

EFA ANNUAL REPORT 2008/2009

Vision  
An impartial and trusted election funding  
and disclosure system in NSW.

Mission  
To contribute to an impartial electoral system in NSW by  
providing transparent, efficient and unbiased administration  
of public funding and disclosure legislation.



*From the Election Funding  
Authority Chairperson  
Colin Barry*

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To the Premier  
The Hon Nathan Rees MP

The Hon Nathan Rees MP  
Premier, Minister for the Arts and Minister for the Central Coast  
Level 40 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

30 October 2009

Dear Premier

In accordance with Section 8 of the *Annual Reports (Statutory Bodies) Act 1984*, I submit for tabling in both Houses of Parliament, the report on the operations of the Election Funding Authority of NSW for the financial year ended 30 June 2009.

Yours Sincerely



Colin Barry  
Chairperson

*This annual report summarises  
the key activities of the  
Election Funding Authority  
for 2008/09*



“Ballot Boxes – NSW”

## About this Report

This annual report summarises the key activities of the Election Funding Authority (EFA) for 2008/09 and reviews and reports on our performance against the objectives and targets set out in our 2008-2011 Corporate Plan and Results and Services Plan.

The structure of this report is based around the EFA's four operational areas: registrations, funding, disclosures and compliance. Other activities included in this report are legislative reforms, communication and public awareness, and organisational development and innovation. A major focus is on the conduct of the 2008 Local Government Elections held on 13 September 2008 and the operational changes which resulted from legislative amendments to the *Election Funding and Disclosures Act 1981* in June and August 2008.

The report also includes a review of the major challenges for the EFA, a focus on its future operations and full financial statements for the reporting year.

The 2008/09 annual report and those for previous years can be found on the EFA website [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au).

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I am pleased to be presenting the Annual Report for the Election Funding Authority (EFA) for the reporting period 2008/09.

*Colin Barry*

Colin Barry  
Chairperson  
30 October 2009



Colin Barry

New South Wales has the most transparent and comprehensive disclosure provisions of all Australian electoral jurisdictions.



"Local Government – Counting Centre"

## Chairperson's Report

It was a challenging year for both the EFA and its stakeholders. A major focus of the 2008/09 financial year was the operational changes following the legislative amendments to the *Election Funding and Disclosures Act 1981*. The changes to this legislation occurred late in the preparation for the 2008 Local Government Elections held on 13 September 2008.

The changes bolstered the disclosure obligation of stakeholders. Consequently there were increased demands on the EFA to assist parties, candidates and donors to comply with the new disclosure provisions. In response the NSW Government provided the EFA with additional funding of \$1.999 million recurrent and \$0.90 million capital for the 2008/09 financial year to implement the changes. The EFA increased its communications to those affected. The legislative changes also required the EFA to provide online training for official agents. The achievements are documented in this report.

The efforts of the EFA were well received with 84.7% of candidates responding to the New South Wales Electoral Commission's survey stating that they had received sufficient information regarding their election funding and disclosure responsibilities.

An important part of the EFA's work over the reporting year was to engage with stakeholders to identify and respond to issues arising from the new requirements. In June 2009 after feedback from stakeholders and advice from the Crown Solicitor, the EFA made a number of recommendations for legislative change.

An issue of particular significance is the difficulty in identifying those capable of being prosecuted for failure to lodge disclosures. The EFA has recommended that changes to the legislation be considered before the 2011 State General Election.

It needs to be noted that New South Wales has the most transparent and comprehensive disclosure provisions of all Australian electoral jurisdictions. Some critics may say that the disclosure laws can be improved. The Commonwealth's Green Paper on Funding and Disclosure provides an opportunity for a national solution to this important area of democracy.

I wish to thank candidates, parties and elected representatives and staff of the EFA for their commitment to meeting the challenges of the new legislation.



## ABOUT THE ELECTION

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## FUNDING AUTHORITY

The EFA was established under the *Election Funding and Disclosures Act 1981* and has two main purposes:

- To prescribe a scheme of public funding of State election campaigns; and
- To provide for the public disclosure of the source of funds used (contributions) and expenditure incurred in State and Local Government election campaigns.



## About the Election Funding Authority

The EFA was established under the *Election Funding and Disclosures Act 1981* (the Act) and has two main purposes:

- to prescribe a scheme of public funding of State election campaigns; and
- to provide for the public disclosure of the source of funds used (contributions) and expenditure incurred in State and Local Government election campaigns.

The Act also provides to eligible parties payment of public money from the Political Education Fund, which is administered by the EFA.

The Act imposes a duty on the EFA to exercise its functions in a manner that is not biased against or in favour of any particular party, group, candidate or other person, body or organisation.

### Management and Structure

The Act prescribes that the EFA consists of:

- the Electoral Commissioner for NSW as Chairperson;
- a member appointed by the Governor on the nomination of the Premier; and
- a member appointed by the Governor on the nomination of the Leader of the Opposition in the Legislative Assembly.

Appointed members' terms of office start six months after the return of the Writ for the previous State General election and run until six months after the return of the Writ for the current election. Members may be re-appointed.

The NSW Electoral Commission (NSWEC) is the administrative unit through which the EFA exercises its statutory responsibilities.

### Legislation

The EFA's work is governed by the following main pieces of legislation:

- *Election Funding and Disclosures Act 1981* (formerly the *Election Funding Act 1981*);
- *Election Funding and Disclosures Regulation 2009*; and
- *Parliamentary Electorates and Elections Act 1912*

In June 2008 the NSW Parliament passed an amendment Bill which incorporated the most significant reforms to the *Election Funding and Disclosures Act 1981* since its enactment. This included changing the name of the Act from the *Election Funding Act 1981* to the *Election Funding and Disclosures Act 1981*.

### EFA Vision

An impartial electoral system.

### EFA Mission

To contribute to an impartial electoral system in NSW by providing transparent, efficient and unbiased administration of public funding and disclosure legislation.

### EFA Values

The EFA values:

- integrity;
- impartiality; and
- professionalism.

### EFA Purpose

The EFA is responsible for:

- administering the provisions of the *Election Funding and Disclosures Act 1981* and *Election Funding and Disclosures Regulation 2009*;
- the registration of political parties, elected members, candidates and groups and their official agents for funding and disclosure purposes;

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# About the Election Funding Authority

- receiving and processing claims for payment for State General election campaigns;
- receiving and processing disclosures of political donations and electoral expenditure lodged by or on behalf of political parties, elected members, candidates, groups and political donors;
- receiving and processing disclosures of expenditure and claims for payment from the Political Education Fund;
- publishing the disclosures of political donations and electoral expenditure on the EFA's website;
- making disclosures of political donations and electoral expenditure available for public inspection for up to six years after the period in which a disclosure was made; and
- conducting random audits of disclosures.

## Stakeholders

The EFA's stakeholders are:

- the people and electors of NSW;
- candidates;
- political parties;
- political donors;
- Local Government councillors and Mayors
- official and party agents;
- Members of Parliament;
- government agencies;
- statutory bodies; and
- the media.

## EFA Results and Services Logic

The EFA contributes to an impartial electoral system by providing the mechanism for unbiased public funding and open disclosure of campaign donations.

These requirements are specified in the EFA's Results and Services Plan, a performance management tool that sets out the linkages between

the results that the EFA works towards, the services it provides to achieve these results, and the costs of delivering the services.

The EFA's Results and Services Plan sets out the outcomes expected of the EFA:

- unbiased public funding of State election campaigns;
- public disclosure of sources of funds and expenditure incurred in election campaigns; and
- impartial payment to eligible parties of funds from the Political Education Fund.

The services that the EFA provides and the logic linking the services to results are set out below.

### EFA Results and Services Plan

#### Vision

Impartial electoral system.

#### Planned Results

Unbiased public funding and open disclosure of campaign donations.

#### EFA Results

Unbiased public funding of State election campaigns.

Public disclosure of sources of funds and expenditure incurred in election campaigns.

Impartial payment to eligible parties of funds from the Political Education Fund.

#### Service Groups

Assess entitlements of eligible parties to political funding.

Liaison with political parties on contributions and expenditure incurred in election campaigns.

Legal action in relation to failure to comply with disclosure requirements.



*The 2008-2011 Corporate Plan provides the basis for the measures in the Results and Services Plan but includes in addition, targets for performance.*



“Check count – Electronic vote counting”

## EFA 2008-2011 Corporate Plan

The EFA provides the mechanism for parties, candidates and donors to operate in an environment of full disclosure. The EFA's objectives included in the 2008-2011 Corporate Plan focus on the need to measure the EFA's performance in a manner open to scrutiny.

The EFA Corporate Plan is available on the EFA website [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au)

This reporting year the EFA has used the Results Indicators and Key Result Areas in the 2008-2011 Corporate Plan to set benchmarks for performance reporting both at election level and in standard business practices.

**Results indicators** measure trends relevant to the health of the overall electoral system but for which the EFA cannot be held solely responsible. The results indicator identified in the Corporate Plan is a measure of the contribution the EFA has made to the understanding by candidates, groups, parties and donors of their obligations. Many stakeholders contribute to the overall health and functioning of the NSW electoral system: donors, parties and candidates all have major roles to play in making the system transparent and compliant. Nevertheless the EFA monitors this results indicator and works with stakeholders to provide the foundations for an impartial, trusted electoral and funding and disclosure system in NSW.

The results indicator identified for the EFA in the Corporate Plan addresses the unbiased provision of public funding and open disclosure of campaign donations.

The targets identified under the results indicator include:

- number of successful EFA prosecutions (target = 100%); and
- percentage of disclosures lodged with EFA by due date (target = 95%).

**Key Results Areas (KRA's)** set out the EFA's service outcomes, service measures and strategies. The EFA KRA's in the Corporate Plan address:

- funding and disclosure; and
- organisational development and innovation.

They are:

- candidates, groups, elected members, parties and donors are informed about their responsibilities;
- the public are informed of political donations and electoral expenditure; and
- the EFA has access to NSWEC's staff, systems and processes to provide value for money for the people of NSW.

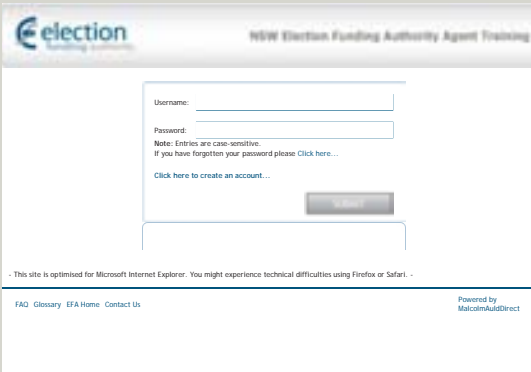
# 2

## 2008/09 AT A GLANCE

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In 2008/09 the EFA processed over 8,972 party, group, candidate and donor disclosures.





“Online Training – Party Agent Training”

## 2008/09 at a Glance

### Objectives:

- The provision of public funding is unbiased and there is open disclosure of campaign donations; and
- Candidates and parties are informed of their entitlements and responsibilities.

### Key Achievements

In 2008/09 the EFA:

- Processed over 8,972 party, group, candidate and donor disclosures;
- Registered 926 official agents and 46 party agents to the EFA;
- Distributed \$420,989 in Constituency Funds for four State by-elections;
- Distributed \$1,810,683 Political Education Fund payments to eligible parties;
- Implemented major reforms introduced under the *Election Funding Amendment (Political Donations and Expenditure) Act 2008* and the *Election Funding and Disclosures Regulation 2009*;
- Created a new online official and party agent training course;
- Sent 1,500 emails to Members of Parliament and councillors advising of new obligations;
- Conducted briefing sessions for registered political parties and participants of the 2008 Local Government Elections on their registration, disclosure and campaign management responsibilities;
- Published five funding and disclosure information booklets specifically tailored to stakeholder needs;
- Uploaded more than 8,900 disclosures and amendments to the EFA website;

- Reviewed compliance legislation and commenced development of new disclosure compliance audit programme;
- Referred eight parties to the Crown Solicitor for non-compliance;
- Lodged a submission to the Joint Standing Committee on Electoral Matters concerning the *Election Funding and Disclosures Act 1981*; and
- Established a Director of Funding and Disclosure and extra administrative support positions to implement the new reforms.

### Future Directions

In 2009/10 the EFA will:

- Continue to focus on the challenges associated with a system of unbiased funding and open disclosure of campaign donations and expenditure at all NSW elections;
- Develop communication and education strategies suited to each stakeholder group and those needing greater support to fulfil their obligations;
- Participate in the public hearing for the Joint Standing Committee on Electoral Matters scheduled for August 2009; and
- Launch the new EFA website.



# Performance Summary

Table 1: Key Quantitative Results for EFA Activities

	2008/09
Disclosures received from parties, groups and candidates	7,197
Disclosures received from donors	1,775
Agents registered with EFA	975
Agents completing online training	678
Disclosures uploaded to website	8,972
Compliance audits completed	n/a
Parties referred to the Crown Solicitor for prosecution	8

Table 2: Corporate Plan Results Indicator Performance

Results Indicators	Target	30/06/2008	31/12/2008
% disclosures lodged by the due date <sup>(a)</sup>	95%	65.67%	49.38%
Successful EFA prosecutions <sup>(b)</sup>	100%	n/a	n/a

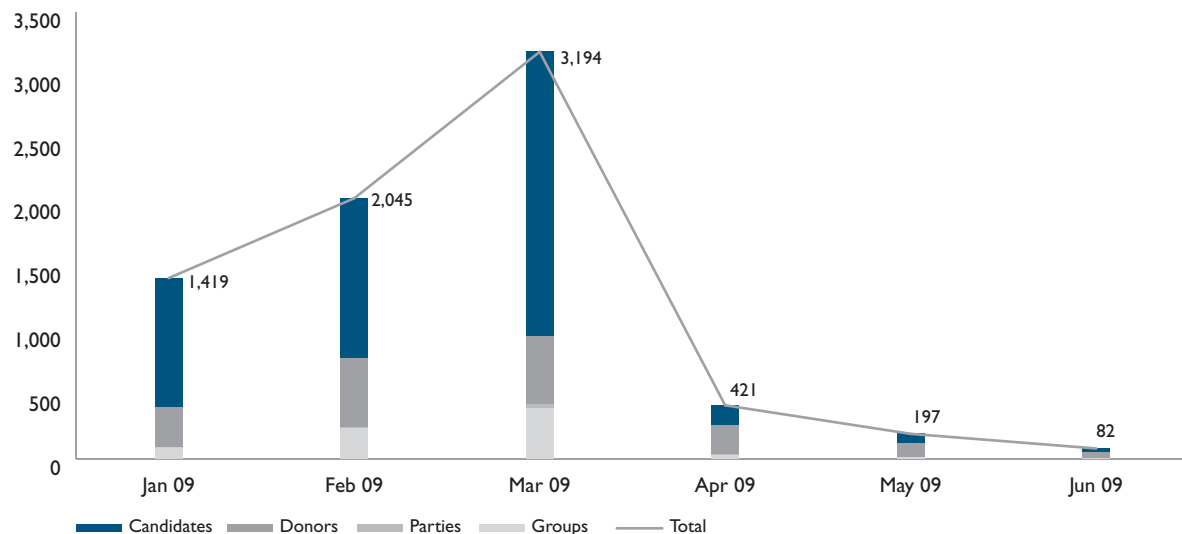
**Notes:**

- (a) Period ending 31 December 2008 includes disclosures from donors. Donors did not have to lodge disclosures for the period ending 30 June 2008.
- (b) A number of matters were referred to the Crown Solicitor to commence legal proceedings. None of these matters has as yet resulted in a successful prosecution.

## Key Trends

Graph 1

31 December 2008 Disclosure Period – Disclosures Received by Month



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## REVIEW OF OPERATIONS

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## AND ACTIVITIES

Significant changes to the obligations of candidates, groups, political parties, elected members and donors concerning political donations and electoral expenditure were introduced under the *Election Funding Amendment (Political Donations and Expenditure) Act 2008* on 10 July 2008 and 1 August 2008.





“EFA Receipt Book and a Selection of Manuals”

## Review of Operations and Activities

The EFA’s activities in 2008/09 fell into five main areas:

- Providing information to candidates, groups, parties, donors and other stakeholders on their obligations and responsibilities under the new funding and disclosures legislation;
- Processing registrations of candidates and groups and their official agents for the purpose of funding and disclosure for the 2008 Local Government Elections, Local Government by-elections and State by-elections;
- Processing party, group, candidate, elected member and donor disclosures;
- Determining funding and entitlements for parties groups and candidates ; and
- Compliance activities, including audits of disclosures, and referrals to the Crown Solicitor for prosecution over non-compliances.

Significant changes to the obligations of candidates, political parties, groups, elected members and donors concerning political donations and electoral expenditure were introduced under the *Election*

*Funding Amendment (Political Donations and Expenditure) Act 2008* (the Amending Act) on 10 July 2008 and 1 August 2008 (see Appendix 1).

An important part of the work of the EFA involved engaging with stakeholders to identify and respond to issues involving the new requirements surrounding registration, official agents, disclosures, and compliance. The EFA received additional funding from the NSW Government as shown below to effect these changes.

### Recurrent Funding

2008/09	\$1.374M plus transitional costs of \$0.625M, total \$1.999M
2009/10	\$1.374M
2010/11	\$1.374M

### Capital Funding: (Total \$3.229M over three years)

2008/09	Election Funding System \$0.75M plus fit out to accommodate staff \$0.15M
2009/10	Election Funding System \$1.874M
2010/11	Election Funding System \$0.455M

Persons intending to stand as a candidate or as a group of candidates at the 2008 Local Government Elections needed to register with the EFA before they accepted any political donations for the election.

## Registrations

The image shows a form titled "Application for Registration of a Candidate for a Local Government Election" from the Election Funding Authority (EFA). The form is divided into sections: "Election Details" and "Candidate Details".

**Election Details:**

- DATE OF ELECTION: [ ] / [ ] / [ ]
- COUNCIL NAME: [ ] WARD: [ ]

**Candidate Details:**

- TITLE: [ ] SURNAME AS ON THE ELECTORAL ROLL: [ ] GIVEN NAME(S) AS ON THE ELECTORAL ROLL: [ ] DATE OF BIRTH: [ ] / [ ] / [ ]
- ADDRESS AS ON THE ELECTORAL ROLL: [ ] POSTCODE: [ ]
- POSTAL ADDRESS (INDICATE 'AS ABOVE' IF SAME AS ON THE ELECTORAL ROLL): [ ] POSTCODE: [ ]
- HOME PHONE: [ ] MOBILE PHONE: [ ]
- FAX: [ ] EMAIL: [ ]

IF THE CANDIDATE IS ENDORSED BY A REGISTERED POLITICAL PARTY WRITE THE NAME OF THE PARTY: [ ]

THE DATE OF LAST LOCAL GOVERNMENT ELECTION OR BY-ELECTION THE CANDIDATE CONTESTED FOR ANY COUNCIL OR WARD (IF APPLICABLE): [ ] DAY / MONTH / YEAR

SIGNATURE OF CANDIDATE: [ ] DAY / MONTH / YEAR

\* A candidate is deemed to be their own official agent until they receive \$1,000 or more in political donations. Before receiving \$1,000 or more in political donations, a candidate must appoint a person as their official agent. Refer to the Funding and Disclosure Guide for Candidates, Groups and Official Agents at Local Government Elections available from the Election Funding Authority's web site ([www.effa.nsw.gov.au](http://www.effa.nsw.gov.au)).

OFFICE USE ONLY RECEIVED BY: [ ] DAY / MONTH / YEAR

Election Funding Authority of New South Wales  
GPO Box 855, Sydney NSW 2001 Tel: (02) 935 7261 Fax: (02) 9350 5391 [www.effa.nsw.gov.au](http://www.effa.nsw.gov.au)

"Candidate Registration Form"

### Candidates and Groups

Amendments to the Act meant that persons intending to stand as a candidate or as a group of candidates at the 2008 Local Government Elections needed to register with the EFA before they accepted any political donations for the election.

Similarly, persons intending to stand as a candidate for State by-elections needed to be registered with the EFA in order to accept political donations for the election.

Political parties applying for registration as a party under the *Parliamentary Electorates and Elections Act 1912* or *Local Government Act 1993* were required to state in their application whether the party also wished to be registered for the purposes of the *Election Funding and Disclosures Act 1981* as being eligible to receive payments for State General election campaign purposes and political education purposes (should that party fulfil the other criteria necessary to receive funding).

During the reporting year the EFA processed almost 5,000 registrations of candidates, groups, and political parties.

After feedback from candidates, parties and elected members and in order to streamline the registration process, in June 2009 the EFA proposed to the Joint Standing Committee on Electoral Matters (JSCEM) amendments to legislation which would allow automatic registration of candidates to the EFA in those instances where a person nominates as a candidate or where a group successfully forms at an election.

### Official and Party Agents

The appointed official agents of candidates, groups and elected members must be registered with the EFA. Official and party agents are responsible for:

- managing political donations received and electoral expenditure incurred, including operation of the campaign account;





*“Local Government – count centre”*

- keeping proper records of political donations received and electoral expenditure incurred; and
- lodging disclosures of political donations received and electoral expenditure incurred.

Prospective official and party agents who are not otherwise exempt are required to complete an online training course which outlined the key processes and responsibilities involved with complying with the provisions of the Act and Regulations.

During the reporting year, 678 people successfully completed the agent online training course and a total of 926 official agents registered with the EFA, with 886 registered for the 2008 Local Government Elections and 23 for State by-elections.

For the disclosure period up to 31 December 2008, 49 party agents were registered with the EFA.

### Register of Candidates and Agents

The EFA maintains the following registers for each election:

- Register of Candidates (which includes persons associated with a group);
- Register of Official Agents; and
- Register of Party Agents.

The Register of Candidates lists the details of those candidates who have registered with the EFA for an election. The Register of Official Agents lists the details of those persons who have been appointed as an official agent by candidates or groups for an election. The Register of Party Agents lists the details of those persons who have been appointed as the party agent of a political party.

The candidate, party and official agent registers for the 2008 NSW Local Government Elections and by-elections, and State by-elections conducted in 2008/09 are available for public inspection at the office of the EFA.



*“Voting at the Polling Place”*

## Funding

For each State General election the EFA establishes a Central Fund and a Constituency Fund and for each State by-election a Constituency Fund is established.

### Election Funding Entitlements

Election funding schemes in NSW appropriate public money to reimburse registered political parties and candidates for certain election expenditure incurred at State General elections and by-elections up to limits set by statute.

The Act imposes a duty on the EFA to exercise its election funding functions in a manner that is not biased against or in favour of any particular party, group, candidate or other person, body or organisation.

For each State General election the EFA establishes a Central Fund and a Constituency Fund and for each State by-election a Constituency Fund is established.

The amounts credited to the funds for a General Election are determined by the EFA as soon as possible after the day the Writs are issued for the election in accordance with a formula prescribed in the Act. Of the total amount determined, two thirds is credited to the Central Fund and one third to the Constituency Fund.

The amount credited to the Constituency Fund for a General Election is then divided by the number of electoral districts for which there are two or more candidates standing for election.

The amount credited to the Constituency Fund for a by-election is determined by the EFA as soon as possible after the day the Writ is issued for the by-election. The amount credited to the fund is determined in accordance with a formula prescribed in the Act.

There is no public funding for Local Government elections.

### Constituency Funds for 2008 State By-elections

During the reporting period there were four State by-elections held on 18 October 2008 – Cabramatta, Lakemba, Port Macquarie and Ryde.

A total of \$420,989 was available from the established Constituency Funds for distribution in the four electoral districts.

Table 3 shows the amounts available for each electoral district, amounts available by percentage of primary votes received by each candidate, their maximum entitlement and the amount paid for the Legislative Assembly candidates.

Table 3: Constituency Fund Payments for State By-elections 2008/09

Candidates Electoral District	Party Affiliation	% of Primary Votes	Entitlement \$	Amount Paid \$
<b>Cabramatta</b>				
LANGLANDS, Lindsay	The Greens	9.0	9,980.45	8,361.92
ADAMS, Joseph	–	1.5	–	–
LE, Dai	Liberal	36.5	40,574.82	40,574.82
LALICH, Nick	Labor	51.0	53,597.00	53,597.00
MACDONALD, Alasdair	–	0.4	–	–
MORRISON, Doug	Christian Democratic Party (Fred Nile Group)	1.6	–	–
<b>Lakemba</b>				
LOTFIZADEH, Allan	Christian Democratic Party (Fred Nile Group)	3.3	–	–
BOLWELL, Kristian	The Greens	12.3	14,215.96	11,746.78
AIKEN Robert	–	1.4	–	–
ABDULLA, Zarif	Christian Democratic Party (Fred Nile Group)	1.2	–	–
FUROLO, Robert	Labor	58.2	54,560.00	54,560.00
HAWATT, Michael	Liberal	23.7	27,434.71	27,434.71
<b>Port Macquarie</b>				
LANGLEY, James	–	4.9	5,282.55	5,282.55
WALDRON, Bob	Christian Democratic Party (Fred Nile Group)	1.2	–	–
INTEMANN, Lisa	–	7.5	8,095.60	8,095.60
RUSSELL, Susie	The Greens	4.7	5,091.39	5,091.39
WILLIAMS, Leslie	Nationals	33.7	36,321.71	36,321.71
GALATI, Tony	–	1.0	–	–
ROGERS, Grant	–	0.5	–	–
SHARPHAM, Bob	–	1.9	–	–
BESSELING, Peter	–	35.9	38,755.04	38,755.04
HARRISON, Jamie	–	8.3	8,999.70	8,999.70
PRICE, Cameron	–	0.3	–	–
<b>Ryde</b>				
TAFFA, Victor	–	3.0	–	–
PETERS, Lindsay	The Greens	11.2	12,001.56	10,843.56
DOMINELLO, Victor	Liberal	54.3	51,064.50	51,064.50
CAMPBELL, Nicole	Labor	29.8	31,930.63	31,930.63
GOLDFINCH, Peter	Australian Democrats	1.7	–	–

### Political Education Fund

The Political Education Fund is a fund established following each State General election for distribution to eligible, registered political parties for the purposes of political education.

Payments from the fund are made annually over a four year cycle to registered political parties which have endorsed candidates for election to the Legislative Assembly at a State General election and which are entitled to receive funding from the Central Fund.

Annual payments are determined as at 1 January in each year using a formula that is prescribed in the *Election Funding and Disclosures Act 1981* based on the total number of first preference votes recorded at the last State General election.

Payments are made to eligible parties who make a claim between 1 January and 30 June in each year. A claim must be accompanied by a disclosure stating how the previous payment was spent by the party and that the payment was spent in accordance with the Act and the EFA's determinations.

Table 4 shows the distribution of funds in 2009 compared with previous years.

**Table 4: Political Education Fund Payments and Distribution 2007 to 2009**

Political Education Fund Distributions	2007	2008	2009
Australian Labor Party (NSW Branch)	\$688,618	\$692,376	\$761,613
Christian Democratic Party (Fred Nile Group) <sup>(a)</sup>	\$32,986	\$48,710	\$53,523
Country Labor Party	\$126,891	–	–
Liberal Party of Australia NSW Division	\$472,444	\$530,630	\$583,693
National Party of Australia – NSW	\$184,002	\$198,012	\$217,812
The Greens	\$157,685	\$176,402	\$194,042
<b>Total</b>	<b>\$1,662,626</b>	<b>\$1,646,130</b>	<b>\$1,810,683</b>

**Notes:**

(a) CDP did not receive their maximum entitlement.



“State Funding and Disclosure Handbook”

Payments from the political education fund must be spent in accordance with the *Election Funding and Disclosures Act 1981* and the political education fund determinations.

## Disclosures

The Act requires political parties, elected members, candidates, groups and major political donors to lodge a disclosure with the EFA following the end of each six month reporting period outlining political donations and electoral expenditure.

Two disclosure periods have now passed since the introduction of the changes under the Amending Act. They are:

- the transitional disclosure period ending 30 June 2008; and
- the first six month disclosure period under the new bi-annual disclosure rules ending 31 December 2008.

### Transitional Disclosure Timeframe Ending 30 June 2008

Under the previous legislation, parties, groups and candidates were required to submit disclosures to the EFA covering a reporting period starting on the 31st day after the previous election and ending on the 30th day after the current election.

Changes to the Act, which took effect on 1 August 2008, changed the disclosure period to six month intervals and made it compulsory for all Members of Parliament, registered political parties and elected councillors to lodge a disclosure for the reporting period from the date of their last disclosure to 30 June 2008 by 25 August 2008.

The reporting period commencement dates were dependent on several factors with the consequence that for this transitional period candidates were reporting over different timeframes. The usefulness of comparing data from this disclosure period with other disclosure periods is therefore limited. Table 5 shows the differing reporting timeframes for candidates, groups and parties for disclosures due by 25 August 2008.

Candidates standing for the 2008 Local Government Elections were also required to lodge by this date

if they received \$1000 or more in donations or spent the same amount, however donors had no obligation to lodge for the 30 June 2008 period. Donations identified in that period by parties, Members of Parliament, groups and candidates are captured on the donor disclosures lodged in the 31 December 2008 reporting period.

The EFA processed more than 1,609 disclosures for this reporting period.

For the disclosure timeframe ending 30 June 2008, 123 Members of Parliament disclosed \$243,815.42 in donations and \$965,938.32 in electoral expenditure and 1,439 Local Government councillors disclosed \$635,951.87 in donations and \$1,931,876.64 in electoral expenditure.

The Australian Labor Party (NSW Branch) disclosed \$9,187,144.74 in total donations, while the Liberal Party of Australia (NSW Division) disclosed \$11,597,194.00 and the National Party \$1,253,591.36. The Christian Democratic Party (Fred Nile Group) disclosed \$659,991.00 and the Greens \$352,681.38.

The Australian Labor Party (NSW Branch) disclosed \$1,401,210.88 total expenditure, the Greens \$12,799.00 and the Liberal Party of Australia (NSW Division) \$135,890.76 for this period. The National Party disclosed \$292,917.37 and the Christian Democratic Party (Fred Nile Group) disclosed no expenditure.

Table 6 contains a summary report of donations received and expenditure incurred by all registered political parties for this period. All figures are correct at the time of writing this report. New amendments to disclosures received and processed by the EFA after this date will change the final disclosure figures for affected parties.

## Disclosures *continued*

**Table 5: Commencement Dates of Transitional Disclosure Period for Parties, Elected Members, Candidates and Groups.**

Category	Reporting period commenced
Elected Members to the NSW Parliament	24 April 2007
Elected Members to Local Government councils	27 April 2004
Candidates who contested a by-election or deferred election since the previous Local Government Elections on 27 March 2004	31 <sup>st</sup> day after the by-election or deferred election
Candidates who contested the previous Local Government Elections on 27 March 2004	27 April 2004
All other candidates	13 August 2007
Groups	Relative to the dates above for candidates

**Table 6: Donations Received and Expenditure Incurred by Registered Political Parties for the Reporting Period Ending 30/06/08.**

Party Name	Total Donations \$	Total Expenditure \$
Albury Citizens and Ratepayers Movement	0	0
Australia First (Council Elections) Party	610.00	0
Australian Labor Party (NSW Branch)	9,187,144.74	1,401,211.00
Bob Thompson's Independent Team	5,500.00	0
Burwood Community Voice	8,438.00	0
Central Coast First	250.00	325.00
Christian Democratic Party (Fred Nile Group)	659,991.00	0
Clover Moore Independent Team	31,740.00	10,266.82
Community Before Developers – Stop Over Development	0	0
Community Development Environment Save Campbelltown Koalas	0	0
Community First Alliance	11,520.00	1,917.36
Country Labor Party	0	0
Eurobodalla First	0	0
Horse Riders Party	0	4,844.32
Kogarah Residents' Association	0	0
Liberal Party of Australia New South Wales Division	11,597,194.00	135,890.76
Liverpool Community Independents Team	6,410.86	1,033.00
Lorraine Wearne Independents	0	0
Manly Independents – Putting Residents First	10,000.00	0
National Party of Australia – NSW	1,253,591.36	292,917.40
No Parking Meters Party	0	2,286.54
Our Sustainable Future	0	200.00
Parramatta Better Local Government Party	5,362.88	3,038.38

## Disclosures *continued*

Party Name	Total Donations \$	Total Expenditure \$
Residents Action Group for Auburn Area	2,074.00	0
Residents First Woollahra	8,330.00	4,788.30
Roads and Services Action Party	200.00	0
Russell Matheson Community First Team	40,975.00	17,545.00
Save Our Suburbs	3,600.00	0
Save Tuggarah Lakes	0	0
Shire Watch Independents	0	2,807.00
Shire Wide Action Group	0	0
Shoalhaven Independents Group	45,145.20	30,162.17
Socialist Alliance	17,158.04	2,500.00
The Australian Business Party	595.00	5,682.20
The Fishing Party	0	550.00
The Greens	352,681.38	12,799.00
The Parramatta Independents	0	0
The Shooters Party	15,905.00	0
Totally Locally Committed Party	200.00	3,070.48
Unity Party	500.00	8,744.72
Wake Up Warringah	2,050.00	414.97

### Six Month Disclosure Timeframe Ending 31 December 2008

Disclosures for the six month period ending 31 December 2008 were due on 25 February 2009.

More than 4,500 candidates stood at the 2008 Local Government Elections and the 2008 State by-elections drew 28 candidates.

The EFA processed over 7,357 disclosures for the period.

For the 2008 Local Government Elections 4,191 candidates disclosed \$3,301,973.19 in donations and electoral expenditure of \$3,730,833.51.

For this period the Australian Labor Party (NSW Branch) disclosed \$3,421,277.94 in donations, the Liberal Party of Australia (NSW Division) disclosed \$2,569,863.47, the National Party of Australia NSW \$693,884.00, the Greens \$87,948.00 and

the Christian Democratic Party (Fred Nile Group) \$71,133.00.

The Liberal Party of Australia (NSW Division) disclosed \$1,296,795.63 in electoral expenditure, the Australian Labor Party (NSW Branch) \$784,378.51, the Greens \$372,840.00, the Christian Democratic Party (Fred Nile Group) \$37,225.00 and the National Party of Australia NSW \$313,439.00.

Table 8 details a summary report of donations received and expenditure incurred by registered political parties for this period. All figures are correct at the time of writing this report. New amendments to disclosures received and processed by the EFA after this date will change the final disclosure figures for affected parties.

Disclosure reports for the period ending 31 December 2008 can be found on the EFA website – [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au).

## Disclosures *continued*

**Table 7: Summary Report of Donations Received and Expenditure Incurred by Candidates for the Reporting Period 01/07/2008 – 31/12/2008**

Election Name	Election Day	Candidates/ Members	Total Donations \$	Total Expenditure \$
Bland Council By-election	29/11/2008	6	429.50	84.50
Warren A Ward Council By-election	29/11/2008	2	0	23.50
Wellington Council By-election	29/11/2008	7	3,906.32	4,401.73
Cabramatta State By-election 2008	18/10/2008	6	8,906.92	11,894.31
Lakemba State By-election 2008	18/10/2008	6	11,032.78	14,259.17
Port Macquarie State By-election 2008	18/10/2008	10	160,433.54	176,919.33
Ryde State By-election 2008	18/10/2008	4	24,541.34	32,652.94
State Members of Parliament	n/a	136	10,623.41	415,919.19
2008 Local Government Elections Candidates	13/09/2008	4,191	3,301,973.19	3,730,833.51
Retired Councillors	n/a	374	709.60	18,885.94

**Table 8: Summary Report of Donations Received and Expenditure Incurred by Registered Political Parties for the Reporting Period 01/07/2008 – 31/12/2008**

Party Name	Total Donations \$	Total Expenditure \$
Albury Citizens and Ratepayers Movement	4,000.00	4,589.20
Australia First (Council Elections) Party	2,655.00	3,412.67
Australian Labor Party (NSW Branch)	3,421,277.94	784,378.51
Bob Thompson's Independent Team	2,315.05	7,911.60
Burwood Community Voice	5,494.00	14,586.00
Central Coast First	35,435.00	37,501.00
Christian Democratic Party (Fred Nile Group)	71,133.00	37,225.00
Clover Moore Independent Team	47,560.00	61,407.50
Community Before Developers – Stop Over Development	0	0
Community Development Environment Save Campbelltown Koalas	14,025.00	28,643.55
Community First Alliance	36,560.00	47,882.44
Country Labor Party	12,206.70	15.00
Eurobodalla First	22,472.80	27,942.67
Holroyd Independents	28,203.06	26,576.36
Horse Riders Party	0	0
Kogarah Residents' Association	0	0
Leichhardt Council Community Independents	0	0
Liberal Party of Australia New South Wales Division	2,569,863.47	1,296,795.63
Liverpool Community Independents Team	18,596.60	28,640.85




## Disclosures *continued*

Party Name	Total Donations \$	Total Expenditure \$
Lorraine Wearne Independents	6,150.00	5,684.10
Manly Independents – Putting Residents First	8,892.00	21,897.07
National Party of Australia – NSW	693,884.00	313,439.00
No Parking Meters Party	1,300.00	8,929.50
Our Sustainable Future	690.00	343.50
Outdoor Recreation Party	0	0
Parramatta Better Local Government Party	6,612.10	9,956.94
Residents Action Group for Auburn Area	506.00	4,494.00
Residents First Woollahra	8,419.00	19,838.64
Restore The Workers' Rights Party	0	0
Roads and Services Action Party	6,543.00	5,291.95
Russell Matheson Community First Team	0	22,354.71
Save Our Suburbs	1,460.00	0
Save Tuggarah Lakes	19,075.00	35,651.78
Shire Watch Independents	11,930.00	18,307.00
Shire Wide Action Group	2,537.70	6,559.35
Shoalhaven Independents Group	54,341.50	93,284.36
Socialist Alliance	10,656.20	3,903.40
The Australian Business Party	7,117.50	7,835.46
The Fishing Party	0	592.00
The Greens	87,948.00	372,840.00
The Parramatta Independents	0	0
The Shooters Party	16,820.00	2,200.00
Totally Locally Committed Party	37,275.00	27,554.58
Unity Party	3,400.00	24,232.57
Wake Up Warringah	29,406.00	46,390.41
Woodville Independents	6,673.00	6,490.56
Yvonne Bellamy Independents	4,400.00	3,545.30

### Publication of Disclosures

The *Election Funding and Disclosures Act 1981* requires all disclosures to be published on the EFA website as soon as practicable after the due date for the receipt of disclosures. Disclosures for the 2008 Local Government Elections were made available on 20 April 2009.

Disclosures for the period ending 30 June 2009, due to the EFA on the 25 August 2009, will be published in the coming financial year.



*Case Study –  
Submission to the Joint  
Standing Committee  
on Electoral Matters  
concerning the Election  
Funding and Disclosures  
Act 1981.*

On 2 March 2009 the NSW Premier referred to the Joint Standing Committee on Electoral Matters (JSCEM) an inquiry into the conduct of the 2008 Local Government Elections, including matters relating to the EFA.

A total of 69 submissions were received by the Committee, of which around a quarter provided significant comments on matters relating to election funding and reporting matters.

During the transitional disclosure period and the first six month disclosure period, the complexity of the new disclosure legislation not only presented interpretive and administrative challenges for the EFA, but caused some confusion for individuals required to disclose. The commencement of the legislation two months prior to the Local Government Elections held on 13 September 2008 was challenging for stakeholders.

In June 2009 the EFA's submission to the Joint Standing Committee on Electoral Matters recommended amendments to the legislation be considered before the 2011 State General Election.

Issues raised in the submission were based on the EFA's experience, stakeholder comments and advice given to the EFA from Crown Solicitor's Office. They included:

- difficulties in identifying persons capable of prosecution for failure to lodge disclosures;
- clarifying the term of office of official agents;
- clarifying the conditions under which an individual is a 'candidate'; and
- clarifying the requirements for opening a campaign account and appointing an official agent.

The final report and recommendations of the Committee are due in early 2010.

# Compliance

From 1 August 2008 the Act empowered the EFA to undertake compliance audits of disclosures lodged by parties, groups and elected members.

Following the legislative amendments, the EFA reviewed its compliance procedures and commenced development of a compliance audit programme.

The EFA plans to conduct regular compliance reviews of disclosures lodged by political parties, groups, candidates and elected members and investigate disclosure matters that come to notice. The EFA has no past precedents or practices for undertaking compliance audits.

Substantive inconsistencies that come to the attention of the EFA are presently dealt with as follows:

- Persons responsible for lodging disclosures may be requested to amend their disclosure where it becomes apparent errors have been inadvertently made; and
- The EFA will determine, on a case by case basis, whether enforcement action for a non-compliance will be taken or where there is evidence that a person has made a false disclosure.

Persons are welcome to lodge formal complaints with the EFA however any alleged breaches of the Act must be supported with evidence.

## Amendments to Disclosures

During the reporting year, the EFA contacted several parties, groups, candidates and elected members

who had lodged disclosures, with an opportunity to provide additions or deletions.

As a result, several parties, groups and candidates lodged amendments to their original disclosures with the EFA. Some of the reasons for amendments included:

- amending name of contributors;
- amending political contributions following discovery of inaccuracies; and
- amending political contributions after donor reported information.

## Non-compliances for Disclosure period ending 30 June 2008

1,870 disclosures were expected for the period ending 30 June 2008. Approximately 1,228 disclosures were lodged with the EFA by the due date of 25 August 2008 (65.67%) and 81 requests for extensions of time were granted.

The EFA wrote to parties, groups, candidates and elected members who failed to lodge a disclosure by the due date, reminding them of their responsibilities and obligations.

By December 2008 the EFA had received 1,614 (86.67%) of the disclosures expected for this period.

Eight parties were referred to the Crown Solicitor for failing to submit a disclosure. Action is still continuing.

The following table illustrates disclosures lodged before and after the due date of 25 August 2008.

**Table 9: 30 June 2008 Disclosure Period – Disclosures Received by Month**

	Jul 08	Aug 08	Sep 08	Oct 08	Nov 08	Dec 08
Parties	4	27	7	2	0	1
Members of Parliament/ Councillors	71	1116	374	10	2	0
<b>Total</b>	<b>75</b>	<b>1143</b>	<b>381</b>	<b>12</b>	<b>2</b>	<b>1</b>



“EFA Website – Disclosure Information”

### Non-compliances for Disclosure Period Ending 31 December 2008

8,371 disclosures were expected from parties groups and candidates for this disclosure period and approximately 3,464 disclosures were received by the due date (41.38%). 100 requests for extensions of time were granted. Of the 2,380 disclosures expected from donors, approximately 858 were received by the due date (36.05%).

The EFA wrote to parties, groups, candidates, elected members and donors who failed to lodge a disclosure by the due date, reminding them of their responsibilities and obligations.

By June 2009 the EFA had received 7,358 (87.89%) of the disclosures expected for this period.

The following table illustrates disclosures lodged before and after the due date of 25 February 2009.

Table 10: 31 December 2008 Disclosure Period – Disclosures Received by Month

	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09
Parties	0	14	30	3	0	0
Groups	91	242	400	34	16	8
Candidates	1011	1248	2232	149	73	31
Donors	317	541	532	235	108	43
<b>Total</b>	<b>1419</b>	<b>2045</b>	<b>3194</b>	<b>421</b>	<b>197</b>	<b>82</b>

Referrals to the Crown Solicitor are pending completion of compliance audits of the disclosures received for this period.

## Case Study – Review of Compliance with the Election Funding and Disclosures Act 1981 and the Election Funding and Disclosures Regulation 2009

During the reporting year, the EFA undertook a review into the new compliance provisions under the Act. Practice notes were distributed to party and official agents and their appointed auditors explaining their obligations with respect to disclosures required by 31 December 2008.

The second part of the review determined parameters that would make up the EFA's compliance auditing with respect to 31 December disclosures.

The review set up the foundation for all future compliance operations and ensures that EFA processes are consistent with current auditing standards and practices.

## Compliance continued

### Follow up on Prosecutions from Previous Year

Approximately 900 donors were referred to the Crown Solicitor for not submitting a disclosure after the 2007 State General Election. Following contact from the Crown Solicitor, approximately 500 disclosures were received and accepted by the EFA. Prosecution of the remaining 400 donors is continuing.

### EFA Results Indicators

Results Indicators set out in the EFA Corporate Plan relating to the provision of unbiased public funding and open disclosure of campaign donations include performance measures on the percentage of disclosures lodged with the EFA by the due date (target 95%) and the number of successful EFA prosecutions (target 100%).

The recent level of non-compliance with the Act is partly explained by its complexity and the difficulty experienced by parties, groups, candidates, elected members and donors in understanding their legal obligations.

As noted, a number of matters are with the Crown Solicitor. At this stage no matter has yet been brought before the courts.

The EFA will continue to monitor these indicators and work with our stakeholders to provide the foundations for an impartial and transparent funding and disclosure system in NSW.



“Polling Place – Election Day”

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# Communication and Public Awareness

The EFA's communication strategies aim to:

- ensure that political parties, candidates, groups, elected members and political donors have access to current information about their entitlements and obligations; and
- ensure the public and the media have access to publicly available disclosure documents by publishing the disclosures of political donations and electoral expenditure.

## Communication and Media Strategy

During the reporting year, the EFA continued a series of briefing sessions to registered political parties and councils focusing on the amendments to the *Election Funding and Disclosures Act 1981*. Email alerts were sent to 1,500 councillors and Members of Parliament advising them of their new obligations and media releases coincided with disclosure lodgement and publishing dates. This strategy complemented a statewide radio and newspaper advertising campaign throughout NSW targeting candidates, political parties and donors.

The EFA website was updated with the new requirements and a series of information booklets specifically tailored for parties, elected members, candidates, groups, and official agents.

A major challenge for the EFA during the reporting year was to communicate the new disclosure obligations within the short timeframe between the Act coming into effect and the close of nominations for the 2008 Local Government Elections. The transitional disclosure period provided a complex introduction to the legislative changes for parties and candidates and this is reflected in the compliance statistics for that period.

## Publication of Disclosures

The uploading of the election funding disclosures to the EFA website following the 2008 Local Government Elections was a sizeable task, with more

than 1,614 disclosures relating to the transitional disclosure period available on the website in September 2008 and 7,350 disclosures posted in April 2009 for the first six month disclosure period.

The disclosure search function on the website allowed users to access individual disclosures and a summary of the disclosure information and an additional enhancement provided users with the ability to cross link between donor and recipient information.

## Review of Forms

The EFA undertook a review of disclosure forms following the 2008 Local Government Elections. The large number of lodgements for the period ending 31 December 2008 provided an opportunity to identify areas for improvement and an initial redesign of disclosure forms proceeded.

Forms and manuals continued to be made available to election funding stakeholders on the EFA website, or were posted or emailed to stakeholders upon request.

## Media Monitoring

The subject of political donations and expenditure is of interest and the new disclosure scheme attracted much media and public comment in the reporting year:

Issues raised by major and regional media and other stakeholders included disclosure thresholds, the new six month reporting requirements and the disparities between states and federal disclosure requirements.

The EFA notes that the scheme presents challenges and encourages public debate and feedback on funding and disclosure issues as a further means to electoral transparency.

*Although staff members work on matters related to the EFA, they are employed by the NSWEC.*

## Organisational Development and Innovation

### Human Resources

As a result of the increased funding and disclosure responsibilities under amended legislation, the NSWEC structure now provides increased administrative support to the EFA through the establishment of six positions, of which two were filled during the reporting year. A position of Director, Funding and Disclosure was created and will be filled in the coming financial year. The EFA is also supported by two legal resources.

Although staff members work on matters relevant to the EFA, they are employed by the NSWEC. Wages, salaries and allowances are included in the annual report of the NSWEC and key components of human resource management and industrial relations policies and practices are satisfied indirectly through the resource management planning and reporting activities of the NSWEC.

### Training and Development

The opportunity to foster a learning culture within the EFA and the NSWEC to support the promotion and maintenance of professional and committed staff is an essential prerequisite to delivering services effectively.

The EFA, through its administrative unit in the NSWEC, provides an opportunity for personal development for EFA staff in areas such as communications, information technology, audit practices, logistics, resourcing, event management and electoral administration.

For information on training courses undertaken by staff see the 2008/09 NSWEC Annual Report.

### Occupational Health and Safety

The OHS system incorporating the Return to Work Programme is managed by the Human Resources division of the NSWEC. Safety incidents, injuries and claims statistics are available in the 2008/09 NSWEC Annual Report.



*“Training – Election Day”*

## Equal Employment Opportunity

While the EFA has no full-time permanent public sector positions, a principle of equity and fairness in the carriage of its activities is fundamental to maintaining stakeholder confidence. The NSWEC's Equal Employment Opportunity Management Plan for 2008 to 2011 seeks to recognise and eliminate possible sources of direct and indirect discrimination by identifying key result areas and actions required. More information is available in the 2008/09 NSWEC Annual Report.

## Information Technology

The Information Technology branch of the NSWEC plays an important role by supporting central election funding and disclosure processes and in assisting the EFA to conform to certain legal and statutory requirements.

A disclosure search function on the website allows users to access individual disclosures and summaries of the disclosure information. In the reporting year, an additional enhancement provided the user with the ability to cross link between donor and recipient information.

Work continued throughout 2008/09 on building an online disclosure function for candidates, groups and parties.

## Information Management

### Publications

The EFA is committed to ensuring that participants in the election process are informed of their entitlements and obligations. Handbooks individually tailored to stakeholder groups are available on the EFA website.

### Website and Inquiry Services

The EFA website continued to provide updated information to stakeholders on the new legislative requirements and on a range of election funding and disclosure issues. Additionally, information on

election funding and disclosure matters is provided through a telephone inquiry service, or via email or fax on request.

## Records Management

In the reporting year the NSWEC Management Committee reviewed current record management software and agreed to replace the records management system. It is expected that the roll out of the new software including training of all staff will occur in the next financial year.

## Environmental Management

The EFA recognises that administrative practices particularly associated with disclosure, reporting and public inspection obligations, should be considered and reviewed with the objective of avoiding paper product waste, increasing the purchase of recycled product content and increasing resource recovery.

The EFA has initiated an examination of the possibility for online lodgement of disclosures to avoid the unnecessary use of a paper based system.

For those areas where election processes utilise paper products, office equipment and consumables, the EFA has developed waste mitigation and minimisation strategies.

The NSWEC's Waste Reduction and Purchasing Plan reviewed in April 2008 identified key reduction areas and resulted in improvements during the last reporting year.

## Quality Assurance

High quality electoral processes serve as a link between the electorate and the democratically elected Members of Parliament and councillors. The EFA is committed to providing the highest standard of services to our stakeholders and ensuring that the provision of public funding is unbiased and there is open disclosure of campaign donations and expenditure.



## Challenges and Future Directions

The EFA is committed to ensuring the goals and strategies set out for providing high quality election services are supported by excellence in people, processes and technology. Our challenge for the next financial year is to continuously review our services with a focus on the following operational and organisational improvements including:

- responsibilities relating to the 2011 State General Election, and if they arise, State by-elections and Local Government by-elections;
- participation in the public hearing Joint Standing Committee on Electoral Matters scheduled for 26 and 27 August 2009;
- development of a media and campaign strategy for donors, parties, groups and candidates for the 2011 State General Election;
- redesigning the current website in order to enhance the accessibility and navigation to information and content of the website, as well as links to key external websites;
- continuing development of the compliance audit programme based on the number and type of non-compliances, cycle of audit programme with

regard to campaigns associated with the next State General election and high risk disclosures with the greatest expenditures and donations;

- an ongoing focus on the key results areas set out in the EFA's Corporate Plan and a continued focus on the challenges associated with a system of unbiased public funding and open disclosure of campaign donations at all NSW elections;
- a further restructuring of the Funding and Disclosure Branch of the NSWEC to allow for an expected increase in administrative requirements for funding, disclosure and compliance matters;
- streamlining reporting processes with the development of online smart forms for disclosures;
- monitoring changes across Australian election funding legislation and increasing communication and contact with other jurisdictions including a review of funding, and disclosure obligations and education strategies in other jurisdictions – State and Territories, Federal level and overseas; and
- further research into election funding systems by conducting a detailed literature review and undertaking research into the findings.



"EFA website – New look"

# 4

## EFA CORPORATE

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## GOVERNANCE

The EFA is constituted as a corporation with the corporate name of the Election Funding Authority of NSW.



## EFA Corporate Governance

The EFA contributes to an impartial electoral system by providing a transparent, efficient and unbiased administration of public funding and disclosure legislation. To achieve this, the EFA's services need to be supported by appropriate business structures and processes.

The EFA is constituted as a corporation with the corporate name of the Election Funding Authority of NSW.

The NSW Electoral Commission is the administrative unit through which the EFA exercises its statutory responsibilities.

### Management

During the 2008/09 year members of the EFA were:

Colin Barry  
Chairperson

Steven D Lewis  
Appointed on the nomination of the Premier

Edward P Pickering  
Appointed on the nomination of the Leader of the Opposition

Colin Barry took the position of EFA Chairperson upon his appointment as NSW Electoral Commissioner on 1 July 2004. Steven Lewis and Edward Pickering were appointed in November 2003 and were re-appointed in November 2007 for an additional four-year term.

The re-election of EFA members or new appointments will occur in 2011.

### Risk Management

The NSWEC has introduced risk management strategies to assess upcoming risks in all operating areas of the NSWEC and EFA. The Director of the newly created Funding and Disclosure Branch

of the NSWEC is responsible for managing and implementing a continuous review process for a risk register which identifies areas of potential risk, the probability of the risk occurring, potential impacts and the risk response strategy.

The Executive Management Team of the NSWEC undertakes regular assessments of the risk register to determine best approaches to deal with upcoming risks. The risk management process resulted in a strengthened approach to risk assessment and risk prevention during the reporting year.

### Internal Audit Committee

The NSWEC Internal Audit Committee reviews practices and processes, and can make recommendations designed to reduce business risk and improve corporate governance.

The Internal Audit Committee consists of:

- Jim Mitchell, Chairman;
- John Barbeler, Director of Corporate Services, City of Sydney Council; and
- Kathleen Haddock, former Returning Officer.

The NSWEC Director, Finance and Administration is the Secretary of the Committee.

The EFA reviews complaints if sufficient evidence is provided to indicate a possible breach of the Act.



*“Review – Complaints handling”*

The following attended meetings of the Committee by invitation:

- Colin Barry, Electoral Commissioner;
- Trevor Follett, Director Finance and Administration;
- Don Walter, Auditor Walter Turnbull; and
- Damian Knowles, Auditor Walter Turnbull.

### **Public Accountability**

#### **Availability of Records**

The EFA is required by legislation to make available for public inspection for up to six years after an election:

- disclosures;
- claims for payment;
- associated papers lodged by parties, groups, candidates, elected members and political donors; and
- registers of candidates, official and party agents.

The documents are available for public inspection at the EFA's office in Sydney, or with the payment of a fee can be forwarded by mail or facsimile.

#### **Customer Feedback and Complaints Handling**

The EFA reviews complaints if sufficient evidence is provided to indicate a possible breach of the Act.

Complaints were received during the reporting year from stakeholders concerning a range of election issues and logged into a complaints information management system.

Main complaints categories concerning EFA included:

- alleged false claims or omissions in disclosures; and
- alleged failure to lodge a disclosure.

## Legislative Compliance

### Freedom of Information

The EFA undertakes to respond to all freedom of information requests within seven days through the NSWEC media liaison unit. In the reporting year the EFA received one FOI request compared to none last year. In this case the FOI applicant was provided with a copy of the requested documents as per legislative guidelines.

### Privacy and Data Protection

The personal information received by the EFA is not collected, used, disclosed or accessed for purposes other than provided for in privacy legislation or the Act.

The protection of personal information and the privacy of individuals are provided for in the NSWEC's Privacy Management Plan developed under the *Privacy and Personal Information Protection Act 1998*.

### Protected Disclosures Act 1999

The EFA did not receive any disclosures under the *Protected Disclosures Act 1999* during the reporting year.

## Legislative Amendments

### Parliamentary Electorates and Elections Act 1912

No amendments made since 1 July 2008 to date.

### Election Funding and Disclosures Act 1981 (the Act)

Major reforms were introduced under the *Election Funding Amendment (Political Donations and Expenditure) Act 2008* which commenced in two stages – the majority of amendments commencing on 10 July 2008 and sections 96A, 96B, 96C and Part 6, Div 4 commencing on 1 August 2008. Details of the amendments are available in Appendix I.

*The personal information received by the EFA is not collected, used, disclosed or accessed for purposes other than provided for in privacy legislation or the Act.*



“Voting – Election Day”

# 5

## OUR FINANCES

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An important part of the work of the EFA involved engaging with stakeholders to identify and respond to issues involving the new requirements surrounding registration, official agents, disclosures, and compliance. The EFA received additional funding from the NSW Government to effect these changes.



# Our Finances

## Overview of Finances

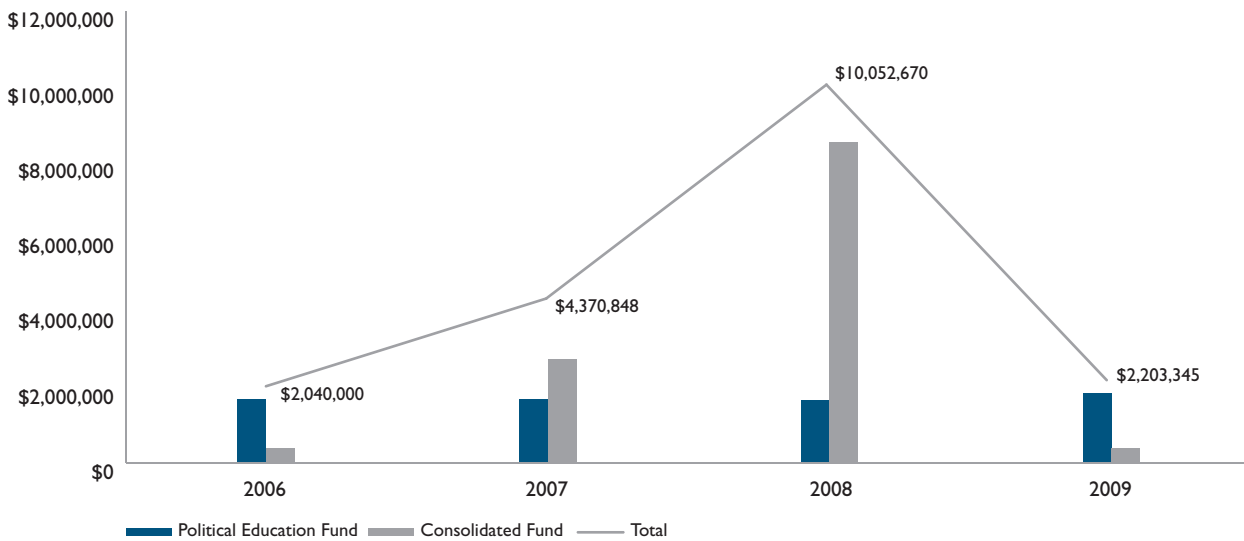
The financial statements of the EFA are prepared in accordance with the *Public Finance and Audit Act 1983*. The Auditor-General's Certificate in relation to these statements, together with a detailed budget of the EFA for the financial year, are included in this report.

The budget for the EFA for 2008/09 was \$2,203,345.00. Funds are provided in a transfer payment from the NSWEC. The EFA's budget is detailed below:

**Table 11: EFA Expense Budget 2009**

Expense Budget	2009
Operating expenses	—
• Employee related	—
• Other operating expenses	—
Depreciation and amortisation	—
Other expenses	—
Payments to candidates, groups and parties	392,660
Political education	1,810,685
<b>Total Expense Budget</b>	<b>2,203,345</b>

**Graph 2: EFA Major Expenditure Categories 2006/09**



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## Statement by Members of the Election Funding Authority

Pursuant to Section 41C(1B) of the *Public Finance and Audit Act 1983*, and in accordance with a resolution of the members of the EFA, we declare that in our opinion:

The accompanying financial report exhibits a true and fair view of the financial position of the EFA as at 30 June 2009 and transactions for the year then ended.

The report has been prepared in accordance with the provisions of the *Public Finance and Audit Act 1983*, and Public Finance and Audit Regulation 2005 and the Treasurer's Directions.

Further, we are not aware of any circumstances which would render any particulars included in the financial report to be misleading or inaccurate.



Colin Barry  
Chairperson  
8 October 2009



# Independent Auditor's Report



GPO BOX 12  
Sydney NSW 2001

## INDEPENDENT AUDITOR'S REPORT ELECTION FUNDING AUTHORITY OF NEW SOUTH WALES

To Members of the New South Wales Parliament

I have audited the accompanying financial report of Election Funding Authority of New South Wales (the Authority), which comprises the balance sheet as at 30 June 2009, the operating statement, statement of recognised income and expense and cash flow statement for the year then ended, a summary of significant accounting policies and other explanatory notes.

### Auditor's Opinion

In my opinion, the financial report:

- presents fairly, in all material respects, the financial position of the Authority as at 30 June 2009, and its financial performance for the year then ended in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations)
- is in accordance with section 41B of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2005.

My opinion should be read in conjunction with the rest of this report.

### Authority's Head's Responsibility for the Financial Report

The Chairperson is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the PF&A Act. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

### Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. I conducted my audit in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the Authority's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Chairperson, as well as evaluating the overall presentation of the financial report.

---

## Independent Auditor's Report

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

My opinion does not provide assurance:

- about the future viability of the Authority,
- that it has carried out its activities effectively, efficiently and economically, or
- about the effectiveness of its internal controls.

### Independence

In conducting this audit, the Audit Office of New South Wales has complied with the independence requirements of the Australian Auditing Standards and other relevant ethical requirements. The PFBA Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General, and
- mandating the Auditor-General as auditor of public sector agencies but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their role by the possibility of losing clients or income.



Peter Achterstraat  
Auditor-General

13 October 2009  
SYDNEY

# Operating Statement

for the year ended 30 June 2009

## Start of Audited Financial Statements

	Notes	Actual 2009 \$	Actual 2008 \$
<b>Revenue</b>			
Consolidated Fund:			
(Specially appropriated under the <i>Election Funding and Disclosure Act 1981</i> )			
Payments to candidates, groups and parties		392,660	8,406,540
Political Education Fund		1,810,685	1,646,130
<b>Total Revenue</b>		<b>2,203,345</b>	10,052,670
<b>Expenses</b>			
General Election payments	2(a)	392,660	8,406,540
Payments to political parties from Political Education Fund	2(b)	1,810,685	1,646,130
<b>Total Expenses</b>		<b>2,203,345</b>	10,052,670
<b>Surplus/(Deficit) for the Year</b>		–	–

The accompanying notes form part of these financial reports

---

## Statement of Recognised Income and Expense

for the year ended 30 June 2009

	Notes	Actual 2009 \$	Actual 2008 \$
<b>Total Income and Expenses Recognised Directly in Equity</b>		–	–
Surplus/(Deficit) for the Year		–	–
<b>Total Income and Expense Recognised for the Year</b>		–	–

The accompanying notes form part of these financial reports

# Balance Sheet

as at 30 June 2009

	Notes	Actual 2009 \$	Actual 2008 \$
<b>Current Assets</b>			
Total Current Assets		–	–
Total Assets		–	–
<b>Current Liabilities</b>			
Total Current Liabilities		–	–
Total Liabilities		–	–
Net Assets		–	–
<b>Equity</b>			
Total Equity		–	–

The accompanying notes form part of these financial reports

# Cash Flow Statement

for the year ended 30 June 2009

	Notes	Actual 2009 \$	Actual 2008 \$
<b>Cash Flows from Operating Activities</b>			
<b>Payments</b>			
Payments to candidates, groups and parties		(392,660)	(8,406,540)
Political Education Fund		(1,810,685)	(1,646,130)
<b>Cash Flows from Government</b>			
Consolidated Fund receipts via NSW Electoral Commission		2,203,345	10,052,670
<b>Cash Flows from Operating Activities</b>	5	–	–
<b>Net Change in cash from Operating Activities</b>		–	–
<b>Opening cash and cash equivalents</b>		–	–
<b>Closing cash and cash equivalents</b>		–	–

The accompanying notes form part of these financial reports

---

# Notes to the Financial Statements

for the year ended 30 June 2009

## I. Summary of Significant Accounting Policies

### (a) Reporting Entity

The Election Funding Authority of New South Wales (EFA) is a NSW Statutory authority. The EFA is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units. The reporting entity is consolidated as part of the NSW Total State Sector Accounts.

The *Election Funding Act 1981* provides for the public funding of Parliamentary election campaigns and for the Political Education Fund.

Payments from the Central Fund are to eligible candidates, groups and parties at a general election contesting election to the Legislative Council of New South Wales. Payments from the Constituency Fund are to eligible candidates and parties at a general election contesting election to the Legislative Assembly of New South Wales. Payments from the by-election Constituency Fund are to eligible candidates and parties at a by-election contesting election to the Legislative Assembly of New South Wales.

As amended, the *Election Funding Act 1981* provides for the establishment of a Political Education Fund from which eligible registered parties are entitled to receive annual payments for the purposes of political education.

This financial report for the year ended 30 June 2009 has been authorised for issue by the Chairperson on 8 October 2009.

### (b) Basis of Preparation

The EFA's financial report is a general purpose financial report which has been prepared on in accordance with:

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations) and
- the requirements of the *Public Finance and Audit Act 1983* and Regulation.

Judgements, key assumptions and estimations management has made are disclosed in the relevant notes to the financial report.

All amounts are rounded to the nearest dollar and are expressed in Australian currency.

### (c) Statement of Compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

### (d) Income Recognition

Income is measured at the fair value of the consideration or contribution received or receivable. Additional comments regarding the accounting policies for the recognition of income are discussed below.

#### (i) Parliamentary appropriations and contributions

Consolidated fund appropriations under the *Election Funding and Disclosures Act 1981* are received by way of transfer payment from the NSW Electoral Commission.

**(e) Expense Recognition**

The EFA makes payments from the Constituency Fund and Central Fund for valid claims made by candidates, groups and political parties. An expense is not recognised until:

- An entitlement exists under legislation
- The candidate, party or group has supplied sufficient documentation supporting the claim and this documentation. This documentation includes invoices incurred for electoral expenditure to substantiate the level of claim.
- The EFA has validated the invoices to determine if they meet the legislative requirement for payment.

Whilst a maximum entitlement exists under legislation, the actual payment depends on the value of invoices submitted by candidates, parties or groups.

A corresponding revenue item is recognised as the cost of claims is recovered from the NSW Electoral Commission.

All transactions are conducted through the NSW Electoral Commission's accounting framework. Within this framework, employee related expenses of \$969,541 (\$440,000 in 2008) and other operating expenses of \$963,309 (\$101,000 in 2008) are recognised as attribute to the EFA. The increase in expenses is due to amendments to the *Election Funding and Disclosures Act 1981*, an important piece of legislation introduced by the government to increase the transparency and accountability of election campaign finance.

To meet the new requirements of the legislation the number of staff positions and the associated operational budget for the Election Funding Authority was increased.

**(f) Assets Recognition.**

The Authority has no employees, nor does it own or control any non-current assets.

**(g) Comparative Information.**

Except when an Australian Accounting Standard permits or requires otherwise, comparative information is disclosed in respect of the previous period for all amounts reported in the financial statements.

**(h) New Australian Accounting Standards issued but not effective**

The following new Accounting Standards have not been applied and are not yet effective as mandated by the Treasurer. The possible impact of the Standards in the period of initial application is not able to be reliably measured.

- AASB 101 (Sep 2007), AASB 2007-8 and AASB 2007-10 regarding presentation of financial statements
- AASB 2007-10 regarding presentation of financial statements
- AASB 2008-9 regarding AASB 1049 amendments consistent with AASB 101
- AASB 2009-2 regarding financial instrument disclosures.



## 2. Expense

### (a) General Election Payments

	2009 \$	2008 \$
<b>Central Fund:</b>		
Payments to Political Parties	–	4,887,761
<b>Constituency Fund:</b>		
Payments to Candidates	392,660	3,518,779
<b>Total General Election Payments</b>	<b>392,660</b>	<b>8,406,540</b>

### (b) Payments to political parties from Political Education Fund

Australian Labor Party (NSW Branch)	761,613	692,376
Liberal Party of Australia (New South Wales Division)	583,693	530,630
Christian Democratic Party (Fred Nile Group)	53,523	48,710
National Party of Australia (NSW)	217,813	198,012
The Greens	194,043	176,402
<b>Total Payments to Political Parties from Political Education Fund</b>	<b>1,810,685</b>	<b>1,646,130</b>

## 3. Contingent Assets and Liabilities

There are no known contingent assets or liabilities at balance date (Nil at 30 June 2008).

## 4. Commitments

The Authority has no contractual commitments, or any operating or finance leases (Nil at 30 June 2008).

## 5. Reconciliation of Net Cash Provided by Operating Activities to Operating Surplus

Operating surplus/(deficit)	–	–
<b>Net Cash from Operating Activities</b>	<b>–</b>	<b>–</b>

## 6. After Balance Date Events

There are no events subsequent to balance date which affect the financial report.

End of audited financial reports.

# 6

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## Appendix I: Amendments to Legislation

Changes to the *Election Funding and Disclosures Act 1981* (the Act).

The Act now:

- requires biannual disclosures of political donations and electoral expenditure (instead of four-yearly disclosures following a general State or ordinary council election);
- extends reporting to elected Members of State Parliament and elected Local Government councillors (in addition to reporting by parties, groups and candidates for election);
- imposes (in line with Commonwealth proposals) an obligation to disclose the receipt of all political donations of or above \$1,000 (with separate donations from the same person over the same financial year being aggregated for disclosure purposes);
- requires the disclosure of details of membership or affiliation fees above \$1,000 payable to a party by individuals, industrial organisations or other entities.

(Part 6, Div 2)

- introduces new rules for the management of campaign finances that will prevent elected members and candidates from having personal campaign accounts or having direct involvement with the receipt and handling of political donations (with money paid into and from special campaign accounts for use exclusively for campaign and other authorised purposes and managed by the agent of the party concerned or other official agent of the member or candidate)

(Part 6, Div 3)

- prohibits entities from making reportable political donations unless they have an ABN;
- prohibits the making of certain indirect campaign contributions, and

(Part 6, Div 4)

- increases the penalty for failing to make disclosures or making false disclosures and confers increased investigative powers on the EFA.

(Part 6, Div 5)

**Election Funding Regulation 2004** was amended:

- On 10 July 2008 by the Election Funding Amendment (Political Donations and Expenditure) Regulation 2008 – amendments consequential to commencement of the Amending Act above.
- On 29 August 2008 by the Election Funding and Disclosures Amendment (Silent Electors) Regulation 2008 – to exempt the EFA from the obligation to publish the residential address of any donor who is a silent elector (ie residential address not on the electoral roll).

---

## Appendix 2: Promotion and Publications

The EFA publishes instructional guide books for use by registered political parties, groups and candidates contesting State and Local Government elections. The publications explain their rights and responsibilities under the Act. They contain examples showing the correct manner for completion of documents to be lodged with the EFA. The instructional guides are available on the EFA's website, [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au).

The EFA has further developed the website during the reporting year. Recent developments have enhanced the information available to registered political parties, candidates, political donors and the NSW electors for the 2008 Local Government Elections.

The EFA provides its clients with a range of information channels including telephone, website, email, facsimile, media, telephone typewriter and interpreting services.

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## Appendix 3: Meetings of the Election Funding Authority

The EFA held regular meetings throughout the reporting year. The following table lists the meeting dates:

**Table 12: Meetings of the EFA 2008/09**

Meeting No	Date	Participants
117	28 October 2008	Colin Barry, Edward Pickering, Steven Lewis, Brian DeCelis, Felicity Wright, Robert Armitage
118	28 January 2009	Colin Barry, Edward Pickering, Steven Lewis, Brian DeCelis, Felicity Wright
119	6 February 2009	Colin Barry, Edward Pickering, Steven Lewis, Brian DeCelis, Felicity Wright, Robert Armitage, Brooke Holmes
120	13 February 2009	Colin Barry, Edward Pickering, Steven Lewis, Brian DeCelis, Felicity Wright, Robert Armitage, Brooke Holmes
121	17 March 2009	Colin Barry, Edward Pickering, Steven Lewis, Brian DeCelis, Felicity Wright, Sonja Hewison, Robert Armitage, Brooke Holmes
122	22 April 2009	Colin Barry, Edward Pickering, Steven Lewis, Brian DeCelis, Sonja Hewison, Robert Armitage, Brooke Holmes
123	24 June 2009	Colin Barry, Steven Lewis, James Longley (substitute for Edward Pickering on this occasion), Brian DeCelis, Sonja Hewison, Brooke Holmes, Andrea Summerell

## Appendix 4: Mandatory Annual Reporting Requirements

Under the *Annual Reports Act 1985*, the Annual Reports Regulation 2005 and various Treasury Circulars, the EFA is required to include information on the topics in the table below.

Annual Reporting Requirement	Comments
Letter of Submission	See Page 1
Particulars of extension of time	No extension of time required
Charter	See page 6
Aims & objectives	See page 10
Access	See inside back cover
Management & structure	See page 6
<ul style="list-style-type: none"> <li>• Names of principal officers</li> <li>• Organisational chart indicating functional responsibilities</li> <li>• Senior Executive Service Profile</li> </ul>	There were no SES officers in the EFA during 2008/09.
Summary review of operations	See page 10
Funds granted to non-government community organisations	The EFA does not grant funds of this kind.
Legal Change	See Appendix 1
Economic or other factors	See Appendix 1
Management & Activities	See pages 13 to 35
Research & development	The EFA did not undertake any new research or any major development programmes during the reporting year.
Human Resources	See page 30
Consultants	The EFA did not use of any consultancy services in the reporting period over \$30,000.
Equal Employment Opportunity	See page 31
Disability Plans	Details of the Disability Action Plan applicable to the EFA are set out in the 2008/09 NSWEC Annual Report.
Land Disposal	We do not own or dispose of any land or property.
Promotion	<ul style="list-style-type: none"> <li>• See Appendix 2</li> </ul>
<ul style="list-style-type: none"> <li>• Publications</li> <li>• Overseas Visits</li> </ul>	<ul style="list-style-type: none"> <li>• There were no overseas visitors to the EFA and no official overseas travel undertaken in 2008/09 by EFA members.</li> </ul>
Consumer Response	See Page 35
Guarantee of Service	See 2008/09 NSWEC Annual Report
Payment of Accounts	See 2008/09 NSWEC Annual Report

## Appendix 4: Mandatory Annual Reporting Requirements *continued*

Annual Reporting Requirement	Comments
Time for Payment of Accounts	See 2008/09 NSWEC Annual Report
Risk Management & Insurance Activities	See 2008/09 NSWEC Annual Report
Disclosure of Controlled Entities	We have no controlled entities
Disclosure of Subsidiaries	We have no subsidiaries
Ethnic Affairs Priorities Statements and any Agreement	See 2008/09 NSWEC Annual Report
Agreement with the Community Relations Commission	See 2008/09 NSWEC Annual Report
Occupational Health and Safety	See 2008/09 NSWEC Annual Report
Waste	See page 31
Financial Statements	See page 42
Identification of Audited Financial Statements	See page 40
Inclusion of unaudited financial statements	Not applicable
Additional matters – List of Major Assets	The EFA has no major assets
Additional matters – Compliance with the <i>Privacy and Personal Information and Protection Act 1998</i>	See 2008/09 NSWEC Annual Report
Additional matters – copy of amendments made to Code of Conduct	See 2008/09 NSWEC Annual Report
Additional matters – matters arising since July 2008 having a significant effect on operations or communities we serve.	See (1) Page 1 – Chairperson's Report (2) Appendix 1– Legislative changes
Additional matters – Total external costs in the production of this report	Total external costs incurred were approximately \$1,560.00 (including GST) for printing, Editorial and design was undertaken by the NSWEC.
Additional matters – Is the report available in non printed formats?	Yes
Additional matters – is the report available on the internet?	Yes, at <a href="http://www.efa.nsw.gov.au">www.efa.nsw.gov.au</a>
Executive Officers	See page 56
Freedom of Information Act	See 2008/09 NSWEC Annual Report
Implementation of Price Determination	Not applicable
Heritage management	Not applicable

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## Appendix 4: Mandatory Annual Reporting Requirements *continued*

Annual Reporting Requirement	Comments
Electronic service delivery	The EFA endeavours to meet the NSW Government's commitment that appropriate services be available electronically. The EFA provides brochures, booklets and information on our website. Disclosures are also available electronically and can be accessed with an online disclosure search function.
Credit card certification	See 2008/09 NSWEC Annual Report
Requirements arising from employment arrangements	Not applicable

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## Appendix 5: Executive Remuneration and Performance Statement

**Name:** Colin Barry  
**Position and Level:** Electoral Commissioner and Chairperson, EFA  
(Public Office Holder Group)  
**Period in the position:** 1 July 2004 to 30 June 2009

By virtue of section 6(a) of the *Election Funding and Disclosures Act 1981* the Electoral Commissioner is appointed Chairperson of the EFA.

The Electoral Commissioner is appointed by the Governor pursuant to section 21A of the *Parliamentary Electorates and Elections Act 1912* and his functions relating to that Act are set out in the Annual Report of the NSWEC.

The EFA administers the public funding of State General election campaigns and ensures the disclosure of political contributions and electoral expenditure by registered political parties, groups, candidates and political donors.

The Electoral Commissioner holds an independent statutory position appointed for 10 years. There is no performance agreement with, or annual review by a Minister.

# 7

## GLOSSARY AND INDEX

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# Glossary

**Assembly**

Legislative Assembly of NSW.

**Auditor**

A registered company auditor within the meaning of the *Corporations Act 2001* of the Commonwealth.

**Authority**

EFA of NSW.

**Candidate**

A person nominated as a candidate at an election in accordance with the *Parliamentary Electorates and Elections Act 1912*, and includes a person applying for registration as, or registered as, a candidate in the Register of Candidates for the election.

**Contest(ed)**

Where more than one person contends or competes in an election.

**Council**

The Legislative Council of NSW.

**Donor**

A person who makes a gift to a party, group or candidate.

**Election**

An Assembly General Election or by-election, a periodic Council election, a local government ordinary election or by-election.

**Election Day**

or polling day is the day for the taking of the polls at an election.

**Electoral District**

A district for the election of a member to serve in the Assembly.

**Endorsed**

In relation to a party, means endorsed, selected or otherwise accredited to stand as a representative of the party.

**Expenditure**

Includes any disposition of property.

**General Election**

Assembly General Election and a periodic Council election held, or to be held concurrently.

**Gift**

Any disposition of property made by a person to another person and includes the provision of a service (other than volunteer labour).

**Group**

A group of candidates, or part of a group of candidates, for election to the Council.

**Head of Group**

The candidate whose name appears first on the 'Claim to be included in a group' lodged with the NSW Electoral Commission.

**Nomination Day**

Or day of nomination is, in relation to a General Election, the day named on the Writ for the periodic Council election on which all nominations of candidates must be made.

**Official Agent**

A person who is appointed by a candidate or group of candidates to act on behalf of himself/herself or the group. A person appointed as an official agent assumes full responsibility for complying with the requirements of the Act and Regulations.

**Parliament**

The Parliament of New South Wales.

**Party**

A body or organisation, incorporated or unincorporated, having as one of its objects or activities, the promotion of the election to parliament of a candidate or a group of candidates endorsed by it or by a body or organisation of which it forms part.

**Periodic Council Election**

An election held for the return of 21 Members of the Legislative Council.

**Prescribed**

Is to impose with authority.

**Primary Votes**

In relation to a candidate at an election, the total number of formal first preference votes recorded for the candidate on all ballot papers. In relation to a group of candidates, or a party with endorsed candidates, at an election, the total number of formal first preference votes recorded for the candidates on all ballot papers, other than the votes recorded for candidates for election to the Assembly.

**Registered**

(Except in the case of a party) means registered in accordance with the Act.

**Registered Party**

A party registered under Part 4A of the *Parliamentary Electorates and Elections Act 1912*, being a party which stated in its application for registration that it wished to be registered for the purposes of the Act.

**Regulations**

The Election Funding and Disclosures Regulation 2009.

**Returning Officer**

A person who is legally authorised to act on behalf of the NSW Electoral Commission to manage a Legislative Assembly election for an electoral district.

**The Act**

*The Election Funding and Disclosures Act 1981*.

**Writ**

The document issued by the Governor ordering the election of a member or Members of Parliament.

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# Election Funding Authority

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