017</i> including the enrolment of electors, the maintenance of the Electoral Information Register and the preparation of the authorised rolls for use in elections. The Commissioner is also an ex officio member of the NSW Electoral Commission. |
| Electoral expenditure | Expenditure as described in section 7 of the <i>Electoral Funding Act</i> for or in connection with promoting or opposing, directly or indirectly, a party or the election of a candidate or candidates or for the purpose of influencing, directly or indirectly, the voting at an election. |

| Name/Title | Definition |
|-------------------------------|---|
| Electoral Act | <i>Electoral Act 2017 (NSW)</i> |
| Electoral Funding Act | <i>Electoral Funding Act 2018 (NSW)</i> |
| Electoral Funding Regulation | <i>Electoral Funding Regulation 2018 (NSW)</i> |
| Eligible party | A party that has at least 750 members (or at least 100 members for registration under the Local Government Act) and that is established on the basis of a written constitution (however expressed). |
| Enrolment | The process of officially registering to be on the list of voters. |
| Endorsed | Endorsed, in relation to a party, means endorsed, selected or otherwise accredited to stand as a representative of the party in an election. |
| Entity | An incorporated or unincorporated body, or the trustee of a trust. |
| Expenditure period | In the case of a State election – the period from and including 1 October in the year before which the election is to be held to the end of polling day for the election; in the case of a State by-election – the period from and including the day of the issue of the writ or writs for the election to the end of polling day for the election; in the case of a local government general election – the period from and including 1 July in that year to the end of polling day for the election; and for another other local government election – the period from and including the day on which the date of the election is publicly notified by the person conducting the election to the end of polling day for the election. |
| Fines Act | <i>Fines Act 1996 (NSW)</i> |
| First preference votes | The first preference votes recorded for a candidate that are not rejected as informal at the election. |
| Funding and Disclosure Online | The NSW Electoral Commission's secure portal for political participants to comply with NSW electoral funding laws online. It allows users to perform a range of tasks online including disclosing political donations and electoral expenditure. |
| Gift | Any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service for no consideration or for inadequate consideration, other than— <ul style="list-style-type: none"> • the provision of voluntary labour, and • the provision of voluntary professional services to a party by an officer or an elected member of the party. |
| Government official | The following: <ul style="list-style-type: none"> • a Minister or Parliamentary Secretary, • a staff member of a Minister or Parliamentary Secretary (including a staff member in an electorate office), • the head of a Public Service agency, • a person employed in the Public Service of New South Wales, the Transport Service of New South Wales or any other service of the Crown, • an individual who is engaged under a contract to provide services to or on behalf of the Public Service of New South Wales, the Transport Service of New South Wales or any other service of the Crown, • a member (however expressed) of, or of the governing body of, a statutory body, but does not include (except in Parts 5 and 6) a local government official. |

| Name/Title | Definition |
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| Group | In relation to State elections means a group of candidates, or part of a group of candidates, for a Legislative Council election, or in relation to local government elections means a group of candidates, or part of a group of candidates, for a local government election. For the purposes of Part 2 of the Electoral Funding Act, a group includes individuals who accept a gift for use solely or substantially for a purpose related to the proposed candidacy of the individuals at a future election. |
| Independent | A candidate or Member of Parliament who is not seeking election as a member of a political party. |
| Independent elected member | A member of Parliament who was not endorsed by any party when they were elected and is not a member or representative of any party. |
| Legislative Assembly | The lower house of Parliament in NSW. It has 93 members each representing an electoral district. All 93 members are elected at a general election, every four years. |
| Legislative Council | The upper house of the Parliament of New South Wales consisting of 42 members elected for an eight-year term, half of whom (that is, 21) are elected at each general election every four years. |
| Liquor or gambling industry business entity | The following: <ul style="list-style-type: none"> • A corporation engaged in a business undertaking that is mainly concerned with either or a combination of the following, but only if it is for the ultimate purpose of making a profit: <ul style="list-style-type: none"> - the manufacture or sale of liquor products - wagering, betting or other gambling (including the manufacture of machines used primarily for that purpose), • A person who is a close associate of a such a corporation, • A registered club (as defined by the Registered Clubs Act 1976) if the business undertaken by the registered club includes wagering, betting, or other gambling, or • The secretary, a member of the governing body, the spouse of the secretary or member of the governing body, or a close associate of such a registered club. |
| Lobbying of Government Officials Act | <i>Lobbying of Government Officials Act 2011</i> |
| Lobbying a Government official | Lobbying a Government official means communicating with the official for the purpose of representing the interests of others in relation to any of the following: <ol style="list-style-type: none"> a) legislation or proposed legislation or a government decision or policy or proposed government decision or policy, b) a planning application, c) the exercise by the official of his or her official functions. |
| Lobbyist/Third-party lobbyist | A third-party lobbyist is an individual or body carrying on the business (generally for money or other valuable consideration) of lobbying government officials on behalf of another individual or body. |
| Lobbyists Code | The Lobbyists Code of Conduct prescribed by the Lobbying Regulations in accordance with Part 2 of the Lobbying Act. |
| Lobbyists Register | The Register of Third-Party Lobbyists established under Part 3 of the Lobbying Act. |
| Lobbyists Watch List | The Lobbyists Watch List established under Part 4 of the Lobbying Act. |
| Local Government Act | <i>Local Government Act 1993 (NSW)</i> |

| Name/Title | Definition |
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| Local government election | An election under the LG Act for the office of councillor or mayor under that Act (other than an election of mayor by councillors). |
| Local Government Register of Political Parties | Local Government Register of Political Parties – means the register kept by the Commissioner in accordance with section 319 of the Local Government Act. |
| Major political donor | A person or entity (other than a party, elected member, group or candidate) who makes a reportable political donation of or exceeding \$1,000. See also: donor and prohibited donor . |
| Member | Member – of a party, means a member of the party who is enrolled under the Electoral Act. |
| New Parties Fund | The purpose of the New Parties Fund is to reimburse eligible political parties for policy development expenditure incurred in a financial year. A political party that is eligible to receive a payment may make a claim with the NSW Electoral Commission for payment from the fund. The NSW Electoral Commission publishes reports on payments made from the New Parties Fund. |
| Nil disclosure | Political participants who have an obligation to disclose, but who have not made or received any political donations or incurred any electoral expenditure during a reporting period, must make a disclosure declaring this. |
| NSW Electoral Commission | The independent statutory authority constituted under the <i>Electoral Act 2017</i> consisting of three members, including the Electoral Commissioner, which regulates and enforces electoral laws, including the political donation and electoral expenditure disclosure and public funding schemes under the <i>Electoral Funding Act 2018</i> . NSW Electoral Commission also refers to the staff agency, headed by the Electoral Commissioner, that assists the Electoral Commission and Electoral Commissioner to exercise their functions. |
| NSW Electoral Commission Public Service Agency | The NSW Electoral Commission staff agency is led by the Electoral Commissioner. It was created as a separate public sector agency under the <i>Government Sector Employment Act 2013</i> and it sits within the Premier and Cabinet cluster. |
| Nomination | The process by which a person applies to become a candidate for election. Note that this is different from 'registration' under the <i>Electoral Funding Act 2018</i> . |
| Official agent | A person who is responsible for the management and disclosure of the political donations and electoral expenditure of a third-party campaigner or associated entity. |
| Party | A body or organisation, incorporated or unincorporated, having one of its objects or activities the promotion of the election to the NSW Parliament or a local Council of a candidate or candidates endorsed by it. A party includes a registered political party and an unregistered political party. |
| Party agent | A person appointed as a party agent by a political party. |
| Person responsible | The person responsible for making disclosures of political donations and electoral expenditure on behalf of another person, or on their own behalf. |

| Name/Title | Definition |
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| Planning application | <p>Planning application means an application or request by a person (other than a public authority within the meaning of the Environmental Planning and Assessment Act 1979):</p> <ul style="list-style-type: none"> a) to initiate the making of an environmental planning instrument or plan under that Act in relation to any development, project or activity on a particular site, or b) for consent to, or approval of, any development, project or activity under that Act or for the modification of any such consent or approval. |
| Political party | <p>A body or organisation, incorporated or unincorporated, having as one of its objects or activities the promotion of the election to the NSW Parliament or a local Council of a candidate or candidates endorsed by it or by a body or organisation of which it forms a part. See also registered political party.</p> |
| Political donor | <p>A person who makes a gift. See also: Major political donor.</p> |
| Political donation | <p>A gift made to or for the benefit of a party, elected member, group, candidate or other person or entity (including a third- party campaigner or associated entity).</p> |
| Political participant | <p>Individuals and groups actively involved in the electoral process. Political participants include:</p> <ul style="list-style-type: none"> • candidates and groups • political parties • members of Parliament and councillors • party agents and official agents • associated entities • third-party campaigners • political donors • third-party lobbyists. |
| Prohibited donor | <p>Prohibited donor means:</p> <ul style="list-style-type: none"> • a property developer, • a tobacco industry business entity, or • a liquor or gambling industry business entity; <p>and includes any industry representative organisation if the majority of its members are such prohibited donors.</p> |
| Property developer | <p>Property developer means:</p> <ul style="list-style-type: none"> • an individual or a corporation that carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale of the land for profit, and in the course of that business: <ul style="list-style-type: none"> - 1 relevant planning application has been made by or on behalf of the individual or corporation and is pending or - 3 or more relevant planning applications made by or on behalf of the individual or corporation have been determined within the preceding 7 years. • a person who is a close associate of an individual or corporation. <p>Any activity engaged in by an individual or corporation for the dominant purpose of providing commercial premises at which the individual or corporation or a related body corporate of the corporation will carry on business is to be disregarded for the purpose of determining whether the individual or corporation is a property developer unless that business involves the sale or leasing of a substantial part of the premises.</p> |

| Name/Title | Definition |
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| Public Funding | <p>The NSW Electoral Commission administers three public funding schemes in New South Wales. Public funding is available to eligible parties and candidates contesting state elections and to eligible parties and independent members of Parliament.</p> <p>Public funding is not available to political parties registered for local government elections.</p> |
| Redistribution | <p>To ensure the number of electors in each New South Wales electoral district remains approximately the same over time, the <i>Constitution Act 1902</i> requires that electoral district boundaries are reviewed and adjusted if necessary. This formal process is called a redistribution and must take place after every second New South Wales State general election. See the section in this report headed Redistribution of electoral districts for more information.</p> |
| Register of Third-Party Lobbyists | <p>The Electoral Commission is required to establish a Register of Third-Party Lobbyists and publish it on a website under their maintenance.</p> |
| Register of Parties | <p>The register kept by the Commissioner in accordance with section 58 of the Electoral Act.</p> |
| Registered party | <p>A political party on the Register of Parties kept by the Electoral Commissioner under the <i>Electoral Act 2017</i>. To be eligible to be registered, a party must have at least 750 members to be registered for State elections, or a minimum of 100 members for local government elections, and have a written constitution, however that is expressed.</p> |
| Registered officer | <p>Registered officer – of a registered party, means the person shown in the Register of Parties or the Local Government Register of Political Parties as the registered officer of the party.</p> |
| Registered party | <p>Registered party – means a party registered in accordance with Part 6 of the Electoral Act or Part 7 of Chapter 10 of the Local Government Act.</p> |
| Registration | <p>In relation to a candidate, group of candidates or third-party campaigner for the election, means being registered under the <i>Electoral Funding Act 2018</i> for the purposes of accepting political donations and making payments for electoral expenditure. See also: nomination.</p> |
| Related body corporate | <p>Related body corporate has the same meaning as in the <i>Corporations Act 2001</i> (Cth). Sections 9 and 50 of that Act defines a related body corporate as a body corporate that is related to another body corporate because it is one of the following:</p> <ul style="list-style-type: none"> • a holding company of the other body corporate • a subsidiary of the other body corporate or • a subsidiary of a holding company of the other body corporate. |
| Related body corporate | <p>Related body corporate has the same meaning as in the <i>Corporations Act 2001</i> (Cth). Sections 9 and 50 of that Act defines a related body corporate as a body corporate that is related to another body corporate because it is one of the following:</p> <ul style="list-style-type: none"> • a holding company of the other body corporate • a subsidiary of the other body corporate or • a subsidiary of a holding company of the other body corporate. |
| Relevant planning application | <p>Relevant planning application has the same meaning as in section 10.4 (Disclosure of political donations and gifts) of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).</p> |
| Reportable political donation | <p>A political donation of or more than \$1,000 made to or for the benefit of a party, elected member, group, candidate, associated entity or third-party campaigner.</p> |

| Name/Title | Definition |
|---|---|
| Responsible officer | A person appointed by a third-party lobbyist who has a management, financial or other interest in the third-party lobbyist. The officer is responsible for the lobbyist's compliance with its obligations under the Lobbying Act on behalf of the third-party lobbyist. |
| Secretary | Secretary – of a party, means the person who holds the office (however expressed) the duties of which involve responsibility for the carrying out of the administration, and for the conduct of the correspondence, of the party. |
| Senior office holder (of political party) | A person involved in the management, control or the operations of the party. A person must be a senior office holder to be appointed as a party agent of a party. Seniors office holders may include the following: president, deputy president, chairperson, deputy chairperson, vice-chairperson, general secretary, assistant general secretary, secretary, deputy secretary, state director, deputy state director, treasurer, deputy treasurer, convenor, or deputy convenor. |
| Spouse | Spouse of a person includes a de facto partner of that person. |
| Stapled entity | The interests in which are traded, along with the interests in another entity as stapled securities and (in the case of a stapled entity that is a trust) includes any trustee, manager or responsible entity in relation to the trust. |
| State election | A Legislative Assembly general election, a Legislative Council election or a by-election for the Legislative Assembly |
| Third-party campaigner | A third-party campaigner is a person or entity (other than an associated entity, party, elected member, group or candidate) who incurs more than \$2,000 in electoral expenditure for a State election during the capped expenditure period for the election. |
| Third-party lobbyist | An individual or body carrying on the business (generally for money or other valuable consideration) of lobbying government officials on behalf of another individual or body. |
| Tobacco industry business entity | A corporation engaged in a business undertaking that is mainly concerned with the manufacture or sale of tobacco products or a person who is a close associate of such a corporation. |
| Unlawful political donation | The following donations are unlawful under electoral funding legislation: <ul style="list-style-type: none"> • Political donations in the form of cash over \$100 • Failure to record details of a reportable political donation • Anonymous reportable political donations • Identity of donors • Indirect campaign contributions valued at more than the allowable amount • Political donations to more than three third-party campaigners • Political donations by a party etc. to independent candidates • Failure to record details of reportable loans • Prohibited donors • Donations exceeding the caps |
| Voting power | Voting power has the same meaning as in the <i>Corporations Act 2001</i> (Cth). |



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