

Special Report on the public funding
and regulation of the

2023 NSW State election



About this report

This report is made to the Parliament of New South Wales under section 154(3) of the *Electoral Funding Act 2018*. The report provides an overview of the activities relating to electoral funding and the regulation of the 2023 NSW State election. While the election was conducted by the Electoral Commissioner for NSW under the provisions of the *Electoral Act 2017*, the NSW Electoral Commission (Electoral Commission) is a three-member statutory authority responsible for the administration and enforcement of the *Electoral Funding Act 2018* and the enforcement of the *Electoral Act 2017*.

The report includes information about the work and activities of the Electoral Commission in connection with the following matters in relation to the March 2023 State election: the registration of candidates, groups and third-party campaigners; the 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; public interest publication of information about disclosed pre-election period political donations; activities connected with the delivery of the Electoral Commission's Regulatory Priorities for 2022-23 where they related to the election; and recommendations for legislative amendment.

Actions taken by both the Electoral Commission and the Electoral Commissioner in response to recommendations made by the Joint Standing Committee on Electoral Matters (JSCEM) in its *Report of the Joint Standing Committee on Electoral matters – Administration of the 2019 NSW election and related matters*, are summarised in the Electoral Commissioner's report (Part one) on the outcome of his review of the administration of the 2023 State election, conducted under section 271 of the *Electoral Act 2017*.

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.

ISSN 1835-3312 (Print) ISSN 1835-3282 (Online) Copyright © State of New South Wales through the New South Wales (NSW) Electoral Commission 2019. No part of this report may be reproduced by any process, except in accordance with the *Copyright Act 1968*. Please address all enquiries to the NSW Electoral Commission.

Postal: GPO Box 832, SYDNEY NSW 2001

Office hours: Monday – Friday, 9am – 5pm

T: +61 2 9290 5999 | F: +61 2 9290 5991 | elections.nsw.gov.au

Contents

- Foreword from the Chair of the NSW Electoral Commission.....5**
- Regulation and public funding of the 2023 NSW State election at a glance6**
- Implementing legislative amendments.....7**
- Electoral Funding Act 2018 7*
- Electoral Act 2017 8*
- Electoral Regulation 2018 8*
- Innovation for the 2023 NSW State election9**
- Safety of election officials and work health and safety during the count period 9
- Regulatory priorities statement 2022-23..... 9
- Online registration, appointment and disclosure 9
- Online compliance training for party and official agents10
- Information about pre-election disclosures published by donor location10
- Expanded helpdesk provided support and guidance for election participants 11
- New guidelines and guidance issued by the Electoral Commission..... 11
- Distinguishing between an unregistered party and a third-party campaigner 11
- Political donations education campaign 12
- Website Integrity hub.....13
- Proposals for legislative change 14**
- Election official safety..... 14
- Election material distributed prior to election day 14
- Advance payments of public funding 15
- Consequences of dis-endorsement 15
- Person responsible for the disclosures of an independent group 15
- Compulsory voting..... 15
- Regulation of electoral funding laws for the election – overview..... 16**
- Registration of candidates, groups and third-party campaigners, and appointment of agents..... 17**
- Registration 17
- Appointment of agents..... 19
- Public funding – Election Campaigns Fund..... s21**
- Claims and payments from the Election Campaigns Fund 22
- Caps on electoral expenditure 24**
- Caps on political donations 25**
- Disclosure of political donations and electoral expenditure 27**
- Pre-election period disclosure of political donations 27
- Support and guidance for election participants..... 33**

Support by phone and email	33
Direct engagement about electoral funding obligations.....	33
General guidance available for the State election	34
Voting and counting compliance operation	35
Compliance support for voting centre managers	35
State-wide additional compliance operation for voting and counting centres.....	35
Safety planning	36
Effectiveness of compliance operations.....	37
Investigations and social media monitoring.....	38
Reports of contraventions.....	38
Non-complying electoral material online and SMS.....	39
Disinformation online	39
Compliance audits of disclosures and assessments of public funding claims	41
Enforcement of contraventions	42
Appendices	43
Appendix A : NSW Electoral Commission Regulatory Priorities 2022-23.....	44
Appendix B : NSW State register of political parties and appointed party agents	45
Appendix C : Copies of information in the NSW State register of third-party campaigners and NSW State register of official agents for third-party campaigners.....	46
Appendix D : Election Campaigns Fund payments to eligible candidates at 22 September 2023	49
Glossary	52

Foreword from the Chair of the NSW Electoral Commission

The NSW State election on Saturday, 25 March 2023 elected the 58th Parliament of New South Wales. The election was conducted by the Electoral Commissioner for New South Wales (Electoral Commissioner) under the provisions of the *Electoral Act 2017*. The three-member NSW Electoral Commission (Electoral Commission) has separate statutory functions, being responsible for administering public funding and the administration and enforcement of the *Electoral Funding Act 2018* and the enforcement of the *Electoral Act 2017*. The Electoral Commissioner is an *ex officio* member, and the Electoral Commission also has a function of supporting the conduct of elections by the Electoral Commissioner, including through education, public awareness and research activities.

Ad hoc reports by the Electoral Commission to Parliament, in addition to its mandatory annual reporting obligations, are provided for in section 154(3) of the *Electoral Funding Act 2018*. Following previous general elections, information about the work and activities of the Electoral Commission in connection with the election was incorporated into the Electoral Commissioner's report on the election under section 271 of the *Electoral Act 2017*. For the 2023 NSW State election, the Electoral Commission has determined to report separately to the Parliament of New South Wales (Parliament) about its related work and activities in acknowledgement of its separate status. This information has been adopted by the Electoral Commissioner and included as Part two in the *Report on the administration of the 2023 NSW State election*.

For the 2023 NSW State election, the Electoral Commission regulated electoral funding, expenditure and disclosures, including the registration of participants for this purpose under the *Electoral Funding Act 2018*. The Electoral Commission also promoted public awareness of electoral funding matters including new rules for the election concerning political donations and electoral expenditure caps for third-party campaigners, and undertook compliance and education activities for political parties, elected members, candidates, groups, agents, associated entities, third-party campaigners and donors. Those activities cover the regulation of conduct by election participants and voters in connection with campaigning, voting and counting.

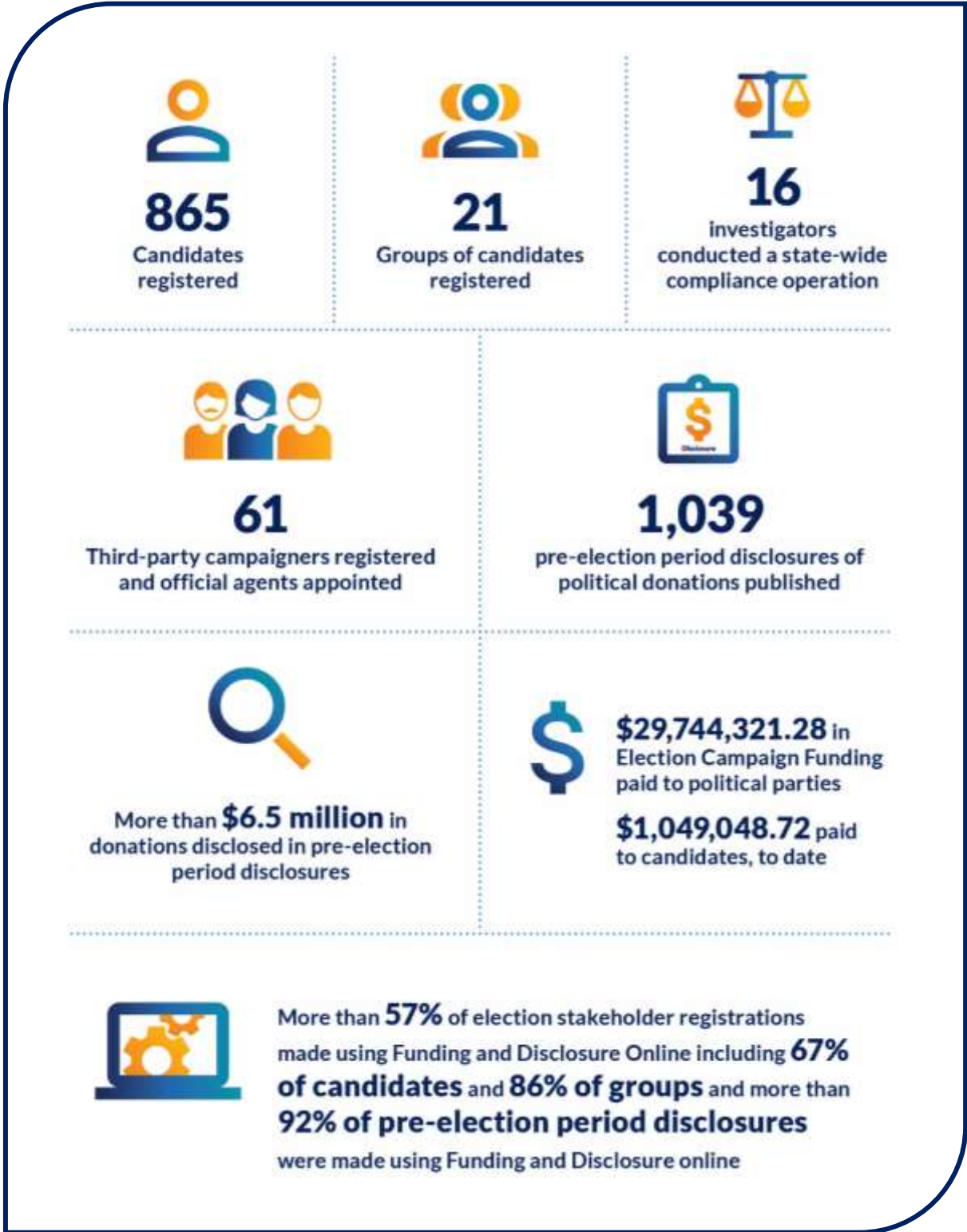
The Electoral Commission is pleased to provide this *Special Report on the public funding and the regulation of participants at the 2023 NSW State election* to the Speaker of the Legislative Assembly and President of the Legislative Council, for tabling in the Parliament.

I thank the staff of the NSW Electoral Commission agency for their work in maintaining trust in the integrity of elections in New South Wales through sound regulation. I particularly thank the Electoral Commissioner for New South Wales for his advice and for his leadership of the NSW Electoral Commission staff agency.



Arthur Emmett AO KC
Chair, NSW Electoral Commission

Regulation and public funding of the 2023 NSW State election at a glance



Implementing legislative amendments

The NSW Parliament made changes to the legislative framework under which the Electoral Commission operates in November 2022 before the 2023 NSW State election. The changes largely reflected recommendations of the Parliament of New South Wales Joint Standing Committee on Electoral Matters (JSCEM) Inquiry into the Administration of the 2019 NSW State election. In the lead-up to the 2023 NSW State election, the Electoral Commission implemented these changes including amending its forms, electronic systems and processes, and conducted an education campaign to raise awareness of new rules. This included direct communications with electoral participants, website messaging, a social media campaign and information conveyed through election communications channels including bulletins and webinars as well as training agency staff to support political participants and administer the law correctly.

Electoral Funding Act 2018

In November 2022, the *Electoral Legislation Amendment Act 2022* amended the *Electoral Funding Act 2018* so that:

- expenditure incurred in auditing campaign accounts is no longer electoral expenditure
- expenditure incurred on travel and travel accommodation for candidates and staff engaged in electoral campaigning is no longer subject to expenditure caps (however, expenditure on a motor vehicle, vessel or aircraft displaying advertising or electoral material for a candidate or party is electoral expenditure that is subject to the caps)
- expenditure incurred for office accommodation for a single campaign office for a candidate or a party engaged in an election campaign, including for the campaign headquarters of a party, up to a maximum amount of \$20,000 (adjusted for inflation each year) for each capped expenditure period, is no longer subject to expenditure caps (however, such expenditure is still electoral expenditure)
- a party agent of a registered party can now give notice of the dis-endorsement of a candidate so that the candidate becomes responsible for their own disclosures
- the time by which a half-yearly disclosure of political donations is to be made was extended from 4 weeks to 6 weeks
- the ability for one member of a group to lodge a declaration of disclosures on behalf of the group was removed
- the electoral expenditure caps for third-party campaigners (TCPs) at State general elections were set to \$1,288,500 and \$644,300 (depending on the TPC's registration date)
- the ban on third-party campaigners acting in concert with others to incur electoral expenditure for an election campaign was removed
- the amount of individual small donations accepted at a fundraising venture or function that is excepted from being counted towards political donation caps and the reportable political donation threshold, increased from \$50 to \$100
- the amount of advance payments that a party can receive from the Election Campaigns Fund before a State general election was increased from 50 per cent to 75 per cent of the party's entitlement for the previous State general election
- a registered officer of a party may lodge a disclosure or public funding claim if the party agent is absent or otherwise unavailable if certain conditions are met.

These amendments came into effect on 2 November 2022.

In December 2022, the *Electoral Legislation Amendment Regulation 2022* amended the *Electoral Funding Act 2018* to:

- apply the updated definition of “electoral expenditure”, including the types of expenditure exempt from the expenditure caps, to the whole capped State expenditure period for the 2023 State general election.

These amendments came into effect on 16 December 2022.

Electoral Act 2017

In November 2022, the *Electoral Legislation Amendment Act 2022* and the *Electoral Legislation Amendment Act (No 2) 2022* amended the *Electoral Act 2017* so that:

- the Electoral Commission or Electoral Commissioner may report on the progress or outcome of an investigation into a possible contravention of the *Electoral Act 2017* or the *Electoral Funding Act 2018* (and their corresponding regulations), provided the disclosure is in the public interest
- authorisation rules were updated for certain electoral material, including unpaid social media posts, SMS messages and automated telephone calls (robocalls). An authorisation can be linked from (rather than included in) social media posts and SMS messages and must be included in a robocall.

These amendments came into effect on 2 and 3 November 2022, respectively.

Electoral Regulation 2018

In December 2022, the *Electoral Legislation Amendment Regulation 2022* amended the *Electoral Regulation 2018* to:

- allow penalty notices to be issued for the offence under s 187A of the *Electoral Act 2017* relating to the authorisation of automated telephone calls and set the amount payable for that penalty notice.

This amendment came into effect on 16 December 2022.

In February 2023, the *Electoral Amendment (Electoral Material and Election Officials) Regulation 2023* amended the *Electoral Regulation 2018* so that:

- for social media posts by electoral participants, if no amount was paid to the social media platform provider, the authorisation including the electoral participant’s name and address may be displayed on the social media account profile for that account, or on a website that is directly linked to in the post. If the authorisation is shown in a video or animation, the name and address must be legibly shown for at least three seconds
- social media posts not made by or on behalf of an electoral participant, by a person who is not an electoral participant or an officer, employee, or agent of an electoral participant, do not require an authorisation, if nothing was paid or given to the person who published the post, or the social media platform provider
- SMS messages containing electoral material must contain the authorisation unless the message contains a hyperlink to a website where the relevant name and address are published, and the website remains active for the duration of the regulated period, or the name and address are included in a separate SMS sent immediately after the message containing the electoral material, and the messages are both sent from the same number.

These amendments came into effect on 22 February 2023.

Innovation for the 2023 NSW State election

The Electoral Commission continually reviews the delivery of its regulatory and administrative activities to provide a positive experience for election participants and other stakeholders, while maintaining electoral integrity. For the 2023 NSW State election, there was a focus on safety and also improving digital transactions and education activities, while meeting the public interest objectives of NSW electoral legislation around transparency.

Safety of election officials and work health and safety during the count period

Safety of Electoral Commission staff and voters was a focus throughout the planning and delivery of voting and counting services, and for the Commission's voting and counting compliance operation, detailed later in this report. Safety principles (see the Electoral Commissioner's report – Part one), demonstrate the maturing of the Electoral Commission's safety culture as safer working conditions were embedded for election officials, while acknowledging the flow-on consequences for the speed of the count. The principles provided that all counting on election night was to cease at 10:30pm, allowing closure of venues by 11pm and return of materials by midnight. In line with the principles, no counting was scheduled for election Sunday, or any Sunday throughout the counting period to ensure that staff did not work more than six consecutive days. Due to the significant increase in early and postal voting, it will continue to be challenging to count a significant number of these votes on election night, consistent with safe work practices. If the speed of the count on election night is to be prioritised without compromising safety, the Electoral Commissioner's report details the need for further resources and some consideration of legislative change.

Safety planning was part of the Electoral Commission's state-wide voting and counting compliance operation to identify safety risks involved with field operations and ensure that appropriate measures were in place to reduce the risks to an acceptable level. During the state-wide compliance operation, inspectors were on duty during voting hours but not after 6pm when voting centres closed. If inspectors were to attend counting venues after voting ends on election day, the Electoral Commission would have to hire and train additional resources for that purpose.

Regulatory priorities statement 2022-23

The Electoral Commission published its first annual Regulatory Priorities Statement for the period 1 July 2022 to 30 June 2023, which included the 2023 NSW State election. Informed by a risk assessment of legislated regulatory functions and anticipated events, the Regulatory Priorities Statement sets out the Electoral Commission's strategic regulatory focus for the period. The Regulatory Priorities supported the Electoral Commission to optimise the efficiency and value of its regulatory effort and ensure responses to non-compliance were targeted and proportionate. Several of the priorities for 2022-23 were focused on the State election including activities detailed in this report on pre-election period donation disclosure and provision of useful and timely information to regulated participants. See Appendix A.

Online registration, appointment and disclosure

For the first time at a State general election, political participants were able to register, update their registered details, appoint an official agent and lodge disclosures of political donations online using the Electoral Commission's Funding and Disclosure Online portal. The portal was first made available for

online candidate registrations and disclosures for the deferred 2021 Local Government elections and has since been expanded to allow all political participants to register, and party or official agents to be appointed online. Funding and Disclosure Online seeks to meet community expectations around the role of technology in the electoral context, both for service delivery and regulatory functions. Toward the end of 2023, eligible candidates and parties will be able to apply for public funding using Funding and Disclosure Online. At this time, public funding claims that were made in relation to the 2023 NSW State election will be viewable by applicants through the portal.

This innovation relates to **Regulatory Priority 4**: election participants meet their political donation disclosure obligations for the 2023 NSW State election pre-election period.

Online compliance training for party and official agents

The Electoral Commission authorises an online training program for party agents and official agents, as a requirement of the *Electoral Funding Act 2018*. The online training and testing program was updated and enhanced to assist new party and official agents learn about their obligations under the law. The online agent training is integrated with the Funding and Disclosure Online system providing a better user experience for prospective agents required to complete the training and pass the test as part of the appointment process. The Electoral Commission also encouraged appointed agents to complete the training to develop and refresh their knowledge of electoral funding laws ahead of the election. For future elections, the Electoral Commission will encourage refresher training by all agents to help election participants keep up to date about their obligations.

This innovation relates to **Regulatory Priority 4**: election participants meet their political donation disclosure obligations for the 2023 NSW State election pre-election period.

Information about pre-election disclosures published by donor location

All disclosures of political donations and electoral expenditure are published on the Electoral Commission's website including the pre-election donation disclosures which were published soon after they were received in the lead-up to the 2023 NSW State election. To complement the publication of disclosures, for the first time the Electoral Commission published a map providing a data visualisation of the value of political donations based on the location of donors. Donations were included on the map of New South Wales according to the electoral district in which the individual donor was enrolled, or in which the entity/business donors' offices were located. The data visualisation tool provided a way to view the location, and density, of donations across the State during the pre-election period of 1 October 2022 to election day on 25 March 2023. It was published on 22 May 2023 along with a Statement from the Chair of the Electoral Commission providing information about the pre-election period disclosures.

This innovation relates to **Regulatory Priority 4**: election participants meet their political donation disclosure obligations for the 2023 NSW State election pre-election period and **Regulatory Priority 8**: regulated participants in NSW elections having access to useful and timely information about their key obligations.

Expanded helpdesk provided support and guidance for election participants

An expanded helpdesk supported candidates, groups, parties, agents, associated entities and third-party campaigners understand their obligations both for the conduct of the election and the regulation of electoral funding. The helpdesk team was trained to answer questions about all aspects of the candidate election journey from registration to being newly elected. During the period 6 January to 28 April 2023, 7,391 incoming calls were received by the helpdesk. More than 3,100 emails were responded to during the same period. Information about these activities is included in the Electoral Commissioner's report (Part one). Additionally, during the capped expenditure period for the election (1 October 2022 to 25 March 2023) funding and disclosure client services officers answered 680 emails to the Funding and Disclosure address with questions specific to *the Electoral Funding Act 2018*.

This innovation relates to **Regulatory Priority 8**: regulated participants in NSW elections having access to useful and timely information about their key obligations.

New guidelines and guidance issued by the Electoral Commission

The Electoral Commission may determine and issue guidelines, not inconsistent with the legislation, for or with respect to any matters dealt with in the *Electoral Funding Act 2018*. Guidelines are published on the Electoral Commission's website and the Electoral Commission is to have regard to its own guidelines in the operation and application of electoral funding laws. The Electoral Commission issued three new guidelines in the lead-up to the 2023 NSW Electoral Commission.

Guideline 20 was issued to assist possible third-party campaigners define the dominant purpose to assess if their expenditure is electoral expenditure and subject to the *Electoral Funding Act 2018* rules, including the third-party campaigner expenditure caps.

Guideline 21 was issued to assist political parties comply with their donation obligations in the lead-up to the State election in March. It relates to the treatment of payments to NSW branches of parties by other state, territory or federal branches (which are deemed to be political donations).

Guideline 22 was issued to assist political participants by providing guidance on the requirements of an extension request and the factors relevant to the decision of the Electoral Commission whether to grant an extension of time, such as for lodging disclosures.

Distinguishing between an unregistered party and a third-party campaigner

The Electoral Commission developed resources to assist organisations not registered as parties seeking to participate in the election determine whether they were an unregistered political party required to appoint a party agent or whether they must register as a third-party campaigner. The Electoral Commission developed a fact sheet about what a political party is under NSW electoral funding laws and what distinguishes a political party from other organisations such as third-party campaigners. The fact sheet covered the different rules for parties and third-party campaigners and was published on the website and communicated to political participants inquiring about their obligations. It included the following advice.

A body or organisation will be a party for the purposes of the *Electoral Funding Act 2018* if it meets the following conditions:

- its objects or activities include endorsing one or more candidates to stand as a representative of that body or organisation
- it has identifiable members
- there is one or more persons fulfilling a role that could be characterised as an “officeholder”.

New Guidelines and guidance support **Regulatory Priority 8**: regulated participants in NSW elections having access to useful and timely information about their key obligations.

Political donations education campaign

Campaign approach

The NSW Electoral Commission has run several political donations public awareness campaigns to educate people in New South Wales about political donations laws and specific changes that make cash donations over \$100 to political participants unlawful. Another campaign was run during the 2023 NSW State election period across digital and social media.

Messaging

The campaign let donors and potential donors know that important rules apply when making a political donation. It focussed on the following key pieces of information and encouraged people to find out more on the NSW Electoral Commission website:

- political donations paid in cash must not exceed \$100
- buying tickets or other items for a fundraiser could be a political donation
- giving free or discounted goods and services could be a political donation
- there are limits to the amount any political participant can accept from a donor in a financial year.

Campaign results

Table 1: Results of the political donations public awareness campaign

Channel	Result
Digital advertising	Digital advertising delivered more than 15,150,546 impressions.
Social media	Paid social media advertising delivered cost-efficient results, to targeted audiences with 5,751,925 impressions delivered overall across Meta, WeChat and Weibo.

This education campaign relates to **Regulatory Priority 4**: election participants meet their political donation disclosure obligations for the 2023 NSW State election pre-election period and **Regulatory Priority 8**: regulated participants in NSW elections having access to useful and timely information about their key obligations.

Website Integrity hub

All key election integrity resources were brought together into an Integrity hub on the website, to strengthen the Electoral Commission's commitment to maintaining public trust in election delivery and election regulation. This new hub brings together information about a range of activities that are statutory functions of the Electoral Commission (some shared with the Electoral Commissioner) and that were important for the 2023 State election:

- the Disinformation Register
- Education and guidance
- Regulation of electoral material and election conduct
- Compliance audits
- Investigations
- Enforcement of electoral laws
- The Commission's Annual Regulatory Priorities
- Transparency (for example, publication of registers).

This innovation relates to **Regulatory Priority 1**: Electoral material and other election-related material does not mislead electors about the electoral process, and **Regulatory Priority 2**: Voting in person at NSW elections is free of interference.

Proposals for legislative change

As the independent regulator of elections and the administrator of the NSW public funding scheme, the Electoral Commission does not engage in public commentary about the electoral policy settings of the NSW legislation it enforces and administers. This includes not expressing a view on how much public funding should be claimable by election participants, who should be allowed to make political donations or be prohibited from doing so, the level of caps that should apply to expenditure on election campaigns and political donations, or whether specific items of expenditure by election participants should be categorised as electoral or administrative expenditure.

From time to time, however, the Electoral Commission identifies gaps in NSW electoral legislation that it considers may undermine its capacity to administer the electoral funding scheme according to the NSW Parliament's legislative policy objectives or may impede its capacity to enforce contraventions of electoral legislation consistent with public expectations.

Proposals for amendments to address identified gaps are made directly to the relevant Ministers with allocated responsibility for administering NSW electoral legislation, in accordance with longstanding practice, from time to time. Sometimes proposals have also been included in annual reports of the Electoral Commission. Arising specifically from the 2023 NSW State election, however, the Electoral Commission recommends that the NSW Parliament consider making specific changes to address the issues below.

Other potential amendments have been identified by the Electoral Commission that are considered minor and non-controversial but useful to ensure the electoral funding scheme continues to operate as intended. As these describe potential "loopholes", however, these are not listed in this report, to support the ongoing integrity of the electoral funding framework. The Electoral Commission would welcome, however, the opportunity to explore whether such amendments could be included in statute law bills, or similar, in the future.

Election official safety

To facilitate a safe working environment for election officials, and support election integrity, consideration should be given to expanding the offence of hindering or obstructing an election official to prohibit a person from filming or photographing an election official in the course of their duties, and other measures. Further information about this safety and related proposals to support the ongoing public trust in elections is provided in the Electoral Commissioner's report – see Part one, Proposals for legislative change (Proposal 10 and Proposal 11). In relation to the flow-on impact of safety measures impacting the speed of the count on election night, a proposal is detailed in the Electoral Commissioner's report – see Part one (Proposal 6).

Election material distributed prior to election day

The Electoral Commission recommends that consideration be given to amending the Electoral Act to require material distributed during the early voting period to be registered by the Electoral Commissioner, as per the requirements for material distributed on election day. The trend of increasing numbers of electors casting early votes via postal or at early voting centres continued at the election, with 1,576,947 electors casting early votes at the 2023 NSW State election. Introducing a registration requirement for the early voting period would support greater compliance with the legislative requirements for electoral material, reducing the likelihood of a breach occurring and the potential for electors to be confused, misled or offended by unlawful material.

Advance payments of public funding

The Electoral Commission administers the statutory Election Campaigns Fund. A party or candidate is not eligible for any payment (other than advance payments) from this fund in respect of an election while any failure to lodge a declaration under Part 3 (Political donations and electoral expenditure) or any annual financial statements under Part 6 (Obligations of registered parties and senior office holders) for a past period continues. It is not clear that it was intended that advance payments should be an exception from this condition, particularly given that recent amendments to the legislation have increased the amount that may be received as an advance payment. An amendment is required if the Electoral Commission is to be authorised to determine that a party or candidate is not eligible to receive an advance payment due to the circumstances of a failure to lodge.

Consequences of dis-endorsement

A small number of candidates were dis-endorsed by a party after their nomination for the 2023 NSW State election, but prior to election day. The Electoral Commission recommends that the consequence of dis-endorsement of a candidate by a party be clarified. In particular, the impact of such dis-endorsement for the purpose of establishing the applicable cap on electoral expenditure for the affected party and candidate, their eligibility to claim from the Election Campaigns Fund and for the purpose of section 9(9) of the Electoral Funding Act (which allows electoral expenditure incurred by the party for the candidate to be invoiced to the candidate). Further clarity is desirable to provide certainty for parties and candidates, and for the Electoral Commission to be able to effectively enforce the applicable caps on electoral expenditure.

Person responsible for the disclosures of an independent group

The Electoral Commission recommends that section 14 of the Electoral Act be amended to provide that the lead candidate of a group of independent candidates is responsible for the disclosures of the candidates in the group. Under the existing arrangements, a candidate is responsible for their own disclosure where a party agent is not the person responsible. This leads to both confusion and non-compliance, as many independent candidates expect that the lead candidate of their group will manage their disclosures. Making the lead candidate responsible for the disclosures of the group and its members is likely to result in a greater level of compliance. This will also mean donations and expenditure of the group and its members will be centralised in one campaign account, making it easier for the lead candidate to manage and disclose relevant transactions.

Compulsory voting

Voting is compulsory for all eligible electors and the Electoral Commission raises awareness of election events through extensive campaigning. The Electoral Commission institutes proceedings with respect to the offence of failing to vote when the person elects to have the matter heard by the court in response to receiving a penalty notice. This is the case even where an elector claims to have no knowledge of the election, given that voting is compulsory. It is made clear in the penalty notice provision of the Electoral Act that it is not a sufficient reason for the failure of an elector to vote at an election that the elector did not know that an election was being conducted. To avoid unnecessary litigation and related costs for all parties, consideration should be given to amending section 207 of the Electoral Act (the offence provision) to put beyond doubt in court proceedings that it is not a defence that the elector did not know that an election was being conducted. This would bring the offence provision in line with the penalty notice provision for failing to vote.

Regulation of electoral funding laws for the election – overview

Political parties, candidates, groups, third-party campaigners, associated entities, agents and other electoral participants in the 2023 NSW State election must comply with electoral funding laws. These include registration for the election and the lawful management and disclosure of political donations and electoral expenditure. The Electoral Commission is responsible for regulating these electoral funding laws, and for administering payments to eligible candidates and parties from the Election Campaigns Fund.

While the nominations for the 2023 NSW State election opened on 27 February 2023 and the writs were issued on 6 March 2023 triggering the start of the regulated period, the regulation of electoral funding for the election began much earlier. The Electoral Commission opens the State Register of Candidates for a State general election at the end of election day for the previous State general election. Candidates intending to contest an election must not accept political donations or make payments for electoral expenditure before being registered, though Members of Parliament who are seeking re-election do not need to be registered. The State Register of Candidates for the 2023 NSW State election opened on 23 March 2019 and the first candidate registered on 31 January 2020, though was not later nominated to contest the election. The first candidate to register for and contest the 2023 NSW State election, registered on 1 November 2021.

The Electoral Commission administered the political donations and electoral expenditure disclosure scheme for the 2023 NSW State election. Political participants have disclosure obligations once registered or when they become a candidate, group or third-party campaigner. Political parties associated entities and elected Members of Parliament have ongoing disclosure obligations for the duration of their registration or term.

There are four different disclosure periods every year following which political participants must lodge, and the Electoral Commission process and publish, the disclosures. This includes two half-yearly political donation disclosure periods; a major political donor disclosure period; and an annual electoral expenditure disclosure period. Every four years, in the lead-up to a State general election, there is an additional pre-election donation disclosure period during which all electoral participants except major political donors must disclose reportable political donations within 21 days of being made or received.

Electoral expenditure of political parties, associated entities, candidates, groups and third-party campaigners is capped during the capped expenditure period for the election and it is an offence to incur electoral expenditure in connection with the election that exceeds the applicable expenditure cap. The capped expenditure period for the 2023 NSW State election started on 1 October 2022 and ended on election day, 25 March 2023. Political donations are also capped though caps on donations are applicable and indexed on a financial year basis.

Complete and accurate accounting and financial records of funding for the election campaign must be kept for all electoral participants so that political donations and electoral expenditure may be disclosed and audited. This includes the issuance of receipts and acknowledgements to donors, the retention of records for at least three years and, where required, opening and managing a campaign account.

After the election, political parties or candidates may be eligible to receive payments from the Election Campaigns Fund to reimburse certain electoral expenditure incurred in connection with the election. The claimable period for the Election Campaigns Fund started on 1 July 2022 and ended on election day in March 2023. Advance payments were available to eligible political parties from 1 October 2022.

Registration of candidates, groups and third-party campaigners, and appointment of agents

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. It also provides the rules for the management and disclosure of political donations and electoral expenditure, including the registration of associated entities, and the appointment and registration of party agents for political parties and official agents for third-party campaigners.

Registration

The Electoral Commission registered a total of 947 candidates, groups and third-party campaigners for the 2023 NSW State election as detailed in the Table 2. Of these, 573 candidates were for the Legislative Assembly and 292 candidates were for the Legislative Council.

Table 2: Registrations by stakeholder type on Election Day for the 2023 NSW State election

Candidates	Groups of candidates	Third-party Campaigners	Total
865	21	61	947

Source: NSW Electoral Commission.

Candidate and group registrations for campaign funding purposes

Candidates and groups that intended to accept political donations or make payments for electoral expenditure before being nominated for the 2023 NSW State election were required to first register under the *Electoral Funding Act 2018*. The registration of a candidate or group for campaign funding purposes is a separate process to the candidate or group being nominated for the election (to have their name printed on the ballot paper). To be registered earlier than nomination, a candidate or group was required to make a valid application to the Electoral Commission before the close of nominations at 12noon on Wednesday, 8 March 2023.

Candidates and groups were able to register for the 2023 NSW State election using the Funding and Disclosure Online system or by printing, completing and submitting the applicable form (made available on the Electoral Commission's website). Members of Parliament seeking re-election did not need to register before accepting political donations or making payments for electoral expenditure.

All candidates and groups that did not apply to register before the close of nominations, were deemed registered upon nomination. This meant that after the close of nominations all candidates and groups could lawfully accept political donations and make payments for electoral expenditure.

The details of all registered candidates and groups, including those who applied and those who were deemed registered, were included in the 2023 NSW State Register of Candidates and published on the Electoral Commission's website. An email was sent to all registered election participants confirming their registration and providing details of the electoral funding obligations.

The proportion of candidates and groups that registered before the close of nominations at the 2023 NSW State election was comparable to the previous State general election held on 23 March 2019. In 2023, of the 865 candidates that were registered for the election, 272 or 31 per cent registered before the close of nominations. This compares with the 2019 State general election where 287 or 31 per cent of the 914 nominated candidates registered before close of nomination. This meant that the same proportion of candidates at the two recent State general elections were lawfully able to receive political donations or make payments for electoral expenditure before being nominated for the 2023 NSW State election. Of the 21 groups registered for the 2023 NSW State election before nominating, seven or 33 per cent, registered before nomination. This was a little more than the five, or 25 per cent, of the 20 groups registered for the 2019 NSW State election.

A benefit of registration before nomination is that it enables the Electoral Commission to communicate with candidates who have registered and provide information and resources developed to support their election journey including nomination.

Table 3: Registration of candidates and groups before and after the close of nominations

	Registered before the close of nominations	Deemed registered following on nomination	Total number registered
Candidates in 2023	272 (31%)	592	865
Candidates in 2019	287 (31%)	627	914
Groups in 2023	7 (33%)	14	21
Groups in 2019	5 (25%)	15	20

Source: NSW Electoral Commission.

Third-party campaigner registrations

Third-party campaigners were required to register for the election before making payments of more than \$2,000 for electoral expenditure incurred during the capped expenditure period for the election which started on 1 October 2022 and ended on election day, 25 March 2023.

A third-party campaigner is an individual or entity (other than a political party, elected member, candidate, group of candidates or associated entity) that incurred more than \$2,000 of electoral expenditure during the capped expenditure period for the election, or that registers as a third-party campaigner. Electoral expenditure of a third-party campaigner is expenditure that has the dominant purpose of promoting or opposing a political party or candidate or influencing the vote at the election.

Sixty-one third-party campaigners registered for the 2023 NSW State election. Of these, nine registered using Funding and Disclosure Online and 52 registered using a paper-based form. Their details were included in the Register of Third-party Campaigners, published on the NSW Electoral Commission website. See Appendix C.

Online registration

Of the 272 candidates who registered for the 2023 NSW State election before the close of nominations (13 of whom did not go on to nominate), 181 or 67 per cent registered using Funding and Disclosure Online. A total of 181 candidates, six groups and nine third-party campaigners registered using Funding and Disclosure Online while 91 candidates, one group and 52 third-party campaigners used the manual, paper-based process. Registration of third-party campaigners using Funding and Disclosure Online did not become available until November 2022 at which time many third-party campaigners had already registered using the manual, paper-based process.

Table 4: Registration using Funding & Disclosure online compared with a paper process

Political participant	Registered using Funding & Disclosure Online	Registered using a paper form	Percentage of registrations conducted online
Candidates	181	92	67%
Groups of candidates	6	1	86%
Third-party Campaigners	9	52	15%
Total	196	145	57%

Source: NSW Electoral Commission.

Appointment of agents

The Electoral Commission administered the appointment of 80 agents legally responsible for the campaign finances and disclosures of a political party or a third-party campaigner at the 2023 NSW State election, or an associated entity, as detailed in Table 5.

Table 5: Agent appointments in relation to the 2023 NSW State election

Official agents for Third-party campaigners	Party agents for State registered political	Official agents for Associate entities	Total agents
61	15	4	80

Source: NSW Electoral Commission.

State registered political party agent appointments

The Electoral Commissioner is responsible for the registration of political parties in New South Wales and information about party registration is provided in the Electoral Commissioner's 2023 NSW State election report, Part one. Party registration is not tied to an election but is instead confirmed annually. Fifteen political parties were registered for State elections at the time of the 2023 NSW State election.

The Electoral Commission is responsible for regulating a party's compliance with electoral legislation including electoral funding laws, and for administering public funding. State registered political parties may be eligible to make a claim for public funding including from the Election Campaigns Fund. Public funding is not available to Local Government registered political parties or to unregistered parties. A party, whether registered or not, is required to appoint a party agent responsible for the management and disclosure of political donations and electoral expenditure. This appointment is ongoing and not tied to a specific election. The 15 State registered political parties each appointed a party agent who was responsible for managing their 2023 NSW State election campaign finances. See Appendix C.

Third-party campaigner official agent appointments

A third-party campaigner must appoint an official agent who is responsible for complying with disclosure and campaign account legal requirements on behalf of the third-party campaigner. Sixty-one official agents were appointed by third-party campaigners registered for the 2023 NSW State election. Their details were included in the Register of Official Agents of Third-party Campaigners, published on the NSW Electoral Commission website. See Appendix C.

Associated entity official agent appointments

An associated entity must be registered with the Electoral Commission. An associated entity must appoint an official agent responsible for the management and disclosure of political donations and electoral expenditure. A person can be an agent for more than one electoral participant. Four entities associated with the Liberal Party were registered at the time of the 2023 NSW State election, and each had the same appointed official agent to be responsible for their electoral finance obligations. The official agent appointed by the four associated entities was also the party agent. Details are included in the Register of Associated Entities and Register of Official Agents for Associated Entities published on the NSW Electoral Commission website.

Public funding – Election Campaigns Fund

The Election Campaigns Fund is intended to reimburse eligible candidates and State registered political parties for certain electoral expenditure incurred in connection with a State election. After a State election, a political party or candidate that is eligible to receive a payment from the Election Campaigns Fund, may make a claim with the Electoral Commission. The claimable period for the 2023 NSW State election started on 1 July 2022 and ended on election day, 25 March 2023. Copies of claims and reports on payments made from the Election Campaigns Fund are published on the Electoral Commission's website.

Changes to the administration of the Election Campaigns Fund were introduced by the *Electoral Legislation Amendment Act 2022* on 2 November 2022 ahead of the 2023 NSW State election, providing increased advanced payments from the scheme. Where a party was previously entitled to claim an advance payment of 50 per cent, the change entitled a party to receive a further advance payment of 25 per cent of the total amount to which it was entitled, after the issue of writs for the 2023 NSW State election. Advance payments were available for eligible parties from 1 October 2022.

The eligibility criteria for political parties and candidates is set out in the *Electoral Funding Act 2018*. A party is eligible if, among other things, it is registered and the total number of first preference votes received by the party's endorsed candidates in either the Legislative Assembly or Legislative Council election is at least four per cent, or at least one endorsed candidate of the party is elected.

A candidate is eligible if, among other things, the candidate is registered and:

- (in the case of a Legislative Assembly candidate) receives at least four per cent of the first preference vote in their district, or
- (in the case of a Legislative Council candidate) was not a member of a group that was endorsed by a party, and receives at least four per cent per cent of the first preference vote in the Legislative Council.

A party or candidate is not eligible to receive any preliminary or final payments from the Election Campaigns Fund if the party or candidate has any outstanding disclosures of political donations or electoral expenditure or if a party has outstanding audited annual financial statements.

The amount of public funding to be distributed from the Election Campaigns Fund to an eligible candidate or party is the lesser amount of the following:

- a dollar amount per first preference votes received by an eligible candidate or by an eligible party's endorsed candidates
- the total amount of actual campaign expenditure incurred by the party and all of its endorsed candidates.

The 'dollar per vote' public funding scheme was introduced at the 2015 NSW State election. It made public funding available to eligible parties as well as eligible candidates who are not endorsed by an eligible party. The amounts are set out in Table 6.

Table 6: "Dollar per vote" public funding available in relation to the 2023 NSW State election

Criteria
<p>Category A (party): an eligible 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; or an eligible party that does not satisfy the above criteria but has 10 or more endorsed candidates in the Legislative Assembly election:</p> <p>\$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</p>
<p>Category B (party): A party that does not satisfy category 'A' that has less than 10 (including zero) endorsed candidates in the Legislative Assembly election:</p> <p>\$5.25 per first preference vote received by the endorsed candidates of the party in the Legislative Council</p>
<p>Eligible candidates</p> <p>\$4.66 per first preference vote received by a candidate for a Legislative Assembly election</p> <p>\$5.25 Per first preference vote received a candidate for a Legislative Council election</p>

Source: Electoral Funding Act 2018 and the Electoral Funding (Adjustable Amounts) Amendment (Public Funding) Notice 2019.

Actual campaign expenditure of a party or candidate for the 2023 NSW State election means electoral expenditure incurred by the party or candidate in connection with the election from 1 July 2022 to 25 March 2023.

Claims and payments from the Election Campaigns Fund

To receive a payment from the Election Campaigns Fund, the eligible candidate or party is required to make a claim for payment. This is to include actual campaign expenditure of the eligible candidate or, in the case of an eligible party, actual campaign expenditure of the party and its endorsed candidates. The combined total maximum entitlement for all eligible parties was \$33.9 million, as shown in Table 7. Advance payments were made to seven eligible parties prior to the election. Each of the seven parties received advance payments that were equal to 75 per cent of the amount each party was entitled to receive from the Election Campaigns Fund for the 2019 NSW State election.

Payments totalling \$1,049,048.72 have been made to 57 candidates entitled to receive reimbursement from the Election Campaigns Fund for electoral expenditure in connection with the 2023 NSW State Election. See Appendix D for a list of payments made to candidates, as at 22 September 2023.

Table 7: Election Campaigns Fund for eligible registered parties at the 2023 NSW State election

Party name	Maximum entitlement	Advance payments made before election*	Prepayment amounts paid after election*	Repayment of advance payment, if required	Final payment amount*	Total paid as at 22 Sept 2023
Animal Justice Party	Not entitled to claim **	\$51,001.01	Not applicable	\$51,001.01	Not applicable	Not applicable
Australian Labor Party (NSW Branch)	\$14,016,014.96	\$3,962,490.46 \$1,981,245.23	\$6,670,677.77	Not applicable	\$1,401,601.50	\$14,016,014.96
Legalise Cannabis NSW Party	\$873,052.62	Not applicable	Not applicable	Not applicable	\$91,383.23	\$91,383.23
Liberal Democratic Party	\$753,619.30	Not applicable	Not applicable	Not applicable	Claim assessment in progress	-

Party name	Maximum entitlement	Advance payments made before election*	Prepayment amounts paid after election*	Repayment of advance payment, if required	Final payment amount*	Total paid as at 22 Sept 2023
National Party of Australia - NSW	\$3,298,675.95	\$1,696,679.95 \$848,339.97	\$423,788.44	Not applicable	Claim assessment in progress	\$2,968,808.36
Pauline Hanson's One Nation	\$1,351,858.78	\$217,750.51 \$108,875.26	Not applicable	Not applicable	Claim assessment in progress	\$326,625.77
Shooters, Fishers and Farmers Party (NSW) Incorporated	\$837,028.28	\$711,419.78 \$355,709.89	Not applicable	\$230,101.39	Not applicable	\$837,028.28
The Greens NSW	\$3,592,484.60	\$1,440,571.01 \$720,285.50	\$1,072,379.63	Not applicable	Claim assessment in progress	\$3,233,236.14
The Liberal Party of Australia, New South Wales Division	\$9,190,249.49	\$4,902,399.24 \$2,451,199.62	\$917,625.68	Not applicable	Claim assessment in progress	\$8,271,224.54
Totals	\$33,912,983.98	\$19,447,967.43	\$9,084,471.52	281,102.40	1,492,984.73	29,744,321.28

Source: NSW Electoral Commission at 22 September 2023. Over time, as claims are assessed and processed, this information is subject to change. Copies of claims and payments are published on the Electoral Commission's website.

*Note: A party can receive its entitlement in the following instalments:

1. Advance payment: 50% of the party's entitlement in the 2019 NSW State Election, paid between 1 October 2022 and before the issue of the Writs (6 March 2023) for the general election and a further 25% paid after the issue of the writs.

2. Prepayment: 90% of the party's estimated entitlement for the 2023 NSW State Election less the advance payment, if the entitlement amount cannot be finalised within 14 days of the claim for payment being lodged. Paid within 14 days of claim lodged (after 2023 NSW State election).

3. Final payment: the balance of the party's finalised entitlement, if the full entitlement was not paid within 14 days of claim lodgement.

**Note: The Animal Justice Party, while entitled to receive an advance payment before the election, did not meet any of the eligibility criteria following the declaration of the results. The party reimbursed its advance payment within 60 days of the day for the return of the writs.

When a claim for payment is made by a party and is supported by adequate vouching for expenditure, a preliminary payment will be made to the party within 14 days – if the party is eligible to receive a payment and if the Electoral Commission is not able to finalise auditing the claim within that period. A preliminary payment is equal to 90 per cent of the estimated amount payable to the party reduced by any advance payment already received by the party. A final payment is made to a party once the Electoral Commission has audited the party's claim and confirmed the party is eligible to receive the final payment.

The Electoral Commission must approve all payments to parties and candidates from the Election Campaigns Fund. It may disallow items of expenditure included in a claim if the expenditure is not actual campaign expenditure of the party or candidate, if the expenditure has been incurred unlawfully, or if there are no supporting documents to substantiate the expenditure. The Electoral Commission recovers any amount assessed to be an overpayment. Two parties were required to repay amounts following the 2023 NSW State election. Claims for payment, and details of payments made, are published on the NSW Electoral Commission website.

Caps on electoral expenditure

Electoral expenditure was capped at the 2023 NSW State election, limiting the amount of expenditure that could be incurred by political parties, associated entities, candidates, groups of candidates and third-party campaigners during the State capped expenditure period for the election. The capped State expenditure period began on 1 October 2022 and ended on 25 March 2023.

The expenditure cap applicable to a party was based on the number of endorsed candidates of the party in the Legislative Assembly election. If the party had more than 10 endorsed Legislative Assembly candidates, the expenditure cap was calculated by multiplying the number of the party's endorsed Legislative Assembly candidates by \$132,600. If a party had 10 or fewer endorsed candidates for the Legislative Assembly election, the expenditure cap of the party was \$1,389,900. Within a party's overall expenditure cap, a party was only entitled to incur up to \$66,400 in respect of a Legislative Assembly electoral district.

The expenditure caps that applied to candidates are shown in the following table.

Table 8: Candidate expenditure caps (by candidate type)

Candidate type	Cap
Independent group of candidates for the Legislative Council election	\$1,389,900
Party endorsed candidates for the Legislative Assembly election	\$132,600
Independent candidates for the Legislative Assembly election	\$198,700
Ungrouped candidates for the Legislative Council election	\$198,700

Source: Electoral Funding Act 2018.

A third-party campaigner was entitled to incur up to \$26,700 in respect of a Legislative Assembly electoral district and had an overall expenditure cap of \$1,288,500 if registered for the election prior to 1 October 2022, or \$644,300 in any other case.

For the purpose of expenditure caps, expenditure is taken to be incurred when the goods are delivered or when the services are provided. For example, when an advertisement is broadcast or published.

Certain exemptions apply to electoral expenditure for the purpose of calculating caps on electoral expenditure for candidates, groups and parties. This includes electoral expenditure incurred for the purpose of raising funds for the election; auditing a party or candidate's campaign accounts; travel and accommodation for candidates and staff engaged in electoral campaigning (unless in a vehicle displaying advertising or electoral material); and for office accommodation for a single campaign office for a candidate or a party engaged in an election campaign (but only to a maximum amount of \$20,000).

Aggregation rules apply to electoral expenditure incurred for state election campaigns. Information about these rules is published on the Electoral Commission website.

Caps on political donations

Political donations made to political parties, elected members, candidates, groups of candidates, associated entities, and third-party campaigners are capped in New South Wales. The caps on political donations are adjusted for inflation each financial year. The donation caps that applied at the 2023 NSW State election were those adjusted for the 2022-23 financial year. These are shown in Table 9.

Table 9: Caps on political donations for 2022-23

Stakeholder type	Cap
Registered parties and Legislative Council groups	\$7,000
Unregistered parties, candidates, elected members, associated entities and third-party campaigners	\$3,300

Source: Electoral Funding Act 2018.

Donation cap exemptions

The following exemptions applied to the caps on political donations at the 2023 NSW State election.

Party membership and affiliation fees

A fee paid to a party by a member of the party, or by an affiliate of the party, is not subject to the caps on political donations, except the following:

- a membership fee more than \$2,000
- an affiliation fee more than \$2,000, if the affiliation fee is not based on the number of members of the affiliate, or the fee is more than \$2,000 multiplied by the number of members of the affiliate, if the fee is based on the number of members of the affiliate.

Party levies paid by elected members

A party levy paid to a party by an elected member, or a candidate who is a member of the party, is a political donation but is not subject to the caps on political donations.

Donations by a Legislative Assembly candidate to a party

During the financial year in which a Legislative Assembly general election or by-election is held, a Legislative Assembly candidate who is a member of a party can make a political donation to the party, that is exempt from the cap on political donations, up to \$66,400, the maximum amount of electoral expenditure the party can incur in respect of the candidate's electoral district for the 2023 State election. This is separate to a candidate making a contribution to finance their own campaign, rather than the party's campaign. Such contributions are not political donations and are not subject to the caps on political donations.

Donations by a Legislative Council candidate

During the financial year in which a Legislative Council election is held:

- a Legislative Council candidate who is a member of a party can make a political donation to the party of up to \$55,800
- a Legislative Council candidate who is not a member of a party but is a member of a group can make a political donation to the group up to \$55,800.

The amount of political donations made by the candidate to the party or group (as applicable) that exceeds \$60,000 is subject to the caps on political donations.

Donations paid into a federal campaign account

A political donation is exempt from the caps if it is paid into an account kept exclusively for federal election campaigns.

Donations to a third-party campaigner not paid into a campaign account

A political donation to a third-party campaigner that is not to be paid into the third-party campaigner's campaign account is exempt from the caps.

Prohibition on cash donations over \$100

Cash donations of over \$100 are prohibited in NSW and the 2023 NSW State election was the first State general election at which the ban on cash donations over \$100 was in effect.

The Electoral Commission delivered a range of awareness-raising activities for its stakeholders about the rules for receiving donations, including this ban on cash donations. These activities included webinars, educational videos and a social media campaign on digital platforms.

Disclosure of political donations and electoral expenditure

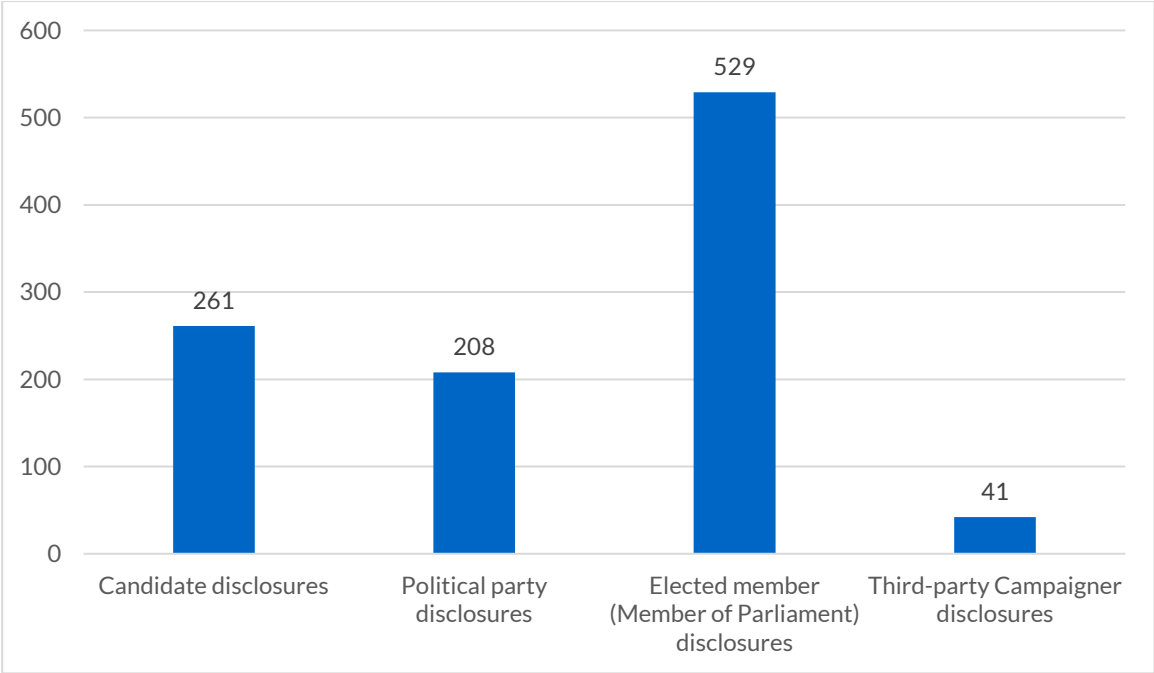
Pre-election period disclosure of political donations

Under the *Electoral Funding Act 2018* disclosures of reportable political donations made and received during the pre-election disclosure period must be submitted by parties, elected members, candidates, groups of candidates, associated entities, and third-party campaigners within 21 days. The ‘pre-election period’ for the 2023 NSW State election started on 1 October 2022 at the beginning of the capped expenditure period and ended on election day, 25 March 2023. The latest reporting day by which donations, received on election day, were to be disclosed was 21 days after election day on Monday, 17 April 2023.

A reportable political donation is a donation that is valued at \$1,000 or more, and includes multiple donations made by the same donor to the same recipient that in aggregate are valued at \$1,000 or more in one financial year. The requirement to disclose ahead of a State general election does not apply to major political donors. Donors are required to disclose reportable political donations made, following the end of the 2022-23 financial year by 11 August.

More than \$6.5 million in reportable political donations was disclosed to the Electoral Commission in 1,039 pre-election disclosures for the 2023 NSW State election by political parties, elected members, candidates and third-party campaigners. Under the *Electoral Funding Act 2018*, the Electoral Commission is required to publish these disclosures as soon as practicable on the Electoral Commission’s website. When a disclosure is amended, both the original disclosure and the amendment are published on the Electoral Commission website and at the time of publication 114 amendments of pre-election disclosures were lodged.

Figure 1: Pre-election period donation disclosures (including amendments) made by stakeholder type

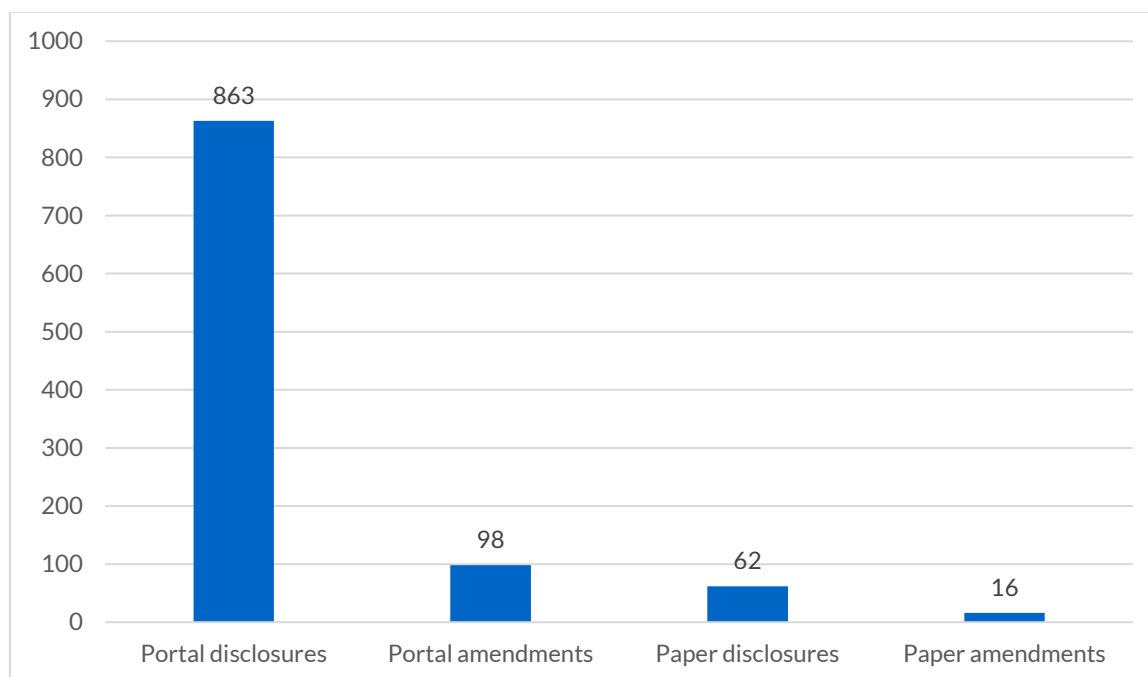


Source: NSW Electoral Commission data at 25 September 2023. Note: disclosure numbers may increase over time as late disclosures are lodged and published, and a disclosure can be amended at any time after it is submitted and published.

Online disclosures

Of the 1,039 pre-election disclosures received, 961 disclosures and amendments were submitted using the Electoral Commission's Funding and Disclosure Online system. PDF disclosure forms were available on the website and 78 pre-election disclosures were submitted using a paper form. Funding and Disclosure Online went live in 2021, so online registrations and disclosures were not available for the 2019 State election and paper-based forms were used.

Figure 2: 2022/23 Pre-election disclosures submitted using Funding & Disclosure Online compared with a paper process



Source: NSW Electoral Commission data at 25 September 2023. Note: numbers of disclosures may increase over time as late disclosures are lodged and published, and a disclosure can be amended at any time after it is submitted and published.

Online disclosure has reduced lodgement of invalid disclosures

Over 90 per cent of pre-election disclosures were submitted using Funding and Disclosure Online and there were no pre-election period disclosures assessed as invalid compared to invalid pre-election disclosures at the 2019 NSW State election. At the last State general election, there were 358 pre-election disclosure paper forms submitted, and 40 (11 per cent) of these were assessed as invalid for reasons including:

- the form was not signed, and/or dated within the prescribed lodgement period
- the form was signed by the wrong person
- the wrong form was used, or the disclosure was not required
- the form was incomplete or missing information.

Each invalid form takes additional processing/checking time and effort, and multiple communications between the stakeholder and Electoral Commission staff to resolve, revise, resubmit, as required. The online system has reduced these time-consuming activities, and more valid disclosures are lodged first time. The online option has been designed to support participants comply and meet their disclosure obligations, for example, functionality includes inbuilt validations and checks to reduce data entry mistakes, prevent the selection of an incorrect form or date or address, and there are step by step instructions guiding portal users, based on their user profile and statutory role and what forms are due for lodgement, through to the electronic signature and submission step.

There are some persistent errors made and issues experienced with both paper and online disclosure, however, which the Electoral Commission monitors and supports stakeholders to resolve, where practicable. Resolving these issues can delay the publication of disclosure information. The issues identified during the processing of pre-election disclosures at both the 2019 and the 2023 State elections include:

- verifying donor details, for example: an individual donor and their residential address cannot be matched on the electoral roll; an individual donor is reported instead of an entity business donor of which they are associated; two donors (usually a couple) are reported as making a single 'joint' donation rather than their individual donations being reported; donor information is incomplete; and sometimes details of small donations or transactions not required to be disclosed are included on a disclosure form.
- the person responsible for submitting the disclosure advises that it was lodged in error or is incorrect before it has been processed and an amendment can be generated. Regardless of the method of lodging disclosures, persons responsible for disclosing can identify errors or issues at the time of lodgement and may wish to resubmit/replace the disclosure, especially if information has been included on the disclosure which does not need to be disclosed to the Electoral Commission.

There were nine pre-election period disclosures submitted via the portal, and one paper disclosure submitted, which were assessed during the Electoral Commission's initial processing step as containing information that did not need to be disclosed or the donor information needed correcting or the stakeholder indicated the disclosure was incorrect, and a new disclosure was lodged and published.

The Electoral Commission reinforces with election participants the importance of recording accurate information about donors when receiving donations, ensuring compliant receipts are issued and accurate records kept. The Electoral Commission is also mindful of the requirement for disclosures to be published in a timely fashion, to support the transparency objects of the electoral funding legislation and will be reviewing its practices ahead of the next State general election to identify opportunities for even earlier publication of disclosures and amendments. As well, guidance and the Funding and Online System continue to be improved to further streamline the processes for making disclosures, within the parameters of the legislation.

Pre-election period disclosures lodged or amended after election day

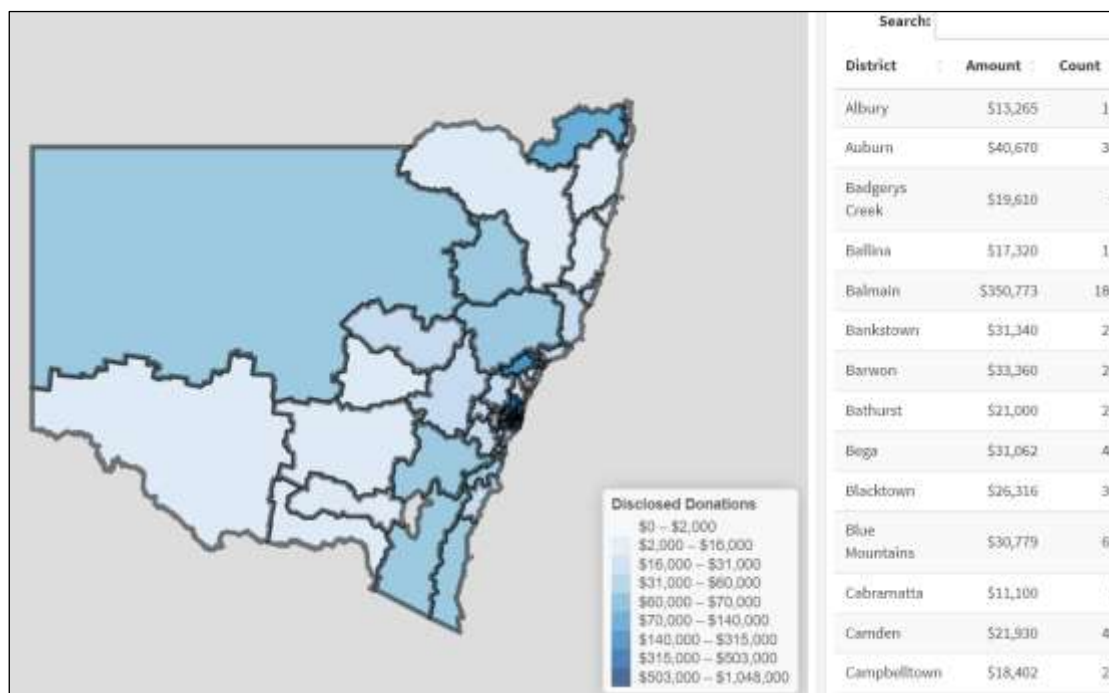
More than \$4.5 million in donations was reported in pre-election period disclosures before or on election day and more than \$2 million in donations were reported in disclosures submitted within 21 days after election day or later. Some pre-election donation disclosures were amended before and after election day. On or before election day there were fifty-five amendments made to previously lodged pre-election disclosures. There were sixty-three amendments made after election day. These amendments will be reviewed by the Electoral Commission's compliance team to identify whether there have been any contraventions in relation to the original disclosures or late disclosures.

Information about pre-election donations published by donor location in New South Wales

To complement the published disclosures, the Electoral Commission published a map on 22 May 2023 that provided a data visualisation of the value of political donations based on the location of donors. Donations were included on the map according to the electoral district in which the individual donor was enrolled, or in which the entity/business donor offices were located. Donation recipients were also readily identified by another list that was published on the website to complement the disclosures by presenting the disclosed information in another format.

The Electoral Commission is exploring ways to publish more data, following elections and in between elections, in ways that will support transparency and consideration of electoral policy issues.

Figure 3: Pre-election period donations received – data visualisation map



Source: NSW Electoral Commission, data published on the website at 22 May 2023.

These education, information and publication activities relate to **Regulatory Priority 4:** election participants meet their political donation disclosure obligations for the 2023 NSW State election pre-election period and **Regulatory Priority 8:** Regulated participants in NSW elections have access to useful and timely information about their key obligations.

Half-yearly disclosure of political donations due during the election period

All other political donations made and received by parties, elected members, candidates, groups, associated entities and third-party campaigners must be disclosed following the half-yearly periods ending 31 December and 30 June. The reporting period for the first half-yearly donations disclosures for the 2022-23 financial year occurred during the 2023 NSW State election period, with the final due date for disclosures being 13 February 2023 ahead of the 25 March 2023 election. The half-yearly donation disclosures received by the due date were published on 13 March 2023 on the Electoral Commission’s website, alongside the pre-election period donation disclosures submitted during the election period which were published progressively, giving greater visibility of election funding.

Annual electoral expenditure disclosure

Electoral expenditure incurred by parties, elected members, candidates, groups, associated entities and third-party campaigners must be disclosed following the end of the 2022-23 financial year. The due date for annual electoral expenditure disclosures for the financial year during which the 2023 NSW State election was held was 22 September 2023. Once processed, copies of these disclosures are published on the Electoral Commission’s website.

Annual major political donor disclosure

A major political donor is required to disclose all reportable political donations of \$1,000 or more made to a NSW political party, elected member, group, candidate, third-party campaigner or associated entity during the annual disclosure period. The due date for annual major political donor donation disclosures for the financial year during which the 2023 NSW State election was held was 11 August 2023. Once processed, copies of these disclosures are published on the Electoral Commission's website.

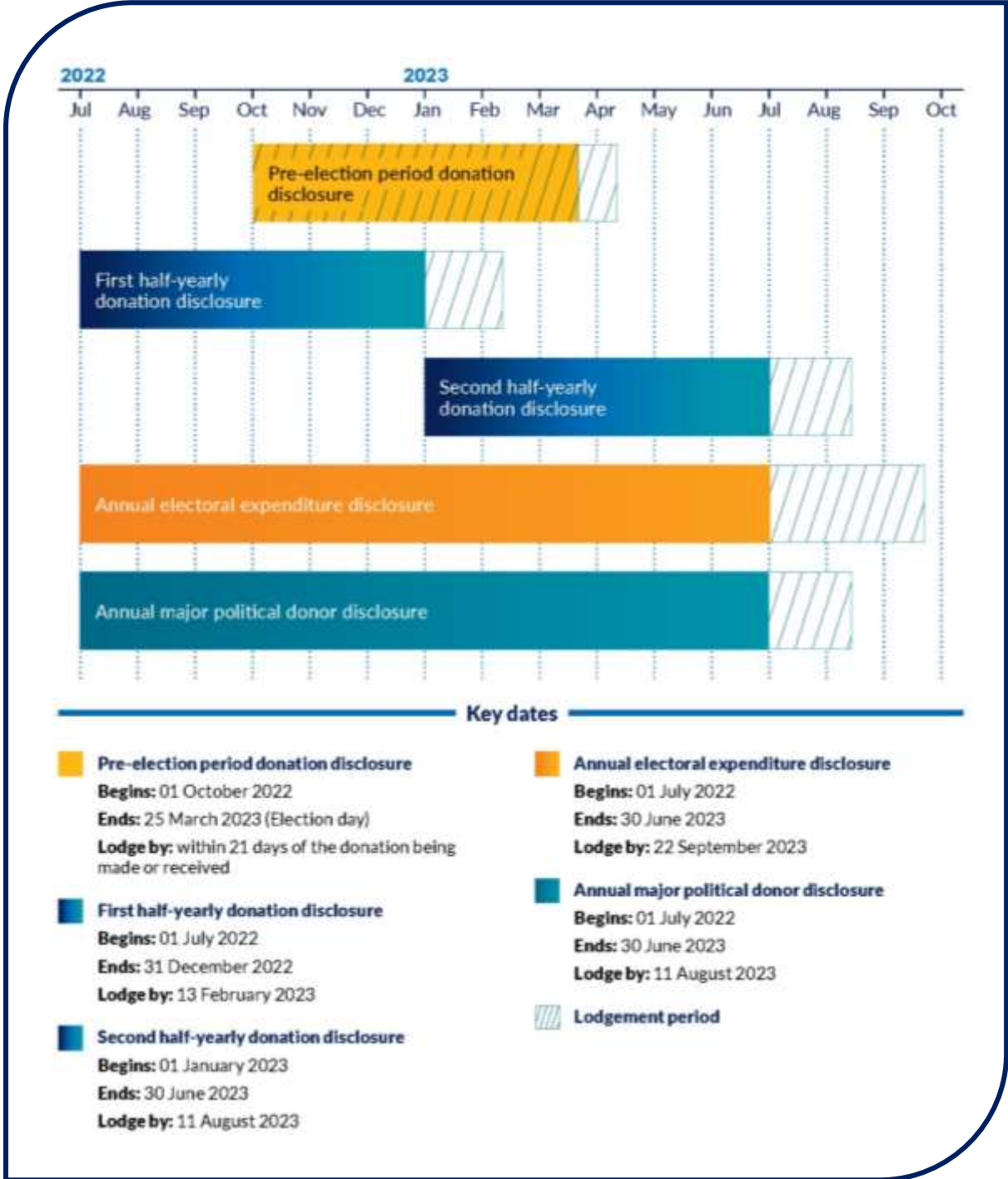
Due dates for disclosure were changed ahead of the election

The due dates for disclosure of political donations were changed ahead of the 2023 NSW election with the commencement of the *Electoral Legislation Amendment Act 2022* on 2 November 2022. This change extended the reporting period from four to six weeks after the end of a half-yearly and yearly period and changed the final due dates. For the period ending on 31 December 2022 the final due date became 13 February 2023, and for the half-yearly and yearly periods ending 30 June 2023, the final due date became 11 August 2023.

Following commencement of the new legislation in 2022, the Electoral Commission updated its systems, disclosure forms, website, policies and procedures. A state-wide communications campaign raised awareness of the new donation and expenditure disclosure requirements and due dates.

This education and information campaign relates to **Regulatory Priority 8: Regulated participants in NSW elections have access to useful and timely information about their key obligations.**

Figure 4: Disclosure periods and due dates for 2022-23



Source: NSW Electoral Commission.

Support and guidance for election participants

A key objective of the *Electoral Funding Act 2018* is to promote compliance by parties, elected members, candidates, groups, agents, associated entities, third-party campaigners and donors with the requirements of the electoral funding, expenditure and disclosure scheme. To achieve this for election participants at the 2023 NSW State election, the Electoral Commission provided extensive direct and indirect support and guidance to political participants.

Resources to promote compliance with the requirements of the *Electoral Act 2017* and *Electoral Funding Act 2018* were provided in person, through direct engagement with duty-holders and indirectly through our various communications channels and are summarised below. Detailed information about education and information to election participants is also provided in the NSW Electoral Commissioner's report – see Part one.

A focus on improving support and education for political participants at the 2023 NSW State election was guided by **Regulatory Priority 8** which sought to ensure that regulated participants in NSW elections have access to useful and timely information about their key obligations.

Support by phone and email

During the lead-up to and just after the 2023 NSW State election, from 6 January to 28 April 2023, the Electoral Commission's telephone helpdesk responded to 7,391 calls from candidates and other election participants seeking support. Calls requiring specialist advice were either redirected by phone to a subject matter expert within the agency or an email sent, and a response provided in writing shortly after. More than 3,100 emails were responded to during this period.

During the capped expenditure period for the election, from 1 October 2022 to election day on 25 March 2023, funding and disclosure client services officers answered 680 emails sent to the Funding, Disclosure and Compliance email account with questions specific to the *Electoral Funding Act 2018*.

Direct engagement about electoral funding obligations

The Electoral Commission provided guidance about the obligations that apply in relation to the 2023 NSW State election directly to election participants that were registered/appointed:

- emails were sent to all election participants in our database explaining changes to the law as part of implementing the *Electoral Legislation Amendment Act 2022* in the leadup to the 2023 NSW State election
- an email was sent to each election participant registering for the 2023 NSW State election, detailing their legal obligations under the law and providing access to resources providing information about those requirements
- two email reminders were sent to each election participant with a disclosure obligation and the persons responsible for disclosure, providing access to resources with information about those disclosure obligations

- a text message was sent to all election participants with a disclosure obligation the day before the final due date for disclosure, reminding them of their obligation to disclose
- 2023 NSW State election bulletins, providing guidance about legislative and administrative requirements ahead of due dates and provide key information about the election, were sent to each registered election participant and also published on the website
- in person information sessions were held with election participants including at Parliament House and upon request
- webinars explaining all aspects of the regulatory and administrative requirements of the 2023 NSW State election.

General guidance available for the State election

Guidance about electoral funding obligations was made available to all election participants in the following ways:

- website content about registration, the management and disclosure of political donations and electoral expenditure and changes to the law, election calendar
- instructional video animations about key aspects of electoral funding laws are made available on the website and via social media
- 2023 State election webinars explaining all aspects of the regulatory and administrative requirements of the 2023 NSW State election
- handbook for candidates, political parties and scrutineers published on the website
- fact sheets covering the key requirements for the 2023 NSW State election for each stakeholder type, published and distributed in the leadup to the election
- social media and other advertising mediums, used to convey information to political participants who might not be receiving direct communications.

Voting and counting compliance operation

Compliance support for voting centre managers

For the 2023 State election, the training material for voting centre managers was improved to include practical information about how to monitor and enforce compliance with the legislative requirements for electoral material and the conduct of political participants at and around voting centres. It provided guidance on how to deal with simple contraventions and when to escalate more complex matters or repeated contraventions to the compliance team. Voting centre managers were provided with a dedicated number to call to report any issues directly to a compliance officer.

The compliance education and training initiatives focused on prevention to support **Regulatory Priority 1**: Electoral material and other election-related material does not mislead electors about the electoral process, and **Regulatory Priority 2**: Voting in person at NSW elections is free of interference.

State-wide additional compliance operation for voting and counting centres

An additional voting and counting period compliance operation commenced on Saturday, 18 March 2023 and concluded at the end of counting for the State election. The operation's objectives were aligned to the Electoral Commission's Regulatory Priorities for 2022-23, which included:

- monitoring electoral material to ensure it was not misleading
- ensuring that electors could freely cast their votes in person at voting centres without interference.

Throughout the voting and counting period the compliance operation achieved the following objectives:

- maintained a visible Electoral Commission compliance presence during the early voting period
- maintained a visible Electoral Commission compliance presence on election day, especially at voting centres with anticipated higher voter turnout
- promptly responded to and reviewed allegations related to breaches of the *Electoral Act* and *Electoral Funding Act*
- proactively addressed compliance issues before and during the election event rather than addressing them after the fact.

The operation involved standing up 10 field teams consisting of core Electoral Commission Investigation and Audit staff, six former NSW police officers, and three seconded staff from the Australian and Victorian Electoral Commissions. Additionally, there was a dedicated investigator to assist in identifying, triaging, and acknowledging allegations promptly. This new approach meant every allegation received by the Investigation Team was acknowledged within one business day and actioned as soon as practicable. The Electoral Commission's Investigation Matter Management System was also enhanced to capture this information in a structured way.

During the operation, field teams were present at early voting centres and voting centres on election day. The teams inspected voting centres engaging with various stakeholders, including the election manager, voting centre manager, candidates, campaigners and volunteers. The teams served the dual purpose of educating stakeholders on their obligations under electoral legislation and acting as a deterrent for non-compliant behaviour.

Teams were focussed in three main metropolitan areas:

- Sydney metro area
- Illawarra, and
- Newcastle/Hunter.

Additionally, three teams were sent to regional areas including the Far and Mid-North Coast, Central West and South Coast.

During early voting, 218 early voting centres in 63 out of the 93 electoral districts were visited at least once. On election day, 94 voting centres in 17 electoral districts were attended. The teams were deployed in accordance with intelligence gathered in the lead-up to and during the election period.

During the early voting period, some venues were visited multiple times due to emerging issues, mainly involving conflicts between opposing candidates and volunteers. At an early voting venue in the Hawkesbury, NSW Police were called and issued four 'move along' directions to two candidates and two volunteers.

The State-wide compliance operation during early voting and visits to voting centres relates to **Regulatory Priority 2: Voting in person at NSW elections is free of interference.**

In Maitland, there was an incident where footage of Electoral Commission staff lawfully removing ballot boxes from an early voting centre was shared online. This led to widespread filming of electoral staff particularly in Maitland and Wollongong, during the early voting period, which fuelled disinformation online about electoral processes.

To address these situations, field teams prioritised attending these locations to support election officials and, if considered necessary, liaised with local Police to ensure the safety of electoral workers. At the conclusion of voting, field teams assisted in the management of scrutineers at the central count centre.

Overall, participants were generally compliant and notable incidents occurred only in a small number of districts.

Safety planning

Consistent with the Electoral Commission's focus on the safety of its staff, prior to the voting period, a structured risk assessment was conducted to identify safety risks involved with field operations and ensure that appropriate measures were in place to reduce the risks to an acceptable level. The risk register formed part of the training material for all officers involved in the field compliance operation.

Effectiveness of compliance operations

Voting centre managers, particularly at remote and high-volume voting centres, welcomed the presence of the specialist compliance teams, reporting they felt supported when dealing with day-to-day operational issues, complaints and allegations.

Recruiting former NSW police officers and offering secondments from other electoral commission helped to expand the Electoral Commission's compliance capacity, while also providing our staff with exposure to perspectives from other electoral and law enforcement agencies. The Electoral Commission sees benefits in continuing this collaboration at future elections.

At this election, a dedicated compliance resource was also co-located within the Electoral Commission's election operations team to ensure allegations were identified, acknowledged, and triaged promptly and appropriately. This realised an improvement in the timeliness and effectiveness of compliance and enforcement procedures during early voting and on election day.

Investigations and social media monitoring

Reports of contraventions

Investigators reviewed 121 matters concerning alleged breaches of legislation arising from the 2023 NSW State election. This number does not include electoral funding matters that may be identified on an ongoing basis through the audit of disclosures. These matters will be included in future annual reports of the Electoral Commission.

Each allegation arising in the context of the 2023 State election was reviewed in accordance with the NSW Electoral Commission's Compliance and Enforcement Policy. As for previous State elections, the compliance response focussed again on educating political participants to address any non-compliance as a priority. Of these 121 matters, 69 per cent pertained to non-compliant electoral material.

As of September 2023, four of the 121 matters were still under investigation. The other 117 matters have been reviewed and it was either determined that no breach had occurred, or that it was appropriate in the circumstances to take a simple enforcement action such as a written warning.

Table 10: Allegation breakdown for the 2023 NSW State election

Offence type	Outcome	Number
Electoral material	No further compliance or enforcement action required	26
	Warning	57
	Ongoing	1
Canvassing during early voting	No further compliance or enforcement action required	2
	Warning	10
Maintenance of order at an early voting centre	No further compliance or enforcement action required	1
	Warning	2
Maintenance of order at a voting centre	No further compliance or enforcement action required	1
Conduct at public meeting	No further compliance or enforcement action required	1
Bribery/Intimidation	No further compliance or enforcement action required	1
	Ongoing	1
Misuse of enrolment information	Ongoing	1
False statement	No further compliance or enforcement action required	1
Forging electoral paper	Ongoing	1

Offence type	Outcome	Number
Electoral funding offences relating to third-party campaigners	No further compliance or enforcement action required	7
	Warning	1
	Penalty Notice	1
Electoral funding offences relating to candidates	No further compliance or enforcement action required	1
	Warning	1
Potential unlawful donations	No further compliance or enforcement action required	2
	Warning	1
	Voluntary Recovery	1
Total		121

Non-complying electoral material online and SMS

Legislative amendments were made in February 2023 for social media posts and SMS. These changes included:

- For social media posts by electoral participants, for which no amount is paid to the social media platform provider, the authorisation including the electoral participant's name and address can be displayed on the social media account profile for that account, or on a website that is directly linked to in the post. If the authorisation is shown in a video or animation, the name and address must be legibly shown for at least three seconds.
- Social media posts not made by or on behalf of an electoral participant do not require an authorisation provided that no amount is paid nor any benefit given to the person who published the post, or the social media platform provider.
- SMS messages containing electoral material must contain the authorisation unless the message contains a hyperlink to a website where the relevant name and address are published, and the website remains active for the duration of the regulated period, or the name and address are included in a separate SMS sent immediately after the message containing the electoral material, and the messages are both sent from the same number.

The Investigations team and Communications team monitored social media activity in the lead-up to and throughout the regulated period. In the lead-up to the regulated period, education was provided to political participants if their material would have been found to be in breach had it been published during the regulated period. Where a social media post was found to be in breach during the regulated period, the relevant political participant was requested to remediate the breach and any action they took was considered as a mitigating factor in the formal compliance review of the matter.

Disinformation online

In preparation for increased campaigning on social media, the Electoral Commission communicated with representatives from social media platforms informing them about the upcoming election and setting up reporting channels for identifying non-compliant electoral material. This approach was consistent with the Electoral Council of Australia and New Zealand (ECANZ) Statement of Intent concerning electoral management arrangements with online platforms for Australian elections (published on the ECANZ website).

During the election period, the Electoral Commission requested Facebook and Tik Tok to remove two posts each, while Twitter was requested to remove one post. These posts featured videos of election officials working at voting centres and included footage allowing them to be identified. All requests were promptly reviewed by social media platforms and all but one post was removed for violation of the relevant platform guidelines or terms of service. The other post was not removed but a warning label was added stating that it included false information and a link was made to a fact-checking article.

Table 11: Potential offences under the Electoral Act 2017

Reference	Offence	Maximum penalty
S.121	Conduct of scrutineers	\$5,500 or 6 months imprisonment or both
S.123(2)	Conduct at a voting centre	\$1,100
S.183	Printing, publishing and distributing non-complying electoral material	Corporation: \$11,000 Other: \$2,200 or 6 months imprisonment or both.
S.184(2)	Display of posters	Corporation: \$11,000 Other: \$2,200 or 6 months imprisonment or both
S.186	Name and address on electoral material	Corporation: \$11,000 Other: \$2,200 or 6 months imprisonment or both
s.187	Authorisation of advertisements on electronic billboards, digital road signs etc.	Corporation: \$11,000 Other: \$2,200 or 6 months imprisonment or both
S.198	Canvassing on election days	\$2,200
S.208	Obstructing access to a voting centre	\$1,100
S.203	Maintenance or order at and near voting centres	\$2,200
S.209	Bribery, treating and selling of votes	\$22,000 or 3 years imprisonment or both
S.210	Interference with right to vote	\$22,000 or 3 years imprisonment or both
S.212	Multiple voting	\$22,000 or 3 years imprisonment or both
S.213	Disorderly conduct at public political meetings	\$550
S.215	Display, publish or distribute material falsely appearing to be made by Electoral Commission	\$22,000 or 2 years imprisonment
S.218	Forging or uttering electoral papers	\$22,000 or 2 years imprisonment of both

Compliance audits of disclosures and assessments of public funding claims

The NSW Electoral Commission is authorised under electoral funding legislation to conduct audits of disclosures and public funding claims. This function is central to the compliance activities of the Electoral Commission in relation to disclosures, as well as its public funding responsibilities. Political participants are required under legislation to assist the Electoral Commission with their audit by giving access to the relevant records.

Claims from the Election Campaigns Fund made by State political parties and candidates following the 2023 State election were audited to provide assurance that applicants are eligible to claim reimbursement for their electoral expenditure. Expenditure claimed is reviewed against the vouching required to be lodged with the claim to ensure that it meets the definition of electoral expenditure, it was incurred during the claimable period, and it wasn't incurred unlawfully (for example, over the expenditure cap). If satisfied that it is proper to do so, under the legislation, the Electoral Commission may disallow any items of expenditure claimed. As noted earlier in this report, registered political parties had been paid \$29,744,321.28 as at 22 September 2023 from the Election Campaigns Fund. Fifty-seven candidates at the State election have also made claims and, as at 22 September, had been paid \$1,049,048.72.

Compliance auditing of political donation and electoral expenditure disclosures is an ongoing statutory function of the Electoral Commission. For disclosures in connection with the 2023 State election, however, auditing cannot commence until after the lodgement of the annual electoral expenditure disclosures due on 22 September. Reports on the outcome of auditing activities conducted during the 2023-2024 financial year will be included in Electoral Commission's annual report for that year.

A risk-based approach is used in planning and conducting these audits and the objectives of a disclosure compliance audit are to:

- ensure that the disclosures made are supported by, and consistent with, the documentation required to accompany the declaration
- ensure the completeness of disclosures made based on the information gathered by the Electoral Commission during the election event
- ensure that the disclosures made relate to the correct period and are accurately classified
- identify potential contraventions of electoral funding or other legislation the Electoral Commission is responsible to enforce.

Audits are conducted in accordance with the Electoral Commission's Compliance Audit Policy, which is published on its website.

Enforcement of contraventions

Details on any enforcement actions arising from investigations or other compliance activities carried out in connection with the 2023 State election – such as penalty notices being issued for failing to disclose or failing to vote, recovery of unlawful political donations or prosecutions commenced – will be included in future annual reports of the Electoral Commission, as required under section 154 of the *Electoral Funding Act 2018*.

The Electoral Commission's Regulatory Priorities for the 2023-24 financial year include a focus on enforcing the pre-election disclosure obligations of State election participants. They also make publishing more data about enforcement activities concerning electoral funding a priority, which may include more information that has been previously available about election participants who fail to lodge disclosures of political donations they received in the pre-election period.

Appendices

Appendix A: NSW Electoral Commission Regulatory Priorities 2022-23	44
Appendix B: NSW State register of political parties and appointed party agents	45
Appendix C: NSW State register of third-party campaigners official agents.....	46
Appendix D: Election Campaigns Fund payments to eligible candidates as at 22/9/23	49

Appendix A: NSW Electoral Commission Regulatory Priorities 2022-23



NSW Electoral Commission Regulatory priorities for 2022-23

Our purpose is to deliver trusted and independent systems, processes, oversight and engagement that support democracy in New South Wales.

As part of our provision of transparent processes and guidance to assist political participants (including candidates, parties, elected members, donors, third-party campaigners and lobbyists) to comply with their obligations we have decided to publish our regulatory priorities annually.

Our regulatory priorities show how and where we will focus our regulatory efforts for 2022-23.



Electoral material and other election-related material does not mislead electors about the electoral process



Voting in person at NSW elections is free of interference



State registered political party membership information is accurate in the lead up to the State general election in 2023



Election participants meet their political donation disclosure obligations in the 2023 State general election pre-election period



Regular recipients of enrolment information – such as registered political parties and candidates – handle this personal information securely



Third-party lobbyists comply with their Code of Conduct obligations around meeting disclosures



Electors who vote more than once are considered for enforcement action



Regulated participants in NSW elections have access to useful and timely information about their key obligations

Appendix B: NSW State register of political parties and appointed party agents

State registered political party	Appointed party agent
Animal Justice Party	Alison Ashley Waters
Australian Labor Party (NSW Branch)	Glenn Bacic
Elizabeth Farrelly Independents	Tao Li
Legalise Cannabis NSW Party	Craig Anthony Ellis
Liberal Democratic Party	Dean McCrae
National Party of Australia – NSW	Kathleen Margaret Chalmers
Orange Residents and Ratepayers Association	Denis John Mead
Pauline Hanson's One Nation	Neil John Turner
Public Education Party	Sandra Hannah Steep
Shooters, Fishers and Farmers Party (NSW) Incorporated	Grant Layland
Socialist Alliance	Neville Wayne Spencer
Sustainable Australia Party – Stop Overdevelopment / Corruption	Bradd William Morelli
The Greens NSW	Paul Anthony Dignam
The Liberal Party of Australia New South Wales Division	Peter Bryan Wheatley
The Small Business Party	Ali Sedat Dogramaci
Animal Justice Party	Alison Ashley Waters

Source: NSW Electoral Commission data at 25 March 2023.

Appendix C: Copies of information in the NSW State register of third-party campaigners and NSW State register of official agents for third-party campaigners

Third Party Campaigner	Appointed Official Agent
Advance Aus Ltd	Laura Jean Bradley
Animals Australia Federation	Shatha Hamade
Australian Education Union NSW Teachers Federation	Maxine Leeone Sharkey
Australian Hotels Association NSW	Peter Denis Wyer
Australian Municipal, Administrative, Clerical and Services Union, New South Wales and ACT (Services) Branch	Lesley Margaret Gruit
Australian Nursing and Midwifery Federation NSW Branch	Shaye Maree Candish
Australian Paramedics Association (NSW)	Laura Ann Puglisi
Australian Rail Tram and Bus Industry Union New South Wales Branch	Aaron John Izzard
Australian Recording Industry Association Limited	Lynne Maree Small
Australian Salaried Medical Officers' Federation NSW	Andrew Holland
Australian Workers Union - National Office	Marc Ashley Bernard
Automotive Food Metals Engineering Printing Kindred Union	Sanja Batar
Bob Brown Foundation Inc	Dorothee Babeck
CEPU of Australia (Plumbing Division)	Theo Samartzopoulos
CFMEU Manufacturing Division	Michael Ian Aird
CFMEU Northern Mining & NSW Energy District	Shane Russell Thompson
CFMMEU Construction & General Division, NSW Divisional Branch	Rita Georgette Stella Mallia
Climate 200 Pty Ltd	Daniel Harcombe
Electrical Trades Union of Australia NSW Branch	Samir Malkoun
Far South Coast Environment and Heritage Conservation Incorporated	Kenneth Ian Macrae Robinson
Fire Brigade Employees' Union	Leighton Robert Drury
Gender Awareness Australia	Kirralie Jane Smith
Health Services Union NSW	Adam Hall
Humane Society International Australia	Rhiannon Kaitlin Cunningham
Independent Pittwater	Michael Patrick Blake
Invasive Species Council Inc.	Andrew Spenser Cox

Third Party Campaigner	Appointed Official Agent
Local Government and Shires Association of NSW	Bruce Morcombe
Lock the Gate Alliance	Carmel Therese Flint
Mount Pritchard & District Community Club LTD	Carol Zdelar
National Roads and Motorists' Association Limited	Samuel Lachlan Giddings
Nature Conservation Council of NSW	Jacquelyn Ann Johnson
Newcastle Trades Hall Council	Leigh Shears
New South Wales Local Government Clerical Administrative Energy Airline & Utilities Union t/as United Services Union	Feng Yan Huang
No CSG in Barwon - Put the Nats Last Pty Ltd (Anyone but Nats)	Melissa Jane Tym
North East Forest Alliance	Daniel John Peterson
North Sydney's Independent Pty Ltd	Katherine Anna Mura
NSW Business Chamber Limited	David John Harding
NSW Farmers Association	Luke John Messer
NSW Minerals Council Ltd	Christina Jean Molinari
NSW Nurses and Midwives' Association	Shaye Maree Candish
NSW Wine Industry Association	Geoffrey Hugh Krieger
Pharmacy Guild Of Australia NSW Branch	Daniel Kicuroski
PJS Employment Pty Ltd	Brendan Warren Jones
Police Association of NSW	Patrick Gooley
Public Service Association of NSW	Stewart Lachlan Calder-Little
Royal New South Wales Canine Council Limited (trading as Dogs NSW)	Daniel Weizman
Shop Assistants & Warehouse Employees Federation of Australia Newcastle & Northern New South Wales	Barbara Nebart
Shop Distributive & Allied Employees Association	Bernard Joseph Smith
Sydney Alliance for Community Building Ltd	Margaret Helen Galley
The Association of Professional Engineers, Scientists And Managers Australia, NSW Branch	Gordon Michael Brock
The Australian Workers Union NSW Branch	Marc Ashley Bernard
The Juice Media Group	Daniel John Peterson
The New South Wales Greyhound Breeders Owners & Trainers Association Limited	Daniel Weizman

Third Party Campaigner	Appointed Official Agent
The Parenthood	Georgina Wendy Dent
The Registered Clubs Association of New South Wales (T/A ClubsNSW)	Brandon John Punter
Turning Point Australia Pty Ltd	Joel Thomas Jammal
Twin Towns Services Club Ltd	Rodney Pain
Unions NSW	Mark Francis Morey
United Workers Union	Jacqueline Anne Woods
Wagga RSL Club Ltd	Sally Jennifer Whitley
Wakehurst's Independent	Sarah Elizabeth Baker
Your Vote Your Voice Pty Ltd	Sarina Joan Kilham

NSW Electoral Commission data at 25 March 2023.

Appendix D: Election Campaigns Fund payments to eligible candidates at 22 September 2023

The following table shows eligible candidates who are eligible to receive payments from the Election Campaigns Fund for electoral expenditure in connection with the 2023 NSW State Election. Copies of claims and information about payments made are maintained on the Electoral Commission's website. Candidates who do not have a payment amount listed below have not yet lodged a claim or been paid at the time of publication.

Candidate name	District	Party	Maximum entitlement (by FPV)	Payment amount	Payment date
Alan Ellis	Swansea	Sustainable Australia Party - Stop Overdevelopment / Corruption	\$15,158.98		
Alex Greenwich	Sydney		\$93,316.50	\$93,316.50	10/08/2023
Andrew Anthony	Keira	Sustainable Australia Party - Stop Overdevelopment / Corruption	\$13,360.22		
Andrew Dudas	Mount Druitt	Animal Justice Party	\$15,811.38		
Angela Maguire	Hawkesbury		\$10,601.50		
Anthony Chadszinow	Winston Hills	Sustainable Australia Party - Stop Overdevelopment / Corruption	\$10,540.92		
Ash Barnham	Cessnock		\$27,386.82		
Charbel Saad	Granville		\$18,206.62	\$15,310.00	18/07/2023
Chris Brogan	East Hills		\$12,484.14		
Chris Homer	Shellharbour		\$49,656.96		
Dale McNamara	Upper Hunter		\$24,185.40		
Deborah Swinbourn	Holsworthy		\$10,130.84	\$6,722.94	22/06/2023
Debrah Novak	Clarence		\$15,997.78	\$1,346.00	13/07/2023
Donna Wilson	Macquarie Fields	Animal Justice Party	\$10,932.36		
Emma Kerin	Blacktown	Animal Justice Party	\$10,983.62		
Gareth Ward	Kiama		\$94,672.56	\$84,667.37	18/07/2023
Gaye Cameron	Miranda		\$12,637.92	\$286.00	25/05/2023
Georgia Lamb	The Entrance	Sustainable Australia Party - Stop Overdevelopment / Corruption	\$9,930.46		
Greg Keightley	Blue Mountains	Animal Justice Party	\$10,648.10		

Candidate name	District	Party	Maximum entitlement (by FPV)	Payment amount	Payment date
Greg Piper	Lake Macquarie		\$135,573.38	\$38,864.70	14/09/2023
Helen Conway	North Shore		\$49,055.82	\$49,055.82	30/05/2023
Helen Dalton	Murray		\$115,679.84	\$115,679.84	18/07/2023
Hikmat Odesh	Fairfield		\$22,792.06	\$11,066.05	15/06/2023
Jacqui Scruby	Pittwater		\$82,733.64		
James Morris	Rockdale	Sustainable Australia Party - Stop Overdevelopment / Corruption	\$14,571.82		
Janine Kitson	Davidson		\$28,332.80	\$23,639.07	10/08/2023
Jason Bendall	Myall Lakes		\$44,582.22		
Joe McGirr	Wagga Wagga		\$101,508.78	\$60,045.94	10/08/2023
Joeline Hackman	Manly		\$66,940.90	\$66,940.90	27/07/2023
Joshua Fairhall	Oxley		\$13,411.48	\$12,360.63	18/05/2023
Judy Hannan	Wollondilly		\$63,310.76	\$63,310.76	18/07/2023
Karen Freyer	Vaucluse		\$38,379.76	\$38,379.76	18/07/2023
Kate Hoang	Cabramatta		\$39,712.52	\$30,393.91	13/09/2023
Kevin Loughrey	Ballina		\$17,288.60		
Kristen Nelson	Wollongong	Animal Justice Party	\$10,937.02		
Kristyn Haywood	Wahroonga		\$22,959.82	\$7,411.81	21/09/2023
Larissa Penn	Willoughby		\$65,538.24		
Marie Rolfe	Charlestown	Sustainable Australia Party - Stop Overdevelopment / Corruption	\$12,083.38		
Mark Rodda	Tamworth		\$48,547.88	\$36,032.63	29/06/2023
Martin Ticehurst	Bathurst		\$16,072.34		
Matt Squires	Wyong		\$46,269.14		
Michael Regan	Wakehurst		\$85,883.80	\$85,883.80	29/06/2023
Milomir Andjerkovic	Liverpool		\$16,347.28		
Natalie Mort	Oatley		\$12,474.82	\$2,579.00	30/05/2023

Candidate name	District	Party	Maximum entitlement (by FPV)	Payment amount	Payment date
Nick Hughes	Miranda	Sustainable Australia Party - Stop Overdevelopment / Corruption	\$11,705.92		
Nina Digiglo	South Coast		\$15,303.44	\$6,984.30	30/05/2023
Philip Donato	Orange		\$124,957.90	\$58,642.08	18/07/2023
Randa Moussa	Cabramatta	Animal Justice Party	\$10,713.34		
Ronald McDonald	Tweed	Sustainable Australia Party - Stop Overdevelopment / Corruption	\$10,708.68		
Roy Butler	Barwon		\$91,475.80	\$52,748.93	10/08/2023
Sally Townley	Coffs Harbour		\$27,857.48	\$27,759.94	13/09/2023
Severino Lovero	Fairfield		\$15,000.54		
Susan Newbury	Wyong	Sustainable Australia Party - Stop Overdevelopment / Corruption	\$8,840.02		
Troy Stolz	Kogarah		\$10,186.76	\$10,186.76	21/09/2023
Victoria Davidson	Lane Cove		\$49,433.28	\$49,433.28	18/07/2023
Victoria Davis	Cessnock	Animal Justice Party	\$9,977.06		
Wayne Rigg	Terrigal	Sustainable Australia Party - Stop Overdevelopment / Corruption	\$11,146.72		

Source: NSW Electoral Commission data at 22 September 2023.

Glossary

Term	Definition
Applicable cap on electoral expenditure	Electoral expenditure incurred by parties, groups, candidates and third-party campaigners is capped during the capped expenditure period of a state general election. There are different caps applicable to parties, groups, candidates and third-party campaigners.
Applicable 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.
Associated entity	A corporation or other entity that operates solely for the benefit of a party that is registered for State elections or a member of the NSW Parliament.
Candidate	<p>A person who is nominated in accordance with the <i>Electoral Act 2017</i> for election to political office and whose nomination has been accepted by the Electoral Commissioner. Only duly nominated candidates have their names included on a ballot paper.</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>
Capped expenditure period	The period in which the electoral expenditure of parties, groups, candidates and third-party campaigners is capped. For the 2023 NSW State election, the period commenced 1 October 2022 and ends on election day.
Counting centre	A <i>ballot counting place</i> appointed by the Electoral Commissioner for the counting of ballot papers. It can be a voting centre or other venue such as an election manager office or centralised count centre.
Disclosure	The disclosure of political donations and electoral expenditure by a party, elected member, candidate, group, third-party campaigner, associated entity or major political donor to the NSW Electoral Commission.
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 and prohibited donor.
Early voting	Electors who will not be able to vote on election day, for certain specified reasons, can vote before election day at the office of an election manager or an early voting centre.
Early voting centre	A voting centre that has been designated for early voting. Days and hours of operation of an early voting centre are determined by the Electoral Commissioner.
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.
Election day	25 March 2023.

Term	Definition
Elector	A person entitled to vote at an election.
<i>Electoral Act 2017</i>	The <i>Electoral Act 2017</i> sets out how elections to the NSW Parliament are conducted.
<i>Electoral Funding Act 2018</i>	The <i>Electoral Funding Act 2018</i> sets out the rules for political donations and electoral expenditure, and for public funding of elections and registered political parties in NSW.
Electoral Commissioner	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 <i>ex officio</i> member of the NSW Electoral Commission.
Electoral district	For the Legislative Assembly, one of 93 geographical areas containing approximately equal numbers of electors. For the Legislative Council, the district is the whole State of New South Wales.
Electoral expenditure	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 an election.
Electoral material	Anything, including 'how-to-vote' card, advertisement or anything else containing electoral matter, whether in a tangible or an electronic form.
Group	Candidates that have been duly nominated for the Legislative Council election can form into groups on the ballot paper. The order of candidates within each group is determined by those candidates.
Independent	A candidate or Member of Parliament who is not seeking election as a member of a political 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 (ie, 21) are elected at each general election every four years.
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.
Nomination	The process by which a person lodges a nomination paper to become a candidate for election. See also: registration.
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.

Term	Definition
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 who is responsible for the disclosure of political donations and electoral expenditure of a party. In some cases, a party agent may also be responsible for the management and disclosure of elected members, groups and candidates who are members of the party. A party includes a registered political party and an unregistered political party.
Party/candidate worker	A person who assists candidates eg by handing out how-to- vote cards. Unlike scrutineers, a party worker has no official status under the <i>Electoral Act 2017</i> .
Political donation	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).
Preferences	The numbers written by an elector in the squares next to a candidate's name on a ballot paper, or in a group voting square on the Legislative Council ballot paper.
Registered political party (RPP)	A political party registered under the <i>Electoral Act 2017</i> for the purpose of contesting State elections.
Registration	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.
Regulated election period	The period from the issue of the writs up to 6pm on election day during which time electoral material must meet the requirements of the <i>Electoral Act 2017</i> .
Scrutineer	A person appointed in writing by a candidate or registered political party to represent their interests by observing the voting and counting processes.
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.
Voting centre	A place appointed by the Electoral Commissioner for the purpose of taking the poll at an election (and includes an early voting centre). Formerly known as a polling place.
Writ	The document by which the Governor of New South Wales directs the Electoral Commissioner to conduct an election.