

Disclosing political donations

(Half-yearly period 1 July to 31 December 2023)

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 by political participants during the previous six months.

Political donations made and received in the half-yearly period from 1 July 2023 to 31 December 2023 must be disclosed by **Monday, 12 February 2024**.

Who must lodge a half-yearly political donations disclosure?

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

- Political parties, elected members, candidates, groups 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 during 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
- the provision of goods or services without or with inadequate consideration in return
- 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 gift from the federal branch (or a State or Territory branch) of a party to the NSW branch of the party or a gift from one NSW party to another NSW party
- uncharged interest on a loan
- a contribution made by a candidate who is a member of a group to their group.

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)
- contributions made by a candidate to finance their own election campaign (applies only to candidates).

* If an individual or entity that was registered as a third-party campaigner during the period has made reportable political donations during the half-yearly period, the political donations can be disclosed in a half-yearly disclosure form. Otherwise, these donations must be disclosed in an annual major political donor disclosure form.

Who is responsible for making the disclosure?

Half-yearly political donation disclosure forms must be completed, signed and submitted by the person responsible, as set out below:

Disclosure form type	Person responsible
Political Party	the party agent
Member of Parliament (MP)	the party agent, if the MP is a member of a party that is registered for State elections the MP, in all other cases
State election candidate	the party agent, if the candidate is a member of a party that is registered for State elections the candidate, in all other cases
State election group of candidates	the party agent of the group's lead candidate, if group members are members of one or more parties registered for State elections the lead candidate, in all other cases
Councillor or mayor	the councillor or mayor
Local government election candidate	the candidate (includes a candidate who is a member of a group)
Local government election group of candidates	the lead candidate of the local government group
Associated entity or third-party campaigner	the official agent of the associated entity or third-party campaigner
Dis-endorsed candidate	where a candidate in a state election is dis-endorsed by a registered party, a party agent may notify the NSW Electoral Commission that the party has dis-endorsed the candidate. On and from the receipt of the notice by the Electoral Commission, the person responsible for making a disclosure for the dis-endorsed candidate is the candidate, and not the party agent of the registered party.

How 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. On your dashboard you will be able to see which disclosures are due and the disclosures you have started but not yet submitted.
3. Go to the 'Disclosures' tab and select the 'Start a disclosure' quick link.
4. Follow these [instructions](#) to create and submit the disclosure, or these [instructions](#) to submit a "nil" disclosure
5. Follow these [instructions](#) to ensure that you review, e-sign and submit the disclosure correctly.

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.

If you're unable to use Funding and Disclosure Online, disclosure forms are available for download on the NSW Electoral Commission's [website](#) from 1 January 2024.

A disclosure form or "nil" disclosure form (if no donations were made or received, or if they have already been disclosed in a pre-election period donation disclosure) must be validly lodged with the NSW Electoral Commission by **Monday, 12 February 2024**. 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)
- it is completed, signed and dated by the person who is responsible for making the disclosure
- the disclosure must be lodged with copies of the receipts issued to donors who made a reportable political donation.

Were you a candidate as well as an elected member during the half-yearly period?

If you were a candidate as well as a local government councillor or Member of Parliament in the half-yearly period, two disclosure forms must be lodged: one in respect of being a candidate and the other in respect of being an elected member. If you were also the lead candidate of a group of candidates, you must lodge a "group" disclosure.

Were you part of a group of candidates during the half-yearly period?

Separate "candidate" disclosure forms must be lodged for each candidate who is a member of a group. The person responsible for lodging the disclosures of an individual candidate within the group must lodge that candidate's disclosure form. The person responsible for the whole group of candidates – usually the lead candidate in the group – must lodge a separate "group" disclosure form.

Candidate disclosure forms must include any political donations that are made *to* or *for* the benefit of a candidate and any political donations made *by* a candidate, including political donations made by a candidate to finance the election campaign of his or her group.

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 finance the group's election campaign.

Refer to the table above to determine who is responsible for lodging a disclosure form for a candidate or group.

Can a disclosure form be amended?

Yes, a disclosure form submitted to the NSW Electoral Commission can be amended by the person responsible for the original disclosure, or their successor. Amendments should be made using Funding and Disclosure Online or amendment forms are available on the NSW Electoral Commission's [website](#).

What happens after a disclosure is made?

Disclosure forms may be subject to a compliance audit by the NSW Electoral Commission. Disclosure forms are kept by the NSW Electoral Commission for at least six years and are published [online](#).

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

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 or making incomplete disclosures
- 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 responsible
- 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.

For further information, contact us on 1300 022 011 or at fdc@elections.nsw.gov.au.