



## Fact sheet

# Disclosing political donations

(Half-yearly period 1 July to 31 December 2021)

**The following information applies to political parties, elected members, candidates, groups, third-party campaigners, associated entities, party agents and official agents. Information in this fact sheet is based on the provisions of the *Electoral Funding Act 2018*. Refer to the legislation for the full requirements and/or be guided by independent legal advice.**

### What is a half-yearly political donations disclosure?

Political parties and other electoral participants in New South Wales must disclose political donations every six months. A half-yearly political donation disclosure form includes political donations made and received.

### When must a half-yearly political donations disclosure be lodged?

The due date for submitting a disclosure of political donations made and received in the half-yearly period 1 July 2021 to 31 December 2021 is **Friday, 25 February 2022**.

### Who must lodge a half-yearly political donations disclosure?

All political parties and electoral participants are required to lodge a half-yearly political donations disclosure form:

- All candidates, as well as the lead candidates of groups, must disclose all political donations made and received in the half-yearly period, or lodge a “nil” disclosure form if no political donations were made or received.
- All elected members, political parties and associated entities must disclose all political donations made and received in the half-yearly period, or lodge a “nil” disclosure form if no political donations were made or received.
- Third-party campaigners must disclose all reportable political donations received during the half-yearly period that were or are intended to be used to incur electoral expenditure in the capped expenditure period for an election, or lodge a “nil” disclosure form if no reportable political donations were received.

### What are political donations?

Political donations are defined on the NSW Electoral Commission's [website](#).

Political donations include:

- monetary and non-monetary gifts
- free or discounted goods or services
- an amount paid by a person to attend or participate in a fundraising venture or function
- an annual or other subscription paid to a party by a party member or affiliate
- a disposition of property from the federal branch (or a State or Territory branch) of a party to the NSW branch of the party or a disposition of property from one NSW party to another NSW party

- uncharged or insufficient interest charged on a loan
- a contribution made by a candidate to the group of which they are a member.

### What must be disclosed?

Political donations must be disclosed as follows:

- small political donations made and received (does not apply to third-party campaigners)
- reportable political donations made\* and received
- details of fundraising ventures and functions including the net or gross proceeds
- reportable loans received
- the total amount of annual or other subscriptions paid to a party, each subscription rate and the number of party members that paid at each rate (applies to parties only)
- political donations made to a Legislative Assembly election candidate before the candidate was selected or endorsed by a party (applies to parties only)
- payments other than political donations paid into the campaign account (applies to campaign accounts of candidates, groups and elected members only).

\* If a third-party campaigner has made reportable political donations in the half-yearly period the political donations can be disclosed in a half-yearly disclosure form, otherwise they must be disclosed in an annual major political donor disclosure form following 30 June 2022.

### Who is responsible for making the disclosure?

Half-yearly political donation disclosure forms must be completed, signed and submitted by the person responsible for the disclosure as set out in the table below, unless otherwise notified in writing by the NSW Electoral Commission:

Disclosure form type	Person responsible
<b>Political Party</b>	the party agent
<b>Councillor or mayor</b>	the councillor or mayor
<b>Local government election candidate</b>	the candidate (includes a candidate who is a member of a group)
<b>Local government election group of candidates</b>	the lead candidate of the local government group
<b>Third-party campaigner or associated entity</b>	the official agent of the third-party campaigner or associated entity
<b>Member of Parliament (MP)</b>	the party agent, if the MP is a member of a party that is registered for State elections or the MP, in all other cases
<b>State election candidate</b>	the party agent, if the candidate is a member of a party that is registered for State elections or the candidate, in all other cases
<b>State election group of candidates</b>	the party agent of the group's lead candidate, if group members are members of one or more parties registered for State elections or the lead candidate, in all other cases

## How to submit a political donation disclosure form

Disclosure forms can be submitted online using [Funding and Disclosure Online](#):

1. [Log in](#) to Funding and Disclosure Online using your username and password, or [Request access](#) (if you don't already have access)
2. Your dashboard shows the disclosure(s) you need to submit for the half-yearly period
3. Follow these [instructions](#) to create and submit the disclosure, or these [instructions](#) to submit a 'Nil' disclosure.

When submitting a disclosure using Funding and Disclosure Online, supporting documents (e.g. copies of receipts issued to donors) can be uploaded before the disclosure is submitted electronically.

For those unable to use Funding and Disclosure Online, disclosure forms are available for download on the NSW Electoral Commission's [website](#). A disclosure form or "nil" disclosure form (if no donations were made or received) must be validly lodged with the NSW Electoral Commission by **Friday, 25 February 2022**.

A disclosure form is validly lodged if it is lodged by the due date and:

- the correct form has been used (there are separate forms for political parties and each type of electoral participant),
- it contains all pages (even if some or all pages contain no disclosures), and
- it is completed, signed and dated by the person who is responsible for making the disclosure. Note that digital signatures are no longer accepted on disclosure forms downloaded from the website. If you would like to sign with a digital signature, please use Funding and Disclosure Online to submit your disclosure.
- The disclosure form must be lodged with copies of the receipts issued to donors who made a reportable political donation.

If you are submitting a disclosure form downloaded from the website, the form and supporting documents can be lodged in paper or electronic form by email or fax but not through your own file hosting service (e.g. Dropbox). If submitting files that are too large to send by email (over 20MB), contact us at [fdc@elections.nsw.gov.au](mailto:fdc@elections.nsw.gov.au) to request a unique link for large file upload. These requests need to be made before 18 February 2022 and will only be attended to in business hours.

## Were you a member of a group of candidates in the half-yearly period?

### Disclosure forms to submit if you were a member of a group

- The person responsible for the group, usually the lead candidate, must submit **two** disclosures: the group disclosure form **and** their own individual candidate disclosure form.
- Each group member **must** submit their own individual candidate disclosure form.

**Candidate disclosure forms:** must include any political donations made to or for the benefit of the candidate and any political donations made by the candidate including political donations made by a candidate to the group of which they are a member, membership fees, levies, or other payments made to the political party of which the candidate is a member.

**Group disclosure forms:** must include any political donations made to or for the benefit of the group and any political donations made by the group. Political donations received by the group include donations made by the group's members to the group.

If a group member donates to their group, the candidate who donated to their group must disclose making the donation to the group. The lead candidate of the group must disclose, in the group's disclosure form, receiving the donation from the candidate.

## Were you a councillor or mayor in the half-yearly period?

Any person who was a councillor or mayor between 1 July 2021 and 31 December 2021 must submit an elected member disclosure form. This includes:

- those who were declared “elected” at the 2021 local government elections,
- elected members who contested the 2021 local government election but were not re-elected, and
- elected members who did not recontest the 2021 local government elections.

### Disclosure forms to submit if you were a councillor or mayor

- If you were elected at the 2021 local government elections, you **must** submit:
  - an elected member disclosure form,
  - a candidate disclosure form, and
  - a group disclosure form (if you were the lead candidate of a group)
- If you were an elected member prior to the 2021 local government elections and you were a candidate but were not re-elected, you **must** submit:
  - an elected member disclosure form,
  - a candidate disclosure form, and
  - a group disclosure form (if you were the lead candidate of a group)
- If you were an elected member prior to the 2021 local government elections and you were not a candidate, you **must** submit:
  - an elected member disclosure form

An elected member disclosure form is to include political donations made to or for the benefit of the person as an elected member and political donations made by the elected member during the half yearly period. Political donations made by an elected member include membership fees, levies and other payments made by the elected member to the political party of which they are a member.

Political donations disclosed by a person in their elected member disclosure form do not also need to be disclosed in the person’s candidate disclosure form, and vice versa.

## Were you a candidate for a councillor election and a mayoral election?

If you were a candidate for both a councillor election and a mayoral election in the same local government area the person responsible for the candidate can submit a single candidate disclosure form.

## Can a disclosure form be amended?

Yes, a disclosure form previously submitted to the NSW Electoral Commission can be amended by the person responsible for the original disclosure or their successor. “Amended disclosure” forms can be submitted using [Funding and Disclosure Online](#), or are available on request.

## What happens after a disclosure is made?

Disclosure forms are kept by the NSW Electoral Commission for at least six years and are published on the NSW Electoral Commission’s [website](#).

Disclosure forms may be subject to a compliance audit by the NSW Electoral Commission. You are required to retain complete and accurate records in relation to a disclosure for at least three years.

### **What happens if a disclosure form is not lodged, is lodged late or is incorrect or incomplete?**

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

- failure to validly lodge a disclosure form by the due date
- lodging an incomplete disclosure without a reasonable excuse
- providing or withholding information knowing it will result in a false or misleading declaration by the person responsible for the disclosure
- making a false statement in a declaration on a disclosure form.

A disclosure form is taken to be invalidly lodged if:

- the incorrect form is used or pages are missing from the form
- the form has not been signed by the person who is responsible for signing the form
- the declaration section of the form has not been properly completed including the date the declaration was signed.

### **More information**

The *Electoral Funding Act 2018* is available in full at [legislation.nsw.gov.au](http://legislation.nsw.gov.au).

For further information, contact us on 1300 022 011 or at [fdc@elections.nsw.gov.au](mailto:fdc@elections.nsw.gov.au).