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## Introduction

### About the Program

The NSW Electoral Commission is an independent, three-member statutory body responsible for regulating electoral participants (including party agents and official agents).

The NSW Electoral Commission's functions are, among other things, the regulation and administration of electoral funding laws in NSW that deal with political donations, electoral expenditure and the registration of electoral participants.

To be eligible to be appointed as a party agent or official agent, you are required to complete the NSW Electoral Commission's online training program. The aim of the training program and the assessment is to educate you on your responsibilities and obligations under electoral funding laws in the event that you are appointed as an official agent or party agent.

Some people are not required to complete the training prior to being appointed as an agent, including:

- a Certified Practising Accountant member of CPA Australia, New South Wales Division
- a member of, and holding a Certificate of Public Practice issued by, the Institute of Chartered Accountants in Australia, New South Wales region, or
- a member of, and holding a Professional Practice Certificate issued by, the Institute of Public Accountants.

If you have any of the above professional accreditations you can be appointed as a party agent or official agent as long as you do not meet any of the criteria in the next paragraph.

You are not eligible to be appointed as a party agent or official agent if you meet any of the following criteria:

- you are not enrolled to vote at NSW State elections
- you have been sentenced to a term of imprisonment of 30 months or more
- you have been convicted of an indictable offence, an offence against the *Electoral Funding Act 2018* or an electoral offence
- in the last 10 years, you have been convicted of an offence committed as an adult involving fraud or dishonesty
- the NSW Electoral Commission has determined you are not a fit and proper person to be appointed as a party agent or official agent.

You must successfully complete the NSW Electoral Commission's online training program including a multiple choice assessment before you can be appointed as an agent. To successfully complete the training program, first read and understand this material and then complete the multiple choice assessment. You only have five attempts to pass the assessment. In order to successfully complete the training, you must achieve a score of at least 80%.

### Complete this course in your own time

You do not need to work your way through this material in a single go. Work at your own pace, in your own time. Leave a module at any time; return to it at any time. You can also print the modules for study away from a computer.

## Training outline

The training provides information to prospective official agents and party agents on:

Module 1	Registration of electoral participants
Module 2	The role of an agent
Module 3	Responsibilities of an agent
Module 4	Campaign accounts
Module 5	Political donations
Module 6	Receiving political donations
Module 7	Prohibited and unlawful political donations
Module 8	Electoral expenditure
Module 9	Record keeping
Module 10	Disclosure requirements
Module 11	Helpful links, resources and legislation
FINAL	ASSESSMENT

## 1. Module – Registration of electoral participants

Associated entities and third-party campaigners must be registered with the NSW Electoral Commission. It is the responsibility of an associated entity or third-party campaigner to apply to the NSW Electoral Commission to be registered. Associated entities and third-party campaigners must appoint an official agent at the time of applying to be registered.

If the registered details of an associated entity or third-party campaigner change, the official agent must notify the NSW Electoral Commission within 30 days of the change occurring. Complete and submit the [Notice of change to registered particulars \(EF.740\)](#) form.

Candidates and groups of candidates at State and local government elections must be registered prior to accepting political donations or making payments for electoral expenditure. Candidates and groups cannot have an official agent, although in certain cases a party agent may be responsible for a candidate or group's political donations and electoral expenditure.

Political parties can be registered or unregistered. All parties must appoint a party agent.

The details of registered parties, candidates, groups, associated entities and third-party campaigners are included in [publicly available registers](#).

Information about the registration requirements for parties, candidates, groups, associated entities and third-party campaigners can be found on the [NSW Electoral Commission's website](#).

## 2. Module – the role of an agent

An agent is the person who is legally responsible for the management and disclosure of political donations and electoral expenditure of a party, associated entity or third-party campaigner. In some cases, the party agent of a party is also responsible for elected members, candidates and groups of candidates who are members of the party.

All agents have legal obligations under NSW electoral funding laws and you may be penalised if you do not comply with the law.

There are two types of agents, party agents and official agents.

### 2.1 Party agents

A party agent is the person who is legally responsible for disclosing the political donations and electoral expenditure of a political party. A party agent may, in certain cases, also be responsible for the management and disclosure of political donations and electoral expenditure of elected members, candidates and group who are members of the party. A person can be an agent for more than one political party. A party agent can also be an official agent.

### 2.2. Official agents

An official agent is the person who is legally responsible for the management and disclosure of political donations and electoral expenditure of an associated entity or third-party campaigner. A person can be an agent for more than one associated entity or third-party campaigner. An official agent can also be a party agent.

### 2.3 Why are agents needed?

It is a legal requirement for a party to appoint a party agent, whether the party is registered or not. This aims to improve integrity in election campaigns by ensuring there is a person responsible for disclosing political donations and electoral expenditure on behalf of a party, and where applicable, elected members, candidates and groups who are members of the party.

Likewise, it is a legal requirement for an associated entity or third-party campaigner to appoint an official agent at the time of registration. This legal requirement aims to improve integrity in election campaigns by ensuring that there is a person responsible for managing and disclosing the third-party campaigner or associated entity's political donations and electoral expenditure.

### 2.4 Who is responsible?

The law determines who is responsible for complying with the requirements for:

- making disclosures of political donations and electoral expenditure
- accepting political donations and making payments for electoral expenditure
- operating a campaign account.

#### 2.4.1 Who is a party agent responsible for?

##### *Political party*

A party agent is responsible for disclosing the party's political donations and electoral expenditure regardless of whether the party is registered or not. The party is responsible for authorising officers of the party to operate the party's campaign accounts, accepting political donations and making payments for electoral expenditure on behalf of the party.



### *State election candidates and elected members of the NSW Parliament*

The party agent of a political party, which is registered for State elections, is responsible for operating the party's State campaign account, accepting political donations, making payments for electoral expenditure and making disclosures on behalf of State election candidates and elected members of the NSW Parliament who are members of the party.

The party agent is responsible for a State election candidate or elected member who is a member of the party, even if the candidate or elected member is not endorsed by that party or has not been selected by the party to stand as a representative of that party at an election.

State election candidates and elected members of the NSW Parliament who are members of an unregistered party, or a party that is registered for local government elections, are responsible for managing and disclosing their own political donations and electoral expenditure.

### *Local government candidates and elected members*

Local government candidates, councillors and mayors are personally responsible for operating a campaign account, accepting political donations, making payments for electoral expenditure and making disclosures.

The party agent of a registered political party is only responsible for operating a campaign account, accepting political donations, making payments for electoral expenditure or making disclosures for any local government candidate or elected member who are members of the party if:

- there is a mutual agreement between the candidate or elected member and the party agent and
- the NSW Electoral Commission is advised of the agreement.

A local government candidate or elected member, or the party agent of a registered party, should [contact](#) the NSW Electoral Commission for more information before entering into an agreement for the party agent to be responsible.

### *State election group of candidates*

The party agent of a political party, which is registered for State elections, is responsible for operating the party's State campaign account, accepting political donations, making payments for electoral expenditure and making disclosures on behalf of a group of candidates for a Legislative Council election where:

- the lead candidate in the group is a member of that party and
- other candidates in the group are members of that party or another party that is registered for State elections.

The lead candidate of a group is the candidate:

- whose name is first in the order of candidates in a group on a ballot paper, or
- if the group is registered before the nominated candidates form a group for the purpose of the ballot paper, the lead candidate is the candidate whose name is first in the Register of Candidates in relation to the group.

The party agent of a party is not responsible for a group of State election candidates for a Legislative Council election if:

- the party that the lead candidate is a member of, is not the same party as the party agent's party, or
- not all members of the group are members of any party that is registered for State elections.

Where the party agent is not responsible for a group of State election candidates, the lead candidate of the group is responsible for operating a campaign account, accepting political donations, making payments for electoral expenditure and making disclosures on behalf of the group of candidates.

### *Local Government Group of candidates*

The lead candidate of a group of candidates for a local government election is responsible for operating a campaign account, accepting political donations, making payment for electoral expenditure and making disclosures on behalf of the group.

The lead candidate of the group is the candidate:

- whose name is first in the order of candidates on a ballot paper, or
- if the group is registered before the nominated candidates form a group for the ballot paper, the lead candidate is a candidate whose name is first in the Register of Candidates in relation to the group.

The party agent of a registered political party is only responsible for operating a campaign account, accepting political donations, making payments for electoral expenditure or making disclosures for any local government group if:

- there is a mutual agreement between the group's lead candidate and the party agent and
- the NSW Electoral Commission is advised of the agreement.

A candidate who is a member of a local government group, or the party agent of a registered party, should [contact](#) the NSW Electoral Commission for more information before entering into an agreement for the party agent to be responsible.

### *2.4.2 Who is an official agent responsible for?*

#### *Third-party campaigners and associated entities*

The official agent of a third-party campaigner or associated entity is the person responsible for operating a campaign account, accepting political donations, making payments for electoral expenditure and making disclosures for the third-party campaigner or associated entity.

## *2.5 Agent appointment*

A political party must appoint a party agent when the party is first formed.

An associated entity or third-party campaigner must appoint an official agent when the associated entity or third-party campaigner applies for registration with the NSW Electoral Commission.

To be appointed as an agent, the person must:

- be enrolled to vote at New South Wales elections
- successfully complete this training program (unless the person has qualifications outlined in the introduction to this training)
- not have been sentenced to a term of imprisonment of 30 months or more
- not have been convicted of an:
  - indictable offence
  - offence against the *Electoral Funding Act 2018*
  - electoral offence
- not have been convicted as an adult in the last 10 years for an offence involving fraud or dishonesty
- for party agents, the person must be a senior office holder of the party.

Following successful completion of the training you will receive a confirmation email from the NSW Electoral Commission. You can then be appointed by a political party as a party agent, and or, by an associated entity or third-party campaigner as an official agent.

A person can be appointed as an agent for more than one political party, associated entity or third-party campaigner, but each appointment must be made separately.

A party, associated entity or third-party campaigner should keep a record of the decision to appoint a person as an agent.

After you have been appointed as a party agent or an official agent, the NSW Electoral Commission must be notified of your appointment. You must sign the notice to indicate you consent to the appointment.

To notify the NSW Electoral Commission that you have been appointed by a party as the party agent, the party must complete the [Notice of appointment of a party agent \(EF.739\)](#) form.

To notify the NSW Electoral Commission that you have been appointed by an associated entity as the official agent, the associated entity must complete one of the following forms:

- If the appointment takes place before the associated entity has been registered, the [Application to register an associated entity and notice of appointment of official agent \(EF.726\)](#) form.
- If the associated entity is already registered, the [Notice of appointment of official agent for an associated entity \(EF.737\)](#) form.

To notify the NSW Electoral Commission that you have been appointed by a third-party campaigner as the official agent, the third-party campaigner must complete one of the following forms:

- If the appointment takes place before the third-party campaigner has been registered, the [Application to register a third-party campaigner and notice of appointment of official agent \(EF.735\)](#) form.
- If the third-party campaigner is already registered, the [Notice of appointment of official agent for a third-party campaigner \(EF.7378\)](#) form.

Once the NSW Electoral Commission has been notified of your appointment and we have confirmed you were eligible to be appointed, your details will be included in a [publicly available register](#). You will then receive written notification that you are registered as an agent.

When you are registered as an agent with the NSW Electoral Commission, if you are, or you become a silent elector, you should [advise the NSW Electoral Commission](#), to ensure your enrolled address is not disclosed or published on the NSW Electoral Commission's website.

## 2.6 Agent registration

### Party agents

When the NSW Electoral Commission has been notified of the appointment of a party agent, and has verified that the agent has been validly appointed, the agent's details are entered into a register of party agents. The NSW Electoral Commission maintains and [publishes](#) separate registers of party agents for State and local government parties.

### Official agents

When the NSW Electoral Commission has been notified of the appointment of an official agent, and has verified that the agent has been validly appointed, the agent's details are entered into a register of official agents. The NSW Electoral Commission maintains and [publishes](#) a register of official agents of associated entities and separate registers of official agents of third-party campaigners for each election.

### Amending registered details

If your registered details change such as a change in your name or address, [notify](#) the NSW Electoral Commission so we can update your details on the register. It is important that you keep your details up-to-date with us to ensure we can notify you of your legal obligations and the deadlines for making disclosures.

### Resignation, death or the revocation of the appointment of an agent

If you resign as an agent you must notify the party, associated entity or third-party campaigner that appointed you. The party, associated entity or third-party campaigner that appointed you can revoke your appointment. In such cases, the party, associated entity or third-party campaigner is required to notify the NSW Electoral Commission in writing, within 30 days, by completing and submitting the [Notice of death, resignation or the revocation of the appointment of an agent \(EF.736\)](#) form.

### 3. Module – Responsibilities of an agent

#### 3.1. Responsibilities of a party agent

The legal responsibilities of a party agent in relation to a party include:

- disclosing the party's political donations and electoral expenditure to the NSW Electoral Commission in accordance with Part 3 of the *Electoral Funding Act 2018* including providing the party's accounting records
- providing the NSW Electoral Commission with copies of the receipts and acknowledgements issued to those who make reportable political donations to the party when disclosing political donations
- providing the NSW Electoral Commission with copies of the invoices or receipts for electoral expenditure and copies of advertising material to which the expenditure relates when disclosing electoral expenditure
- authorising individuals to issue receipts to those who make a reportable political donation to the party
- making applications to the NSW Electoral Commission to seek approval for the party to keep a system of accounts as an alternative to the requirements for accounts set out in the *Electoral Funding Regulation 2018*
- accepting political donations made for the benefit of a future candidate for a Legislative Assembly election before that candidate has been selected, identified or endorsed by the party
- making claims for payment from the Election Campaigns Fund, Administration Fund or New Parties Fund on behalf of the party
- providing the NSW Electoral Commission with copies of invoices or receipts for the expenditure included in a claim for payment from the Election Campaigns Fund
- making declarations of administrative or policy development expenditure in relation to a claim for payment made from the Administration Fund or New Parties Fund
- assisting the NSW Electoral Commission in the conduct of its audits in relation to a claim for payment from the Election Campaigns Fund
- assisting with enquiries or requests for information from the NSW Electoral Commission in the conduct of audits of disclosures of political donations and electoral expenditure
- as a senior office of the party, to report in writing to the NSW Electoral Commission, any conduct of the party that contravenes the requirements of the *Electoral Funding Act 2018*.

The legal responsibilities of a party agent as the person responsible for a candidate, elected member or group include:

- accepting political donations made to or for the benefit of a candidate, elected member or group and paying those political donations into the party's State or local government campaign account (as applicable)
- making payments for electoral expenditure for candidates, elected members and groups from the party's State or local government campaign account (as applicable)
- appointing a person in writing to enable them to make payments for electoral expenditure from the party's State or local government campaign account on behalf of the candidate, elected member or group
- keeping complete and accurate accounting records on behalf of a candidate, elected member or group in accordance with the requirements set out in the *Electoral Funding Regulation 2018*

- issuing receipts and acknowledgements to those who make a reportable political donation to a candidate, elected member or group ([contact us](#) to obtain receipt and acknowledgement books)
- disclosing the political donations made to or for the benefit of a candidate, elected member or group and disclosing the electoral expenditure incurred on behalf of the candidate, elected member or group
- providing the NSW Electoral Commission with copies of the receipts and acknowledgements issued to those who make reportable political donations when disclosing political donations
- providing the NSW Electoral Commission with copies of the invoices or receipts for electoral expenditure and copies of advertising material to which the expenditure relates when disclosing electoral expenditure
- making arrangements for the party to make indirect campaign contributions to the party's endorsed candidates
- assisting with enquiries or requests for information from the NSW Electoral Commission in the conduct of audits of disclosures or public funding claims.

When making a declaration that all political donations and electoral expenditure that are required to be disclosed have been made and are true and correct, a party agent must use their best endeavours to ensure they are not making a false or misleading statement.

### 3.2. Responsibilities of an official agent

The legal responsibilities of an official agent include:

- notifying the NSW Electoral Commission within 30 days of any change to the registered details of a third-party campaigner or associated entity
- making a request to the NSW Electoral Commission to cancel the registration of a third-party campaigner or associated entity
- accepting political donations made to or for the benefit of the third-party campaigner or associated entity
- depositing political donations into the third-party campaigner or associated entity's campaign account that are to be used to incur electoral expenditure
- issuing receipts and acknowledgements to those who make a reportable political donation to a third-party campaigner or associated entity ([contact us](#) to obtain receipt and acknowledgement books)
- making payments for electoral expenditure for the third-party campaigner or associated entity from the third-party campaigner or associated entity's campaign account
- appointing a person in writing to enable them to make payments for electoral expenditure from the third-party campaigner or associated entity's campaign account and for accepting political donations
- disclosing the third-party campaigner or associated entity's political donations and electoral expenditure to the NSW Electoral Commission in accordance with Part 3 of the *Electoral Funding Act 2018*
- providing the NSW Electoral Commission with copies of the receipts and acknowledgements issued to those who make reportable political donations to the third-party campaigner or associated entity when disclosing political donations
- providing the NSW Electoral Commission with copies of the invoices or receipts for electoral expenditure and copies of advertising material to which the expenditure relates when disclosing electoral expenditure
- keeping complete and accurate accounting records on behalf of a third-party campaigner or associated entity in accordance with the requirements set out in the *Electoral Funding Regulation 2018*

- assisting with enquiries or requests for information from the NSW Electoral Commission in the conduct of audits of disclosures.

When making a declaration that all political donations and electoral expenditure that are required to be disclosed have been made and are true and correct, an official agent must use their best endeavours to ensure they are not making a false or misleading statement.

### 3.3 What are the consequences for non-compliance?

Breaching the legal requirements under the *Electoral Funding Act 2018* or Regulations may constitute a criminal offence and can attract penalties including prosecution.

The following list are some examples of breaches covered by the *Electoral Funding Act 2018* and Regulations. These offences apply to official agents and party agents:

- failure to submit a valid disclosure form on time
- failure to use best endeavours to ensure a false or misleading statement is not made when declaring that all political donations and electoral expenditure required to be disclosed have been disclosed
- making or accepting a political donation that does not comply with the law. This includes anonymous donations and donations from prohibited donors
- accepting political donations in excess of the applicable cap on political donations
- incurring electoral expenditure in excess of the applicable expenditure cap
- misuse of a campaign account.

Potential breaches of the legislation are dealt with in accordance with the NSW Electoral Commission's compliance and enforcement [policy and procedures](#).

## 4. Module- Campaign accounts

### 4.1 Political party accounts

Political parties must have separate campaign accounts for State elections and local government elections. The campaign accounts are to be held in Australian Dollars with a financial institution. A party that does not incur electoral expenditure for a State or local government election is not required to keep a State campaign account or local government campaign account (as applicable).

It is a matter for each party to identify officers of the party who will be authorised with the financial institution to operate the party's campaign accounts. However, for the purposes of managing political donations and electoral expenditure on behalf of elected members, groups or candidates who are members of the party, the party agent or a person appointed in writing by the party agent is to operate the relevant campaign account of the party.

#### Party accounts used for elected members, candidates and groups

The State campaign account and local government campaign account must be used by the party agent of a registered party to deposit political donations and make payments for electoral expenditure on behalf of the elected members, candidates and groups for whom the party agent is responsible. For this reason, the party agent of a party must be authorised to operate the account.

A party agent can appoint a person in writing to operate the campaign account for the purpose of depositing political donations and making payments for electoral expenditure on behalf of the elected members, candidates and groups for whom the party agent is responsible. A record of the appointment by a party agent should be kept by the agent.

Certain people cannot be appointed by a party agent to operate a campaign account. A person cannot be appointed by a party agent to operate a campaign account if the person has been convicted of an offence that would disqualify the person from being appointed as a party agent or the person is not fit and proper person, as determined by the NSW Electoral Commission.

Political donations accepted and expenditure paid by a party agent on behalf of elected members, groups or candidates are to be accounted for separately for each elected member, group and candidate.

Any funds relating to an elected member, group or candidate that remain in a party's account after the person ceases to be an elected member, group or candidate, becomes the property of the party. For the purposes of the *Electoral Funding Act 2018* a candidate or group ceases to be a candidate or group 30 days after the election.

All payments for electoral expenditure must be paid from the State campaign account by the party agent except minor payments (being payments for items of electoral expenditure of \$50 or less for a candidate, group or elected member) not exceeding a total of \$1,000 in the election period. Such payments must, however, be recorded in the petty cash book maintained for the candidate, group or elected member.

#### State campaign account

All payments for electoral expenditure for the State election campaign of a party must be made from the party's State campaign account. Payments can be made from the account for expenditure other



than electoral expenditure for a State election (except payments for electoral expenditure for a local government election campaign).

The following may be paid into the State campaign account:

- political donations made to the party (including the proceeds of the investment or disposal of any political donation of property that is held as an asset of the account)
- political donations paid to a party agent of the party on behalf of an elected member, candidate or group for whom the party agent is responsible
- contributions made by a candidate to finance their own election campaign (where a party agent is responsible for the candidate)
- payments made to the party by the NSW Electoral Commission from the Election Campaigns Fund
- money borrowed by the party at any time (other than money borrowed for a local government or federal election) and
- a bequest to the party.

The following may not be paid into the State campaign account:

- a party membership or annual subscription that is equal to or less than the following:
  - in the case of a member of a party, \$2,000
  - in the case of an affiliate of the party, \$2,000 if the affiliation fee paid to the party is not based on the number of members of the affiliate, or \$2,000 multiplied by the number of members of the affiliate, if the affiliation fee paid to the party is based on the number of members of the affiliate
- any amount of a political donation that exceeds the applicable cap on political donations to a party, elected member, candidate or group and
- payments made to the party by the NSW Electoral Commission from the Administration Fund or New Parties Fund.

#### Local government campaign account

All payments for electoral expenditure for the local government election campaign of a party must be made from the party's local government campaign account. Payments can be made from the account for expenditure other than electoral expenditure for a local government election (except payments for electoral expenditure for a State election campaign).

The following may be paid into the local government campaign account:

- political donations made to the party (including the proceeds of the investment or disposal of any political donation of property that is held as an asset of the account)
- political donations paid to a party agent of the party on behalf of an elected member, candidate or group for whom the party agent is responsible
- contributions by a candidate to finance their own election campaign (where a party agent is responsible)
- money borrowed by the party at any time for a local government election
- money belonging to the party on 1 July 2016 including the proceeds of the investment or disposal of any other property that belonged to the party on or before 1 July 2016 and
- a bequest to the party.

The following may not be paid into the local government campaign account:

- payments made to the party by the NSW Electoral Commission from the Election Campaigns Fund, Administration Fund, Policy Development Fund or New Parties Fund after 1 July 2016
- a party membership or annual subscription that is equal to or less than the following:
  - in the case of a member of a party, \$2,000

- In the case of an affiliate of the party, \$2,000 if the affiliation fee paid to the party is not based on the number of members of the affiliate, or \$2,000 multiplied by the number of members of the affiliate, if the affiliation fee paid to the party is based on the number of members of the affiliate and
- any amount of a political donation that exceeds the applicable cap on political donations to a party, elected member, candidate or group.

#### Other accounts held by a party

A political party that is registered for State elections should keep an account for the purposes of accepting payments from the NSW Electoral Commission from the Administration Fund or New Parties Fund, if it is eligible for such payment. Such an account can also be used to deposit party membership and affiliation fees that are equal to or less than the following:

- in the case of a member of a party, \$2,000
- in the case of an affiliate of the party, \$2,000 if the affiliation fee paid to the party is not based on the number of members of the affiliate, or \$2,000 multiplied by the number of members of the affiliate, if the affiliation fee paid to the party is based on the number of members of the affiliate.

A party may also need to keep an account used exclusively for the purpose of federal election campaigns in order to:

- deposit political donations that exceed the applicable cap on political donations for the party
- deposit political donations made by a prohibited donor or a donor who is not lawfully entitled to make political donations under NSW laws.

#### 4.2 Campaign accounts of third-party campaigners and associated entities

All third-party campaigners and associated entities are required to keep a campaign account to make payments for electoral expenditure during the capped expenditure period for an election and to deposit political donations received that are used to incur the electoral expenditure.

The campaign account is to be a separate account held in Australian dollars with a financial institution. The official agent of a third-party campaigner or an associated entity must be authorised to operate the account. There are no requirements under electoral funding laws as to the name of the account.

An official agent can appoint a person in writing to operate the campaign account. A record of the appointment should be kept by the agent. A person cannot be appointed by an official agent to operate a campaign account if the person has been convicted of an offence that would disqualify the person from being appointed as an official agent or the person is not fit and proper person as determined by the NSW Electoral Commission.

#### How the account must be used

The campaign account must be used by the official agent or an appointed person to:

- make payments for electoral expenditure incurred during the capped expenditure period for an election and
- deposit political donations used for the purpose of making payments for that electoral expenditure.

A political donation received by a third-party campaigner or an associated entity is not required to be paid into the campaign account if it is not used to make payments for electoral expenditure incurred during a capped expenditure period.

## ***Agent Online Training Program***

A political donation made to a third-party campaigner or an associated entity by a prohibited donor, or by a donor who is not lawfully entitled to make a donation under NSW laws, may be paid into an account kept solely for federal election campaign purposes. The donation is exempt from being an unlawful donation if paid into such an account.

The campaign account may be used for more than one election. When the account is no longer required the account may be closed. Any amount left in the campaign account is property of the associated entity or third-party campaigner. Bank statements of the account must be kept for the purpose of the NSW Electoral Commission's compliance audits.

### [Specific rule for third-party campaigners accounts](#)

Any amount of a political donation given to a third-party campaigner that is in excess of the cap on political donations for third-party campaigners must not be paid into the campaign account.

## 5. Module- Political Donations

### 5.1 What is a political donation

A political donation is a gift made to, or for the benefit of, a political party, elected member, candidate, group of candidates, or other person or entity including an associated entity or third-party campaigner in New South Wales. The precise meaning of political donation differs for each political participant type. These differences are described below.

Political donations are strictly regulated in New South Wales and penalties apply for non-compliance. Those accepting and making donations must understand the rules to ensure they comply with the law.

People and entities making political donations are called donors. Those making reportable political donations are called major political donors.

#### Political parties

A political donation to a political party is a gift made to or for the benefit of the party.

Political donations made to or for the benefit of a political party must only be used for the objectives and activities of the party, including:

- the administration of the party and community activities
- electoral expenditure of the party for State and local government elections
- electoral expenditure for, or on behalf of, elected members, candidates and groups of candidates who are members of the party.

Political donations to a political party must not be used for the personal use of an individual acting in a private capacity.

#### Elected members and candidates

Political donations made to or for the benefit of an elected member or candidate include only those gifts made to or for the benefit of the elected member or candidate, where the whole or part of the gift, is used, or is intended to be used, by the elected member or candidate for the following purposes:

- solely or substantially in relation to an election
- solely or substantially in relation to the elected member's duties as an elected member
- to enable the elected member or candidate to make (directly or indirectly) a political donation or to incur electoral expenditure
- to reimburse the elected member or candidate for making (directly or indirectly) a political donation or incurring electoral expenditure.

Political donations made to or for the benefit of a candidate can only be accepted if the candidate is registered for the election.

#### Groups of candidates

A political donation to a group of candidates is a gift made to or for the benefit of the group. Political donations made to or for the benefit of a group can only be accepted if the group is registered for the election.

### Others including Associated Entities and Third-party Campaigners

A political donation made to or for the benefit of others, including associated entities and third-party campaigners, is a gift intended (in whole or part) to:

- enable the entity or person to make (directly or indirectly) a political donation or to incur electoral expenditure
- to reimburse the entity or person for making (directly or indirectly) a political donation or incurring electoral expenditure.

### Political donations for local government elections

A political donation made to or for the benefit of a party, third-party campaigner or associated entity is a political donation for a local government election if:

- in relation to a donation to a party – the donation is paid into (or held as an asset of) the local government campaign account of the party
- in relation to a donation to a third-party campaigner or associated entity – the third-party campaigner or associated entity establishes that the donation was made solely for the purposes of a local government election campaign.

### Examples of political donations

Political donations include:

- a monetary gift
- a non-monetary gift
- the provision of a service at no charge, or at a discounted rate
- a contribution, entry fee or other payment allowing a person to participate in, or benefit from, a fundraising venture or function where the amount paid is part of the proceeds
- annual or other subscriptions paid to a political party by a member of a party, or by a person or entity for affiliation with the party
- a disposition of property:
  - to a NSW branch of a political party from the Federal branch of the party
  - to a NSW branch of a political party from another State or Territory branch of the party
  - from a political party to another political party
- uncharged interest on a loan i.e. the additional amount that would have been payable to a lender if the loan had been made on terms requiring the payment of interest at the generally prevailing interest rate for a loan of that kind as set out in the [guidelines](#) of the NSW Electoral Commission, and the interest payable had not been waived, and any interest payments were not capitalised.

Political donations do not include:

- bequests
- public funding payments made by the NSW Electoral Commission to a political party, elected member or candidate
- a gift made solely for the purpose of a federal election or a member of the federal parliament, or an election outside of New South Wales, or an elected member outside of NSW.

The NSW Electoral Commission's [guidelines](#) provide further examples of what is and what is not a political donation (including information about interest rates for loans).

## 5.2 Categories of political donations

### **Small political donations**

A small political donation is a political donation of less than \$1,000 or multiple political donations made by a donor to the same recipient, in a financial year, that in aggregate are less than \$1,000.

A small political donation also includes where a person makes a political donation of \$50 or less at a fundraising venture or function and the person makes no other political donations at the fundraiser. Such donations do not need to be aggregated with other donations made by that person to the same recipient in the financial year, to determine if the donations are, in aggregate, less than \$1,000.

Small political donations made and received must be disclosed to the NSW Electoral Commission by:

- political parties
- elected members
- groups of candidates
- candidates
- associated entities.

Third-party campaigners must disclose small political donations received for the purpose of incurring electoral expenditure during the capped expenditure period for an election.

The person responsible for a party, elected member, candidate, group, third-party campaigner or associated entity is required to keep complete and accurate records of small political donations in order to disclose the total value and total number of small political donations made or received.

### **Reportable political donations**

A reportable political donation is a political donation of \$1,000 or more. Reportable political donations include multiple small political donations made by the same donor to the same recipient, in a financial year, that in aggregate are \$1,000 or more.

Reportable political donations made and received must be disclosed to the NSW Electoral Commission by:

- political parties
- elected members
- groups of candidates
- candidates
- associated entities

Third-party campaigners must disclose political donations received for the purpose of incurring electoral expenditure during the capped expenditure period for an election.

A major political donor (including a third-party campaigner) is required to disclose reportable political donations of \$1,000 or more made to a political party, elected member, group, candidate, associated entity or third-party campaigner.

When a political donation is received by a political party, elected member, group, candidate, associated entity or third-party campaigner, a receipt must be issued to the political donor. For non-monetary donations an acknowledgement is to be issued to the political donor. [Contact](#) the NSW Electoral Commission to request a receipt and acknowledgement book.

The person responsible for a party, elected member, candidate, group, third-party campaigner or associated entity is required to keep complete and accurate records of reportable political donations in order to disclose the full details of reportable political donations made or received.

### **5.3 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.

There are also limits on the value of indirect campaign contributions made to parties, elected members, groups and candidates at New South Wales State and local government elections.

The caps apply to local government elections, State elections and administrative purposes of a party. Caps differ depending on who accepts the political donations and there are a number of exemptions that apply.

#### **General Requirements**

Political donation caps and the limits that apply to indirect campaign contributions are adjusted for inflation each financial year and are published on the [NSW Electoral Commission website](#).

It is unlawful to accept a political donation that exceeds the relevant donation cap.

Political donations made by the same donor to the same recipient in a financial year are to be aggregated for the purpose of the donation caps, and must be within the recipient's donation cap, except where a person makes a political donation of \$50 or less at a fundraising venture or function and the person makes no other political donations at the fundraiser. Such donations do not need to be aggregated with other donations made by that person to the same recipient in the financial year, to determine if the donations are, in aggregate, within the applicable donation cap.

Political donations made by the same donor to elected members, candidates and groups of candidates endorsed by the same party in a financial year are to be aggregated for the purpose of the donation caps and must be within the applicable donation cap for elected members, candidates and groups.

Donations made by the same donor to the same recipient in a financial year are to be aggregated separately in relation to donations for local government elections and donations for other purposes.

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.

#### **Exemptions to the caps on political donations**

There are certain exemptions to the caps on political donations:

- a Legislative Council candidate who is a member of a party can give the party up to a certain amount that is exempt from the party's donation cap during the financial year in which a Legislative Council election is conducted
- a Legislative Council candidate who is not a member of a party but who is a member of a group can give the group up to a certain amount that is exempt from the group's donation cap during the financial year in which a Legislative Council election is conducted
- A candidate for a Legislative Assembly election can donate up to a certain amount to the party of which they are a member. This amount is exempt from the party's donation cap.

The amounts exempt from the donation caps are adjusted each financial year and are published on the [NSW Electoral Commission website](#).

Self-funding donations made by candidates.

A candidate can contribute funds to finance their own election campaign. There is no limit as to the amount a candidate can 'self-fund'. A candidate can use their own personal funds to make contributions to finance their own campaign. These contributions are not political donations but must be paid into the candidate's campaign account, or to the party's State campaign account (where a party agent is responsible for the candidate).

#### 5.4 Who can make a political donation

There are strict rules in New South Wales about who can make political donations. A donor must be:

- an individual enrolled to vote at Federal elections or in New South Wales for State or local government elections or
- an entity with a business number recognised by the Australian Securities and Investments Commission (e.g. ABN or ACN) or
- an individual or entity that has provided acceptable identification to the NSW Electoral Commission before making political donations (to be entitled to make political donations a prospective donor complete and submit the [Application for approval of acceptable identification by a potential political donor EF.704](#) form and provide acceptable identification with the form.



## 6. Module- Receiving political donations

Political donations must be made to the person responsible for the party, elected member, candidate, group, third-party campaigner or associated entity and must be paid into the campaign account if it is going to be used to pay for electoral expenditure.

Complete and accurate records must be kept of all political donations received to ensure they are properly disclosed to the NSW Electoral Commission.

Political donations made to or for the benefit of an elected member, candidate, group, third-party campaigner or associated entity can only be used to incur electoral expenditure or any other authorised purpose.

Political donations made to or for the benefit of a political party can only be used for the objects and activities of the party, including the administration of the party and community activities.

There are strict rules about who a political donation can be accepted from. For this reason, it is important that an agent properly manages the receipt of political donations and keeps accurate records.

### 6.1 Receipts and Acknowledgements

Agents can [contact](#) the NSW Electoral Commission to request receipt and acknowledgement books. A receipt must be issued for all reportable political donations received in the form of money. An acknowledgement must be issued for all reportable political donations received in the form of a non-monetary gift. A receipt or acknowledgement must be completed and signed by the person responsible.

Electronic receipts can be used as long as the information captured is the same as the information in a NSW Electoral Commission receipt and acknowledgment book.

A party can use its own receipts and acknowledgements for reportable political donations made to or for the benefit of the party as long as the receipts contain all of the information that is in the NSW Electoral Commission receipt and acknowledgement books.

A receipt or acknowledgement is to be kept in triplicate form. Issue the original copy to the donor, the duplicate is to be kept by the agent for record keeping purposes and the triplicate copy is to stay in the receipt and acknowledgement book which is to be returned to the NSW Electoral Commission when disclosing political donations.

### 6.2 Fundraising ventures and functions

A fundraising venture is an event or function for the purposes of raising funds for an election campaign. Examples of fundraising ventures and functions include:

- an auction
- the sale of tickets for a raffle or dinner.

Expenditure incurred for a fundraising venture or function is electoral expenditure. Funds received from a fundraising venture or function are political donations.

The following details of each fundraising venture and function must be recorded and disclosed:

- the date(s) of the fundraiser
- a description of the nature of the fundraiser (e.g. "Dinner with Candidate")
- the total number and total value of small political donations received at the fundraiser
- the details of each reportable political donation received at the fundraiser
- the details of electoral expenditure incurred for the fundraiser
- the net or gross proceeds from the fundraiser.

### 6.3 Reportable loans

A loan is an advance of money, the provision of credit or any other transaction that in substance affects a loan of money.

A reportable loan is a loan of \$1,000 or more including multiple loans made by a person that in aggregate, in a financial year, are \$1,000 or more.

A record must be kept of each reportable loan including the name and address of the lender and the terms and conditions of the loan.

Where credit is provided by using a credit card each transaction is a separate loan.

Unpaid accounts and invoices are also considered reportable loans if a supplier agrees to extend their standard payment period and or payment terms.

Reportable loans, the terms of the loan and repayments made on the loan, must be disclosed to the NSW Electoral Commission by:

- political parties
- elected members
- groups of candidates
- candidates.

#### Interest on a loan

Uncharged interest on a loan is a political donation.

Uncharged interest is the difference between the [generally prevailing interest rate](#) and the rate that was paid in interest on the loan (if the interest rate on a loan is less than the generally prevailing interest rate).

For example, if a person paid an interest rate of 5% on a loan, and the generally prevailing interest rate for a loan of that type is 12%, the uncharged interest is the unpaid 7% of the loan. So, if the loan was for \$10,000, the uncharged interest amount is \$700 over a period of a year. This is a \$700 donation from the lender to the person accepting the loan.

If the person paid no interest, then the uncharged interest is the full 12% of the loan, which (in the above example) is an amount of \$1,200. This is a reportable political donation from the lender to the person recipient of the loan.

The general prevailing interest rate is set by the NSW Electoral Commission. Refer to the [NSW Electoral Commission's guidelines](#) for the current rates.

## 7. Module - Prohibited and unlawful political donations

Certain political donations are unlawful. If a person makes or accepts a political donation or reportable loan and is aware the donation or loan is unlawful the person may have committed an offence and may be prosecuted by the NSW Electoral Commission in a court. This includes individuals that accept political donations or loans on behalf of a political party, elected member, candidate, group, associated entity or third-party campaigner.

If a person accepts an unlawful political donation or loan, the value of the donation or loan (or double the value if the person knew the donation or loan was unlawful) may be recovered by the NSW Electoral Commission.

### 7.1 Categories of unlawful political donations

#### Failure to record details

It is unlawful to accept a reportable political donation unless the person accepting the donation:

- makes a record of the details required to be disclosed, and
- provides a receipt to the donor for the donation (being a receipt that includes a statement advising the donor of their obligation to disclose the donation).

This does not apply to a donation of less than \$1,000 that is not a reportable political donation at the time it is made.

#### Anonymous donations

It is unlawful to accept a reportable political donation unless the person accepting the donation:

- knows the name and address of the donor, and
- when the donation is made the donor provides their name and address to the person receiving the donation and that person has no grounds to believe the donor's name and address are not true.

#### Identity of donors

It is unlawful for a person to accept a political donation unless the donor is:

- an individual enrolled to vote at federal elections or in New South Wales for State or local government elections, or
- an entity with a business number recognised by the Australian Securities and Investments Commission (e.g. ABN or ACN), or
- an individual or entity that has provided the NSW Electoral Commission with acceptable identification showing the individual's full name and address, or in the case of an entity, the full name and Australian residential address of a principal or executive officer of the entity.

A prospective donor may make an [application](#) to the NSW Electoral Commission to have their identification accepted to allow them to make political donations.

The donor rules do not apply to the acceptance of a political donation that is to be paid into (or held as an asset of) an account kept exclusively for the purposes of federal government election campaigns, or in the case of a third-party campaigner, the donation is not paid into the campaigner's campaign account.

#### Certain Indirect Campaign Contributions

It is unlawful for a person to make an indirect campaign contribution to:

- a party, elected member, candidate or group where the value of the contribution exceeds the relevant limit, or
- more than one indirect campaign contribution in a financial year to the same recipient where the total value exceeds the relevant limit.

The [limits](#) on indirect campaign contributions are adjusted for inflation each financial year.

Indirect campaign contributions include:

- the provision of office accommodation, vehicles, computers or other equipment as a gift for use solely or substantially for election campaign purposes
- the full or part payment by a person other than the party, elected member, candidate or group, of electoral expenditure for advertising or other purposes incurred or to be incurred by the party, elected member, group or candidate (or an agreement to make such a payment) and
- the waiving of all or part of a payment for advertising incurred or to be incurred by a party, elected member, group or candidate.

Electoral expenditure for advertising is incurred by a party, elected member, group or candidate if the advertising is authorised by the party, elected member, group or candidate.

An unlawful indirect campaign contribution does not include:

- volunteer labour or the incidental use of vehicles or equipment of volunteers
- anything provided or done by a party for its endorsed candidates in accordance with arrangements made by the party agent of the party and
- a payment made to a party, elected member or candidate by the NSW Electoral Commission from the [Election Campaigns Fund, Administration Fund or New Parties Fund](#).

The NSW Electoral Commission publishes [guidelines](#) for indirect campaign contributions. Guideline number 14 applies to the provision of volunteer labour and the ancillary use of vehicles or equipment of volunteers.

#### [More than three third-party campaigners](#)

It is unlawful to make political donations to more than three third-party campaigners in the same financial year, and it is unlawful for the third-party campaigners to accept these donations.

This only applies to political donations paid into the campaign accounts of the third-party campaigners.

#### [Donations to independent candidates](#)

It is unlawful for a party (or a candidate or elected member endorsed by a party, or an associated entity of a party) to make a political donation to a candidate or group of candidates not endorsed by that or any other party.

It is unlawful for an unendorsed candidate or candidates to accept a donation from a party or an endorsed candidate or elected member, or associated entity of a party.

#### [Failure to record details of reportable loans](#)

It is unlawful to accept a reportable loan unless a record is made of:

- the terms and conditions of the loan, and
- the name and address of the lender.

This does not apply where the lender is a financial institution.

### Donations exceeding the donation caps

It is unlawful for a person to accept a political donation to a party, elected member, group, candidate, third-party campaigner or associated entity if the donation exceeds the applicable cap on political donations.

There are a number of exemptions to the caps on political donations. A political donation is not unlawful if it is subject to one of the exemptions.

### 7.2 Prohibited donors

Certain industries are prohibited from making political donations in New South Wales.

It is unlawful for a:

- prohibited donor to make a political donation or loan
- person to make a political donation or loan on behalf of a prohibited donor
- person to accept a donation or loan made by a prohibited donor or a person on behalf of a prohibited donor
- prohibited donor to solicit another person to make a political donation or loan or
- person to solicit another person on behalf of a prohibited donor to make a political donation or loan.

This does not apply to the following:

- loans, where the lender is a financial institution whose principal business is the provision of financial services or financial products, including authorised deposit-taking institutions
- an annual or other subscription paid to a party by an individual as a member of the party or for the individual's affiliation with the party, that is not a reportable political donation
- the making, acceptance or soliciting of a political donation, or the making of a gift to an individual for the purpose of the individual making a political donation, that is to be paid into (or held as an asset of) an account kept exclusively for the purposes of federal government election campaigns, and
- the making, acceptance or soliciting of a political donation, or the making of a gift to an individual for the purpose of the individual making a political donation, to a third-party campaigner that is not to be paid into (or held as an asset of) the campaign account of the third-party campaigner.

A prohibited donor is:

- a property developer
- a tobacco industry business entity
- a liquor or gambling industry business entity
- any industry representative organisation if the majority of its members are such prohibited donors or
- a close associate of a prohibited donor.

### Property Developers

A 'property developer' is an individual or corporation that:

- carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of its sale or lease of the land for profit and
- in the course of that business:
  - 1 relevant planning application has been made by or on behalf of the individual or corporation that is pending, or

- 3 or more relevant planning applications have been made by or on behalf of the individual or corporation and determined within the preceding 7 years.

A person who is a close associate of a property developer is also a prohibited donor.

A relevant planning application has the same meaning as in section 10.4 of the [Environmental Planning and Assessment Act 1979](#).

#### [Tobacco business entities](#)

A tobacco industry business entity is a corporation engaged in a business undertaking that is mainly concerned with the manufacture or sale of tobacco products.

A person who is a close associate of a tobacco industry business entity is also a prohibited donor.

#### [Liquor or gambling industry business entities](#)

A liquor or gambling industry business entity is a corporation engaged in a business undertaking that is mainly concerned with either or a combination of the following, but only if it is for the ultimate purpose of making a profit:

- the manufacture or sale of liquor products
- wagering, betting or other gambling (including the manufacture of machines used primarily for that purpose).

A person who is a close associate of a liquor or gambling industry business entity is also a prohibited donor.

#### [Close associate](#)

A close associate of a prohibited donor that is a corporation is:

- a director or officer of the corporation
- the spouse (including a de facto partner) of a director or officer of the corporation
- a related body corporate of the corporation (within the meaning of [Corporations Act 2001 \(Cth\)](#))
- a person whose voting power in the corporation or a related body corporate of the corporation is greater than 20% or the spouse (including a de facto partner) of such a person
- if the corporation or a related body corporate of the corporation is a stapled entity in relation to a stapled security – the other stapled entity in relation to that stapled security
- if the corporation is a trustee, manager or responsible entity in relation to a trust – a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of a trust (in the case of a discretionary trust) or
- in relation to a corporation that is a property developer – a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if the development that would be or is authorised by the application is authorised or carried out.

A close associate of a prohibited donor that is an individual is:

- the spouse (including a de facto partner) of the individual, or
- in relation to an individual who is a property developer – a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out.

[Determination that a person is not a prohibited donor](#)

A person or entity may apply to the NSW Electoral Commission to have a determination made that either they or another person or entity *is not* a prohibited donor.

The NSW Electoral Commission's determination is:

- made solely on the basis of information provided by the applicant
- not assumed to be correct in favour of any person or entity that is aware the information provided by the applicant was incorrect
- remains in force for 12 months but can be revoked by the Electoral Commission at any time in writing.

To make an application for determination use the [Application for determination that a person is not a prohibited donor \(EF.701\)](#) form.

Determinations are published on the [NSW Electoral Commission website](#).

## 8. Module- Electoral expenditure

### 8.1 What is electoral expenditure

Electoral expenditure is expenditure for or in connection with:

- promoting or opposing (directly or indirectly):
  - a political party
  - the election of a candidate or candidates or
- influencing (directly or indirectly) the voting at an election.

Electoral expenditure of a third-party campaigner includes only the expenditure incurred for the dominant purpose of promoting or opposing a party or the election of a candidate or candidates or influencing the voting at an election.

Electoral expenditure is:

- expenditure on advertisements in radio, television, the internet, cinemas, newspapers, billboards, posters, brochures, how-to-vote cards and other election material
- expenditure on the production and distribution of election material
- expenditure on the internet, telecommunications, stationery and postage
- expenditure incurred in employing staff engaged in election campaigns
- expenditure incurred for office accommodation for any such staff and candidates (other than for the campaign headquarters of a party, or for the electorate office of an elected member)
- expenditure on travel and travel accommodation for candidates and staff engaged in electoral campaigning
- expenditure on research associated with election campaigns (other than in-house research)
- expenditure incurred in raising funds for an election or in auditing campaign accounts, and
- expenditure incurred in the use or acquisition of the following items (exercised or effected within a period of 10 weeks that includes an election day and is terminated or disposed of within that period):
  - a motor vehicle and motor vehicle accessories,
  - a vessel or aircraft used for the purpose of navigation,
  - televisions and radios,
  - television and radio broadcasting equipment,
  - electronic equipment for recording sounds or visual images,
  - photographic equipment,
  - computers and associated equipment and computer software, and
  - office furniture and equipment.

Electoral expenditure does not include:

- expenditure incurred substantially in respect of an election of members to a Parliament other than the NSW Parliament
- expenditure on factual advertising of:
  - meetings to be held for the purpose of selecting persons for nomination as candidates for election,
  - meetings for organisational purposes of parties, branches of parties or conferences, committees or other bodies of parties or branches of parties, and
  - any other matter involving predominantly the administration of parties or conferences, committees or other bodies of parties or branches of parties.

The NSW Electoral Commission issues [guidelines](#) to give further examples of what is and is not electoral expenditure.



## 8.2 Caps on electoral expenditure

Electoral expenditure is capped during the capped expenditure period for a State or local government election.

The caps on electoral expenditure for a State election are adjusted every four years after each State general election and the caps on electoral expenditure for a local government election are adjusted every four years after each local government general election.

Electoral expenditure incurred in raising funds for an election or in auditing campaign accounts is exempt from the expenditure caps.

Electoral expenditure incurred by a Member of Parliament for which the member could claim entitlements under the *Parliamentary Remuneration Act 1989* is exempt from the expenditure caps.

The complete list of caps for State elections and local government elections is published on the [NSW Electoral Commission website](#).

If electoral expenditure is incurred in excess of the applicable expenditure cap, double the excess may be recovered by the NSW Electoral Commission. A person who incurs electoral expenditure in excess of an applicable cap may have committed an offence and may be prosecuted by the NSW Electoral Commission.

### What is the capped expenditure period for a State election?

The capped expenditure period for a State general election:

- commences 1 October in the year before the election, and
- ends on election day.

The capped expenditure period for a State by-election:

- commences on the day the writ is issued for the by-election, and
- ends on election day.

### What is the capped expenditure period for a local government election?

The capped expenditure period for a local government general election:

- commences 1 July in the year of the election, and
- ends on election day.

The capped expenditure period for a local government by-election:

- commences on the day the by-election is publicly notified (this date is published on the [NSW Electoral Commission website](#) for each by-election), and
- ends on election day.

The capped expenditure period for a local government election (when a council is dismissed or when the council is declared to be non-functioning):

- commences 3 months before election day, or
- commences on the day the proclamation was made determining the election day, whichever date is the latest, and
- ends on election day.

## Electoral expenditure aggregation rules

### *State elections*

Electoral expenditure incurred by:

- a party and by an endorsed candidate or group of the party at a Legislative Council election, must be aggregated and must be within the applicable cap for the party
- a party for a State election campaign and by an associated entity of the party, must be aggregated and must be within the applicable cap for the party
- a party for a State election campaign and by a Member of Parliament who is not a candidate at a State general election but who is a member of the party, must be aggregated and must be within the applicable cap for the party
- two candidates endorsed by the same party in an electoral district must be aggregated, and must be within the applicable cap for one of those candidates.
- a candidate endorsed by a party for a State by-election and electoral expenditure by the party, must be aggregated and must be within the applicable cap for the candidate.

### *Local government elections*

Electoral expenditure incurred by a:

- group of candidates for a local government election campaign and by a candidate who is a member of the group (other than a mayoral candidate), must be aggregated and must be within the applicable cap for the group
- party for a local government election campaign and by an associated entity of the party, must be aggregated and must be within the applicable cap for the party
- party for a local government election campaign and by a councillor or mayor of the council who is not a candidate at the election but who is a member of the party, must be aggregated and must be within the applicable cap for the party.

## 8.3 When is electoral expenditure taken to be incurred?

For the purpose of the expenditure caps, electoral expenditure is incurred when the services are provided or when the goods are delivered. In particular:

- advertising expenditure is incurred when the advertising is broadcast or published
- expenditure on the production and distribution of election material is incurred when the material is distributed and
- expenditure on employing staff is incurred during the period the staff member is employed.

Even if expenditure is paid for outside of the capped expenditure period the expenditure is subject to the caps if incurred as described above during the capped expenditure period.

## 9. Module- Record keeping

Complete and accurate accounting and financial records must be kept in order for political donations and electoral expenditure to be properly disclosed.

The NSW Electoral Commission issues agents with receipt and acknowledgement books to enable them to issue receipts and acknowledgements to donors. [Contact](#) the NSW Electoral Commission to request a receipt and acknowledgement book.

Parties can use their own receipts and acknowledgements as long as they capture all of the information that is on the NSW Electoral Commission's receipts and acknowledgements including the following statement to advise the donor to disclose political donations made of \$1,000 or more:

*If you make a political donation of \$1,000 or more, you must complete and lodge a declaration with the Electoral Commission in accordance with the [Electoral Funding Act 2018](#). A political donation includes a contribution or entry fee or an annual or other subscription. You must also disclose a political donation of less than \$1,000 if the total amount of political donations made by you in respect of the same party (or associated entity), elected member, group, candidate, third-party campaigner or person in the same financial year is \$1,000 or more. Penalties apply for failing to lodge a declaration.*

Records that are required to be kept by political parties, elected members, candidates, groups, associated entities and third-party campaigners must be kept for at least three years.

Accounting records may be kept in paper or electronic form. If records are kept in electronic form the records must comply with the requirements for keeping paper records to the extent the requirements can be reasonably complied with.

Electronically recorded entries must appear in chronological sequence. All entries must be numbered sequentially under a controlled program so the completeness of the entries can be reasonably complied with.

If an amendment is to be made to an entry, a separate entry effecting the amendment must be made rather than changing the details of an entry.

A back-up copy of all records that are less than 3 years old is to be made at least once a month and the most recent back-up copy is to be kept at a separate location.

### 9.1 Political parties records

The party agent of a party may apply to the NSW Electoral Commission for approval for the party to keep a system of accounting records other than as described here.

The following accounting records are required to be kept by the party for at least three years.

#### Receipt book

The receipt book must contain forms of receipt in triplicate. Each copy must be consecutively numbered.

Provision must be made for the following to be entered on each form:

- the date of the receipt
- the amount of money received
- the form (cash, cheque or postal order) in which the money was received

- the name and address of the individual, or the name and relevant business number of the entity, by whom or on whose behalf the amount was paid
- the purpose of the payment.

If a reportable political donation is received the party must issue from the receipt book a receipt for the amount received. The particulars of the donation must be entered on each receipt and the receipt must be signed by a person authorised by the party agent.

A carbon impression of the receipt must be made on the duplicate form, which must be retained by the party.

If a receipt is to be cancelled write the word "CANCELLED" across the face of the original and copy of the form. The party must retain in the receipt book the original form of a cancelled receipt and the copy.

#### [Acknowledgement book](#)

The acknowledgment book must contain forms of acknowledgment in triplicate. Each copy must be consecutively numbered.

Provision must be made for the following to be entered on each form:

- the date of the acknowledgment
- the value of any gift that is a reportable political donation that is received
- a description of the gift
- the name and address of the individual, or the name and relevant business number of the entity, by whom or which or on whose behalf the donation was made
- the purpose for which the donation was made.

If a reportable political donation that is a gift is received, the party must issue from the acknowledgment book an acknowledgment of the donation.

The particulars of the gift must be entered on each acknowledgment and the acknowledgment must be signed by a person authorised by the party.

A carbon impression of the acknowledgment must be made on the duplicate form, which must be retained by the party.

If an acknowledgement is to be cancelled write the word "CANCELLED" across the face of the original and copy of the form. The official agent must retain in the acknowledgement book the original form of a cancelled acknowledgement and the copy.

#### [Deposit book](#)

The deposit book must contain deposit forms in duplicate for each bank, credit union or building society at which the party keeps accounts.

Provision must be made for the following to be entered on each form:

- the date of the deposit
- the amount of the deposit
- the form (cash, cheque or postal order) of the deposit
- in the case of a deposit by cheque, the name of the drawer of the cheque.

A carbon impression of the deposit must be made on the duplicate form which must be retained by the party.

The party must ensure that:

- the deposit book is produced to the bank, credit union or building society at the time of making a deposit of a political donation
- the particulars are entered on each deposit form at the time of making such a deposit and
- the carbon impression of each complete deposit entry is initialled by an officer of the bank, credit union or building society at which the deposit is being made and is stamped with the stamp of that authorised deposit-taking institution.

### Cash book

The cash book must be a book or books, the sheets of which are consecutively numbered. The consecutive numbers of receipts issued or cheques drawn must be shown on the respective sheets.

As soon as practicable after a transaction is effected, the party must enter:

- on the receipts side of the cash book, on the receipts cash sheets or in the receipts cash book—particulars of all money received by way of political donations, and
- on the disbursements side of the cash book, on the payments cash sheets or in the payments cash book—particulars of all money disbursed by way of electoral expenditure.

At the end of each month, the cash book or books must be balanced and the balance carried forward to the commencement of the next month and to a ledger account provided for that purpose.

At the end of each month:

- the entries in the cash book or books must be compared with the statement of the bank, credit union or building society, and
- enter in the cash book or books the amounts credited to the bank, credit union or building society account and appearing in the relevant statement for which no receipt had been written and amounts debited to the bank, credit union or building society account and appearing in the relevant statement for which no cheque had been drawn.

Any necessary reconciliation (showing the balance in the bank, credit union or building society account as indicated in the relevant statement, and adding any money received but not banked and deducting any cheques drawn but not presented for payment) must be entered in the cash book at the end of the entries for the month.

### Journal

As soon as practicable after a transaction is effected, the party must enter in the journal the following particulars relating to political donations received or electoral expenditure incurred:

- the value of any interest in property donated to the party
- particulars of any interest in property disposed of by the party otherwise than for money
- all adjustments to be made to accounts in the ledger
- all transfers to be effected from one ledger account to another
- all other transactions affecting any ledger account which are not posted or to be posted from the cash book to the ledger.

The particulars of each entry in the journal must be sufficient to identify the transaction in respect of which the entry is made and the reason for that entry.

### Ledger

The ledger must contain particulars of all political donations received and electoral expenditure incurred.

The particulars must, if taken in conjunction with other particulars in the receipt book, cash book or books and journal, be sufficient to identify the transaction in respect of which the political donation was received or the electoral expenditure incurred.

Each entry in the cash book or books relating to a political donation received or an electoral expenditure incurred must be posted as soon as practicable to the appropriate account in the ledger.

Against each entry in the ledger account there must be recorded:

- a reference to the folio of the cash book from which the entry is posted, or
- if the cash book is kept on the loose-leaf principle, a reference to the receipt number or cheque number.

Each entry in the journal relating to a political donation received or an electoral expenditure incurred must be posted as soon as practicable to the appropriate account in the ledger.

There must be recorded against each entry in the ledger account a reference to the folio of the journal from which the entry is posted, preceded by the letter "J".

At the end of each month, each account in the ledger must be balanced and the balance (if any) must be carried forward to the commencement of the next month.

## 9.2 Elected member, candidate, group, associated entity and third-party and campaigner records

The following accounting records are required to be kept for at least three years by a party agent who is responsible for an elected member, candidate or group; and by the official agent of an associated entity or third-party campaigner:

### Receipt book

The receipt book must contain forms of receipt in triplicate. Each copy must be consecutively numbered.

Provision must be made for the following to be entered on each form:

- the date of the receipt
- the amount of money received
- the form (cash, cheque or postal order) in which the money was received
- the name and address of the individual, or the name and relevant business number of the entity, by whom or on whose behalf the amount was paid
- the purpose of the payment.

If a reportable political donation is received the agent must issue from the receipt book a receipt for the amount received. The particulars of the donation must be entered on each receipt and the receipt must be signed by the agent or a person appointed by the agent.

A carbon impression of the receipt must be made on the triplicate form, which must be retained by the agent. The triplicate form is to be kept in the receipt book. If a receipt is to be cancelled write the word "CANCELLED" across the face of the original and copy of the form. The agent must retain in the receipt book the original form of a cancelled receipt and the copy.

#### Acknowledgement book

The acknowledgment book must contain forms of acknowledgment in triplicate. Each copy must be consecutively numbered.

Provision must be made for the following to be entered on each form:

- the date of the acknowledgment
- the value of any gift that is a reportable political donation that is received
- a description of the gift
- the name and address of the individual, or the name and relevant business number of the entity, by whom or which or on whose behalf the donation was made
- the purpose for which the donation was made.

If a reportable political donation that is a gift is received, the agent must issue from the acknowledgment book an acknowledgment of the donation. The particulars of the gift must be entered on each acknowledgment and the acknowledgment must be signed by the agent or a person appointed by the agent.

#### Petty cash book

The petty cash book must be a book for recording cash payments for items of expenditure of \$50 or less.

#### Cash book

The cash book must be a book or books, the sheets of which are consecutively numbered. The consecutive numbers of receipts issued or cheques drawn must be shown on the respective sheets.

As soon as practicable after a transaction is effected, the agent must enter:

- on the receipts side of the cash book, on the receipts cash sheets or in the receipts cash book—particulars of all money received by way of political donations
- on the disbursements side of the cash book, on the payments cash sheets or in the payments cash book—particulars of all money disbursed by way of electoral expenditure.

At the end of each month, the cash book or books must be balanced and the balance carried forward to the commencement of the next month and to a ledger account provided for that purpose.

At the end of each month:

- the entries in the cash book or books must be compared with the statement of the bank, credit union or building society and
- amounts credited to the bank, credit union or building society account and appearing in the relevant statement for which no receipt had been written and amounts debited to the bank, credit union or building society account and appearing in the relevant statement for which no cheque had been drawn must be entered in the cash book or books.

Any necessary reconciliation (showing the balance in the bank, credit union or building society account as indicated in the relevant statement, and adding any money received but not banked and deducting any cheques drawn but not presented for payment) must be entered in the cash book at the end of the entries for the month.

## 10. Disclosure requirements

Agents are required to:

- use the correct disclosure form issued by the NSW Electoral Commission
- use their best endeavours to ensure the disclosures made of political donations or electoral expenditure are true and correct
- provide supporting documents for political donations received and electoral expenditure incurred (including copies of printed electoral material and advertising)
- submit the disclosure form to the NSW Electoral Commission by the due date.

Political donations must be disclosed every six months. In the lead up to a State general election political donations of \$1,000 or more must be disclosed within 21 days. Electoral expenditure must be disclosed annually and political donors must disclose political donations of \$1,000 or more annually.

### 10.1 How to complete a disclosure form

The NSW Electoral Commission produces specific disclosure forms depending on the type of disclosure. There are disclosure forms for parties, elected members, candidates, groups, third-party campaigners, associated entities and political donors. There are separate disclosure forms for political donations and electoral expenditure. There are also “nil” disclosure forms for cases where there are no political donations or electoral expenditure to disclose for the relevant period.

Types of disclosures:

- political donations of \$1,000 or more made or received in the lead up to a State general election must be disclosed within 21 days as part of a pre-election disclosure (does not apply to political donors and political donations for local government elections)
- all other political donations made and received must be disclosed within 4 weeks of the end of each half-year period ending 31 December and 30 June (i.e. by 28 January and 28 July) (does not apply to political donors)
- electoral expenditure incurred must be disclosed within 12 weeks of the end of the annual period ending 30 June (i.e. by 22 September) (does not apply to political donors)
- political donors who have made one or more political donations of \$1,000 or more in a financial year, must disclose annually, within 4 weeks after the end of the annual period (i.e. by 28 July).

The agent must complete the relevant disclosure form published on the [NSW Electoral Commission website](#). Once the correct form has been located, either complete each section electronically and then print the form and sign it, or print the form, complete each section by hand and sign it. Electronic signatures are not accepted.

A nil disclosure form must be submitted even if there are no political donations or electoral expenditure to disclose for a relevant disclosure period.

**Who is responsible for completing, signing and submitting the disclosure form?**

The party agent of a party is responsible for completing, signing and submitting a disclosure form for a party.

Where a party agent is responsible for an elected member, candidate or group, the party agent is responsible for completing, signing and submitting a disclosure form for the elected member, candidate or group.



## ***Agent Online Training Program***

The official agent of a third-party campaigner or associated entity is responsible for completing, signing and submitting a disclosure form for the third-party campaigner or associated entity.

### *How to complete a disclosure form*

If there are items to disclose in particular categories it is helpful to know how to disclose. Some examples are below:

#### *Self-funding*

This applies only to disclosures for elected members and candidates. If an elected member or candidate contributed their own funds to finance their own campaign, disclose:

- the date each contribution was made
- the amount of each contribution
- any terms upon which each contribution was made if paid into the campaign account e.g. a candidate or elected member may seek to be reimbursed after the election using remaining amounts left in the campaign account that belong to the elected member or candidate.

#### *Small political donations made and received*

This applies to small political donations made and received by:

- parties
- elected members
- candidates
- groups
- associated entities
- third-party campaigners (only political donations received for the purpose of incurring electoral expenditure in the capped expenditure period for an election).

If small political donations were made or received include:

- the total number of small donations made and received
- the total value of small donations made and received
- if received at a fundraising function or venture, the following must also be disclosed:
  - date of function or venture
  - to whom or for whose benefit the donation was made
  - purpose and brief description of the event.

#### *Reportable political donations received*

This applies to reportable political donations made and received by:

- parties
- elected members
- candidates
- groups
- associated entities
- third-party campaigners (only political donations received for the purpose of incurring electoral expenditure in the capped expenditure period for an election).

If reportable political donations were made or received in the disclosure period include:

- the date each donation was received
- the name of the donor
- the residential address of the donor (in the case of an individual), the address of the registered or other official office of the donor (in the case of an entity), the addresses of the members of the executive committee (in the case of an unincorporated association), or the addresses of the trustees (in the case of a trust fund or foundation)

- the receipt number
- the gift type (monetary or non-monetary)
- the purpose of the donation (i.e. State government, local government, or administration)
- in the case of a donor that is an entity, the ABN or other relevant business number of the donor
- the amount or value of the donation.

Additionally:

- when disclosing political donations for the second half-yearly period of a financial year ending 30 June, include the details of each small donation received in the first half-yearly period of that financial year, that became reportable political donations when aggregated with other political donations made by that donor in the second half-yearly period for the financial year
- in the case of a reportable political donation received at a fundraising function or venture, the purpose and brief description of the fundraiser
- in the case of a reportable political donation received by a party for a future Legislative Assembly election candidate, before the candidate has been identified, selected or otherwise endorsed by the party - the Legislative Assembly electoral district to which the donation is allocated.

#### *Reportable political donations made*

This applies to parties, elected members, candidates, groups, associated entities, third-party campaigners and political donors. If reportable political donations were made in the disclosure period include:

- the date each donation was made
- the name of the recipient
- the receipt number
- the gift type (monetary or non-monetary)
- the purpose of the donation (i.e. State government, local government, or party administration)
- the amount or value of the donation
- in the case of a disclosure of reportable political donations made by a political donor at a fundraising function or venture, the name and location and a brief description of the fundraiser.

#### *Annual party memberships and annual subscriptions*

This only applies to parties. An annual party membership or annual subscription paid to a party that is a reportable political donation must be disclosed as a reportable political donation as described above.

Include under this section of the disclosure form:

- the total amount of annual or other subscriptions paid to the party by members or affiliates of the party
- each party membership, affiliation or subscription rate
- the number of members who paid a subscription at each rate.

#### *Fund-raising ventures and functions*

This does not apply to political donors. For each fund-raising venture or function held include:

- either the net or gross proceeds of each venture or function and an indication as to whether the proceeds are the net or gross amount
- a brief description of the nature of each venture or function
- the purpose of the venture or function
- the date on which each venture or function was held.

### *Reportable loans*

If reportable loans were received include:

- the date each loan was received and the name of the lender
- the residential address of the donor (in the case of an individual), the address of the registered or other official office of the donor (in the case of an entity), the addresses of the members of the executive committee (in the case of an unincorporated association), or the addresses of the trustees (in the case of a trust fund or foundation)
- the amount of the loan
- the terms and conditions of the loan (i.e. interest rate, terms, and total loan repayments made on the loan)
- in the case of a lender that is an entity, the ABN or other relevant business number of the lender
- the total repayments made on the loan during the disclosure period.

### *Electoral Expenditure*

When disclosing electoral expenditure the responsible person must separately identify the electoral expenditure incurred for each of the following categories:

- expenditure on advertisements in radio, television, internet, cinemas, newspapers, billboards, posters, brochures, how-to-vote cards and other election material
- expenditure on the production and distribution of election material
- expenditure on the internet, telecommunications, stationary and postage
- expenditure incurred employing staff engaged in election campaigns
- expenditure on office accommodation for staff and candidates
- expenditure on travel and travel accommodation for candidates and staff involved in electoral campaigning
- expenditure on research associated with election campaigns (other than in-house research) and
- expenditure on raising funds for an election or in auditing campaign accounts.

## **10.2 Pre-election period disclosures**

For State general elections only, in the pre-election period, all political donations of \$1,000 or more must be disclosed to the NSW Electoral Commission within 21 days of the donation being made or received.

Pre-election period disclosures are only required in the lead up to a State general election.

Pre-election period disclosures are published on the [NSW Electoral Commission website](#).

### *When is a pre-election period disclosure required?*

The pre-election period for a State general election commences on 1 October in the year before the election and ends on election day.

### *Who must make a pre-election disclosure?*

Pre-election period disclosure requirements apply to the following individuals and entities that have made or received a political donation of \$1,000 or more that is not in relation to a local government election:

- political parties
- elected members
- candidates
- groups of candidates

- third-party campaigners
- associated entities.

#### What must be disclosed?

All political donations of \$1,000 or more (except for a local government election) made or received between 1 October and election day must be disclosed to the NSW Electoral Commission within 21 days of the donation being made or received.

If a political donation of \$1000 or more is not made or received in the pre-election period, there is no requirement to make a pre-election disclosure. A 'nil' disclosure is not required.

#### Making a disclosure

A disclosure form must be submitted to the NSW Electoral Commission within 21 days of the donation being made or received, using the pre-election period disclosure form [Pre-election period disclosure EF.743](#) form available on the NSW Electoral Commission website.

The information to include in the disclosure form must relate to political donations made and received of \$1,000 or more during the pre-election period.

As the person responsible, the agent may decide how frequently to make a pre-election period disclosure as long as political donations of \$1,000 or more are disclosed within 21 days of each donation being made or received. An agent may disclose one or more political donations in the one disclosure form. Political donations valued at less than \$1,000 are not required to be disclosed in a pre-election period disclosure. An agent is not required to lodge "nil" disclosure forms for the pre-election disclosure period.

No supporting documents need to be provided with a pre-election period disclosure form.

### 10.3 Political party disclosures

#### What declarations of disclosures must be lodged?

Party agents of political parties are required to make the following disclosures:

- half-yearly disclosure of political donations (including nil disclosures)
- annual disclosures of electoral expenditure (including nil disclosures).

Political parties that make or receive a reportable political donation in the lead up to a State general election must also make a pre-election disclosure of reportable political donations.

#### What must be disclosed?

Party agents of political parties are required to disclose:

- detailed information about all reportable political donations made and received
- summary information about small donations made and received
- net or gross proceeds of fundraising ventures or functions
- information in relation to any reportable loan received
- annual or other subscriptions received by the party.

Disclosures can be submitted on electronic (USB and Excel files) or paper form. However, we do not accept disclosures submitted via file hosting services such as Dropbox.

#### What supporting documents must be provided?

The following vouching must be provided with half-yearly disclosures of donations:

- receipt book with triplicate forms of each receipt issues for all reportable political donations received, and the original, duplicate and triplicate of each unused receipt
- the acknowledgment book, containing the triplicate forms of each acknowledgment issued and the original, duplicate and triplicate of each unused acknowledgement
- or the electronic copy of the receipt and acknowledgement books.

The following vouching must be provided with annual disclosures of electoral expenditure:

- copies of the invoices or receipts for electoral expenditure disclosed
- copies of the advertising or printed electoral material to which the electoral expenditure relates (except for online advertising material costing less than \$20)
- text or copy of electronic advertising.

The following must be provided with the 2<sup>nd</sup> half-yearly disclosure of donations (at the end of the financial year):

- financial records from the party's accounting records (including the general ledger and subsidiary ledgers)
- the chart of accounts
- the trial balance
- statements and reconciliation statements for all accounts held by the party at a bank, credit union or building society.

#### Audited annual financial statements

By 20 October each year, political parties registered for State elections that are eligible to receive public funding must provide the NSW Electoral Commission with a copy of the party's audited annual financial statements setting out:

- the total amount received by, or on behalf of, the party during the financial year
- the total amount paid by, or on behalf of, the party during the financial year
- the total outstanding amount, as at the end of the financial year, of all debts incurred by, or on behalf of, the party.

The annual financial statements must be prepared in accordance with the Australian Accounting Standards.

### 10.4 Elected member disclosures

#### What declarations of disclosures must be lodged?

A party agent who is responsible for an elected member must make the following disclosures for each elected member they are responsible for:

- half-yearly disclosures of political donations made and received (including nil disclosures)
- annual disclosures of electoral expenditure incurred (including nil disclosures).

Where an elected member makes or receives a political donation of \$1,000 or more in the lead up to a State general election, the party agent must also make pre-election disclosure of political donations.

#### What must be disclosed?

Political donations that must be disclosed:

- detailed information about all reportable political donations made and received
- summary information about small donations made and received
- net or gross proceeds of fundraising ventures or functions
- information in relation to any reportable loan received.

Electoral expenditure that must be disclosed:

- all electoral expenditure incurred (whether incurred during the capped expenditure period for an election or not).

[What supporting documents must be provided?](#)

The following vouching must be provided with half-yearly disclosures of donations:

- receipt book with triplicate forms of each receipt issued for all reportable political donations received, and the original, duplicate and triplicate of each unused receipt
- the acknowledgment book, containing the triplicate forms of each acknowledgment issued and the original, duplicate and triplicate of each unused acknowledgement or the electronic copy of the receipt and acknowledgement books.

The following vouching must be provided with annual disclosures of electoral expenditure:

- copies of the invoices or receipts for electoral expenditure disclosed
- copies of the advertising or printed electoral material to which the electoral expenditure relates (except for online advertising material costing less than \$20)
- text or copy of electronic advertising.

## 10.5 Candidate disclosures

[What declarations of disclosures must be lodged?](#)

A party agent who is responsible for a candidate must make the following disclosures for each candidate they are responsible for:

- half-yearly disclosures of political donations made and received (including nil disclosures)
- one annual disclosure of electoral expenditure incurred (including nil disclosures).

Where a candidate makes or receives a political donation of \$1,000 or more in the lead up to a State general election, the party agent must also make pre-election disclosure of political donations.

During periods where a candidate is also an elected member, separate disclosure forms must be submitted for the person as a candidate and elected member.

[What must be disclosed?](#)

Political donations that must be disclosed:

- detailed information about all reportable political donations made and received
- summary information about small donations made and received
- net or gross proceeds of fundraising ventures or functions
- information in relation to any reportable loan received.

Electoral expenditure that must be disclosed:

- all electoral expenditure incurred by or on behalf of the candidate (whether incurred during the capped expenditure period for an election or not)
- all electoral expenditure incurred by the registered party of an endorsed Legislative Assembly candidate, that is for the benefit of the candidate, and invoiced by the party to the candidate (whether or not the candidate is obliged to pay the invoice).

**What supporting documents must be provided?**

The following vouching must be provided with half-yearly disclosures of donations:

- receipt book with triplicate forms of each receipt issued for all reportable political donations received, and the original, duplicate and triplicate of each unused receipt
- the acknowledgment book, containing the triplicate forms of each acknowledgment issued and the original, duplicate and triplicate of each unused acknowledgement
- or the electronic copy of the receipt and acknowledgement books.

The following vouching must be provided with annual disclosures of electoral expenditure:

- copies of the invoices or receipts for electoral expenditure disclosed
- copies of the advertising or printed electoral material to which the electoral expenditure relates (except for online advertising material costing less than \$20)
- text or copy of electronic advertising
- where an endorsed Legislative Assembly candidate of a registered party has been invoiced for electoral expenditure incurred by the party:
  - copies of the relevant invoices issued by the party to the candidate
  - copies of the accounts or receipts issued to the party in respect of the expenditure incurred by the party for the benefit of the candidate
  - (in the case of expenditure incurred by the party for the benefit of 2 or more candidates) evidence of the proportion of the expenditure allocated by the party to the candidate.

## 10.6 Group Disclosures

**What declarations of disclosures must be lodged?**

A party agent who is responsible for a group of candidates must make the following disclosures for each group they are responsible for:

- half-yearly disclosures of political donations made and received (including nil disclosures)
- annual disclosures of electoral expenditure incurred (including nil disclosures).

Where a group of candidates makes or receives a political donation of \$1,000 or more in the lead up to a State general election, the party agent must also make pre-election disclosure of political donations.

**What must be disclosed?**

Political donations that must be disclosed:

- detailed information about all reportable political donations made and received
- summary information about small donations made and received
- net or gross proceeds of fundraising ventures or functions
- information in relation to any reportable loan received.

Electoral expenditure that must be disclosed:

- electoral expenditure incurred (whether or not incurred during the capped expenditure period for an election).

**What supporting documents must be provided?**

The following vouching must be provided with half-yearly disclosures of donations:

- receipt book with triplicate forms of each receipt issued for all reportable political donations received, and the original, duplicate and triplicate of each unused receipt

- the acknowledgment book, containing the triplicate forms of each acknowledgment issued and the original, duplicate and triplicate of each unused acknowledgement
- or the electronic copy of the receipt and acknowledgement books.

The following vouching must be provided with annual disclosures of electoral expenditure:

- copies of the invoices or receipts for electoral expenditure disclosed
- copies of the advertising or printed electoral material to which the electoral expenditure relates (except for online advertising material costing less than \$20)
- text or copy of electronic advertising.

## 10.7 Third-party campaigner disclosures

### What declarations of disclosures must be lodged?

The official agent of a third-party campaigner is required to make the following disclosures:

- half-yearly disclosures of political donations received (for the purpose of incurring electoral expenditure during the capped expenditure period for an election), including nil disclosures
- annual disclosures of electoral expenditure incurred in the capped expenditure period for an election (including nil disclosures).

Where a third-party campaigner receives a political donation of \$1,000 or more in the lead up to a State general election (for the purpose of incurring electoral expenditure during the capped expenditure period for an election) the official agent must also make a pre-election disclosure of political donations.

### What must be disclosed?

Electoral expenditure that a third-party campaigner is required to disclose:

- electoral expenditure incurred during the capped expenditure period for an election.

Political donations that a third-party campaigner is required to disclose:

- detailed information about all reportable political donations made and received (for the purpose of incurring electoral expenditure in the capped expenditure period for an election)
- summary information about total small donations made and received (for the purpose of incurring electoral expenditure in the capped expenditure period for an election)
- electoral expenditure incurred
- net or gross proceeds of fundraising ventures or functions.

If a third-party campaigner has made political donations of \$1,000 or more, those donations may be disclosed in the third-party campaigner's disclosure form rather than in a political donor disclosure form.

### What supporting documents must be provided?

The following vouching must be provided with half-yearly disclosures of donations:

- receipt book with triplicate forms of each receipt issues for all reportable political donations received, and the original, duplicate and triplicate of each unused receipt
- the acknowledgment book, containing the triplicate forms of each acknowledgment issued and the original, duplicate and triplicate of each unused acknowledgement
- or the electronic copy of the receipt and acknowledgement books.

The following vouching must be provided with annual disclosures of electoral expenditure:

- copies of the invoices or receipts for electoral expenditure disclosed



- copies of the advertising or printed electoral material to which the electoral expenditure relates (except for online advertising material costing less than \$20)
- text or copy of electronic advertising.

## 10.8 Associated entity disclosures

### What declarations of disclosures must be lodged?

The official agent of an associated entity is required to make the following disclosures:

- half-yearly disclosures of political donations (including nil disclosures)
- annual disclosures of electoral expenditure (including nil disclosures).

Where an associated entity makes or receives a political donation of \$1,000 or more in the lead up to a State general election, the official agent must also make pre-election disclosure of political donations.

### What must be disclosed?

Associated entities are required to disclose:

- detailed information about all reportable political donations made and received
- summary information about total small donations made and received
- electoral expenditure incurred
- net or gross proceeds of fundraising ventures or functions.

### What supporting documents must be provided?

The following vouching must be provided with a half-yearly political donation disclosure form:

- receipt book with triplicate forms of each receipt issues for all reportable political donations received, and the original, duplicate and triplicate of each unused receipt
- the acknowledgment book, containing the triplicate forms of each acknowledgment issued and the original, duplicate and triplicate of each unused acknowledgement
- or the electronic copy of the receipt and acknowledgement books.

The following must be provided with an annual electoral expenditure disclosure form:

- copies of the invoices or receipts for the electoral expenditure disclosed
- copies of the advertising or printed electoral material to which the electoral expenditure relates (except for online advertising material costing less than \$20)
- text or copy of electronic advertising.

## 10.9 Political donor disclosures

### What declarations of disclosures must be lodged?

A political donor is required to lodge an annual donor disclosure form. A third-party campaigner who makes political donations is also a political donor. Reportable political donations made by a third-party campaigner can be disclosed in the third-party campaigner disclosure form or in a political donor disclosure form.

### What must be disclosed?

A political donor is required to disclose all 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.

Political donations made by a donor solely for the purpose of a federal election, or an election outside of New South Wales, or for the purpose of a member of a parliament other than the NSW Parliament, are not required to be disclosed to the NSW Electoral Commission.

### Donors required to disclose related corporation donations

Corporations that are related to each other (as determined by the *Corporations Act 2001*) are taken to be a single corporation.

An individual who makes a political donation on behalf of a corporation that is related to another corporation that has made a political donation to the same party, elected member, group, candidate, third-party campaigner or associated entity in the same financial year, must disclose to the person accepting the donation:

- the name of the corporation making the political donation
- the name of the related corporation and the amounts of the political donations made during that same financial year.

Political donations made by related corporations to the same political participant, when aggregated, must not exceed the donations cap.

### How must disclosures be made?

Donors must use the NSW Electoral Commission disclosure form [Major political donor disclosure EF.768](#) form. Disclosure forms contain a declaration the donor must sign to declare that all disclosures required to be made have been made, and are true and correct.

Donor disclosures must be lodged with the NSW Electoral Commission within four weeks of the end of the annual disclosure period ending 30 June, by 28 July.

### 10.10 How to amend a disclosure form?

To amend a disclosure previously submitted to the NSW Electoral Commission submit the relevant amendment form published on the [NSW Electoral Commission website](#).

### 10.11 What happens after a disclosure is made?

Disclosures may be subject to a compliance audit. As part of a compliance audit, the NSW Electoral Commission may ask an agent to provide documents and information required to undertake the compliance audit.

### 10.12 What happens if a disclosure is not lodged or is incorrect?

Breaching the legislative requirements for disclosures may constitute a criminal offence. The NSW Electoral Commission may issue warnings, cautions and penalties or prosecute offences, for:

- failure to disclose by the due date
- making incomplete disclosures
- making a false statement on a disclosure form
- withholding information relevant to a disclosure form.

### 10.13 Public access to disclosures

All disclosures are published on the [NSW Electoral Commission website](#) as soon as practicable after the lodgement date. Copies of disclosures are kept by the NSW Electoral Commission for at least 6 years after the period to which they relate and are available for public inspection [by appointment](#) during ordinary office hours.

#### 10.14 Donor addresses published

If a person has been disclosed as making a political donation, and the person is, or becomes, a silent elector, the person should [advise the NSW Electoral Commission](#), to ensure their enrolled address is not disclosed or published on the NSW Electoral Commission's website.

## 11 Helpful links, resources and legislation

For further guidance and research, we have listed below links, resources and legislation you could use to broaden your knowledge:

- [NSW Electoral Commission website](#)
- [NSW Electoral Commission factsheets](#)
- [NSW Electoral Commission policies](#)
- [NSW Electoral Commission forms](#)
- [Public registers and lists](#)
- [Published disclosures](#)
- [Funding, disclosure and compliance reports and statistics](#)

### **Legislation:**

- [Electoral Funding Act 2018](#)
- [Electoral Funding Regulation 2018](#)
- [Electoral Funding Adjustable Amounts Notice 2018](#)

### **Useful sites**

- [Australian legal information institute](#)
- [NSW Legislation](#)
- [Parliament of NSW](#)

