

Fact sheet

Associated entities

The following information applies to associated entities in New South Wales from 1 October 2018.

What are associated entities?

An associated entity is a corporation or other entity that operates solely for the benefit of one or more political parties that are registered for state elections or elected members. An elected member is a member of the NSW Parliament or a local government councillor. An associated entity could be an incorporated or unincorporated body or the trustee of a trust.

If the entity does not meet the definition of an associated entity for the purposes of electoral funding laws, it may be a [third-party campaigner](#) or a [political donor](#).

Associated entities are responsible for complying with electoral funding laws. Such obligations range from the requirement to be registered with the New South Wales Electoral Commission (NSWEC) to the management and disclosure of [political donations](#) and [electoral expenditure](#).

Registration of associated entities

An associated entity must be registered with the NSWEC before making payments for electoral expenditure during the [capped expenditure period](#) for an election. It is an offence for an associated entity to make payments for electoral expenditure or accept political donations for that purpose without being registered.

An associated entity must appoint an [official agent](#) who satisfies the criteria for being appointed and the official agent must complete the required NSWEC online training. The official agent is responsible for managing the entity's political donations and electoral expenditure including operating a [campaign account](#) and making [disclosures](#) to the NSWEC.

To register as an associated entity, complete an [Application to register an associated entity and notice of appointment of official agent \(EF.726\)](#), submit it to the NSWEC and wait for confirmation of the registration before making payments for electoral expenditure during the capped expenditure period for an election.

The registration of an associated entity is ongoing, meaning that an associated entity is not required to apply to be registered for each capped expenditure period during which payments for electoral expenditure is made.

Registered details of associated entities and official agents are published on the NSWEC [website](#).

The official agent of an associated entity must [advise the NSWEC](#) within 30 days of any changes in the registered details of the entity.

Information on the registration of associated entities, the roles and responsibilities of official agents and the registers of associated entities and official agents is available on the NSWEC [website](#).

Who is responsible?

The associated entity is responsible for appointing an official agent. The associated entity or official agent can apply to be registered. The official agent of an associated entity is responsible for updating the entity's registered particulars and the management and disclosure of the political donations and electoral expenditure of the entity.

Political donations

Political donations must be disclosed in New South Wales and only people on the electoral roll, entities with a business number, or those approved by the NSWEC can lawfully make political donations.

It is an offence to make or accept a political donation that does not comply with the law. This includes anonymous donations and donations from prohibited donors.

Political donations are subject to specific [caps](#) in New South Wales. It is an offence to accept a political donation that exceeds the cap. Caps are adjusted each financial year.

Detailed information on political donations including unlawful donations, prohibited donors and current donation cap amounts is available on the NSWEC [website](#).

Electoral expenditure

Electoral expenditure is expenditure 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 a state or local government election.

All electoral expenditure incurred by an associated entity must be disclosed to the NSWEC.

The electoral expenditure of political parties is capped during the [capped expenditure period](#) for an election. Electoral expenditure incurred by a party for an election is aggregated with the electoral expenditure of an associated entity of the party for the purpose of the expenditure caps. It is an offence to incur electoral expenditure in connection with an election that exceeds the [expenditure caps](#).

An election calendar which includes the dates for the capped expenditure period for each election is published on the NSWEC [website](#). Detailed information on electoral expenditure, including current cap amounts, is available on the NSWEC [website](#).

Campaign accounts

An associated entity must keep a campaign account for an election. The campaign account must be operated by the official agent and used to make payments for electoral expenditure and deposit political donations received for the purpose of incurring the electoral expenditure.

The campaign account for an associated entity can be kept for the period in which the entity is registered. Detailed information about campaign accounts is on the NSWEC [website](#).

Making disclosures to the NSWEC

Political donations and electoral expenditure must be disclosed to the NSWEC. Disclosures are made in a declaration form which must be signed and submitted by the deadline by the official agent. There are various types of disclosures that apply to associated entities:

- Political donations of AU\$1,000 or more made or received by an associated entity between 1 October 2018 and 23 March 2019 must be disclosed within 21 days (does not apply to political donations for local government elections)
- All other political donations made and received must be disclosed within 4 weeks of the end of each half-year period ending 31 December and 30 June (i.e. by 28 January and 28 July)
- Electoral expenditure incurred must be disclosed within 12 weeks of the end of the annual period ending 30 June (i.e. by 22 September).

[Disclosure forms](#) are made available on the NSWEC website.

Complete and accurate records of political donations and electoral expenditure must be retained for three years. The NSWEC conducts compliance audits of associated entities and other electoral participants.

The NSWEC [publishes](#) on its website disclosures of political donations and electoral expenditure by electoral participants including associated entities.

More information on the requirements for the disclosure of political donations and electoral expenditure is available on the NSWEC [website](#).

More information

If you have any questions contact the New South Wales Electoral Commission on 1300 022 011 or email fdc@elections.nsw.gov.au. The *Electoral Funding Act 2018* is available at www.legislation.nsw.gov.au.