

Fact sheet

Pre-election period donation disclosure

The following information is for electoral participants at the 2023 NSW State election. Information in this fact sheet is based on the provisions of the *Electoral Funding Act 2018*. Refer to the legislation for the full requirements and/or be guided by independent legal advice.

In the lead-up to the 2023 NSW State election, all reportable political donations must be disclosed to the NSW Electoral Commission within 21 days.

What is a pre-election period donation disclosure?

All reportable political donations made or received in the lead-up to the 2023 NSW State election, must be disclosed to the NSW Electoral Commission within 21 days as part of a [pre-election period donation disclosure](#).

A reportable political donation is a donation that is valued at \$1,000 or more. This includes multiple donations made by the same donor to the same recipient in the current financial year (starting 1 July 2022) that, in aggregate, are valued at \$1,000 or more.

When must a pre-election period disclosure be made?

A pre-election period disclosure must be made **within 21 days** of a reportable political donation being made or received during the pre-election disclosure period.

The pre-election disclosure period starts 1 October 2022 and ends on election day, 25 March 2023.

Political participants may need to make multiple pre-election disclosures in the lead-up to the 2023 NSW State election.

Who must make a pre-election period disclosure?

Pre-election period disclosure requirements apply to political parties, elected members, candidates, groups of candidates, associated entities, and third-party campaigners. Major political donors are not required to make pre-election period disclosures.

The person responsible for making pre-election period disclosures is shown in the table below:

Electoral participant	Member of a State registered party?	Person responsible for making the disclosure
Political party	n/a	Party agent
Elected member	Yes	Party agent for the elected member
	No (or member of local government registered party)	The elected member

Electoral participant	Member of a State registered party?	Person responsible for making the disclosure
Candidate	Yes	Party agent for the candidate
	No	The candidate
Group of candidates	Yes	Party agent for the lead candidate
	No	The lead candidate
Associated entity	n/a	Official agent of the associated entity
Third-party campaigner	n/a	Official agent of the third-party campaigner

What donations must be disclosed?

All reportable political donations received or made between 1 October 2022 and 25 March 2023 must be disclosed.

A reportable political donation is a single donation of \$1,000 or more. A reportable political donation also includes multiple donations made by the same donor to the same recipient in the current financial year (starting 1 July 2022) that, in aggregate, add up to \$1,000 or more.

Political donations include:

- monetary and non-monetary gifts
- free or discounted goods or services
- party affiliation and membership fees
- an amount paid by a person to attend or participate in a fundraising venture or function
- a contribution made by a candidate to the group of which they are a member
- loans, and any uncharged or insufficient interest charged on a loan.

Visit our [website](#) for more information about the types of political donations that must be disclosed.

Political donations for local government elections do not need to be disclosed in pre-election period disclosures.

A copy of each receipt issued to the donor who made the political donation must be submitted as part of the disclosure.

How do I submit a pre-election period disclosure?

Disclosures can be submitted using [Funding and Disclosure Online](#). Alternatively, the *Pre-election disclosure of reportable political donations (1 October 2022 – 25 March 2023)* (EF.743) form is available on our [website](#). Details about how to submit the disclosure are provided in [Funding and Disclosure Online](#), and on the form.

A pre-election period disclosure must be lodged on time. It is up to the person who is responsible for submitting a pre-election period disclosure to calculate the final date by which each donation must be disclosed. One or more donations can be disclosed in the same disclosure form, as long as all reportable political donations are disclosed within 21 days of the donation being made or received.

Can I amend a pre-election period disclosure?

To amend a disclosure previously submitted to the NSW Electoral Commission, the person responsible must use the pre-election period disclosure amendment form through [Funding and Disclosure Online](#) or by using the *Amendment: Pre-election disclosure of reportable political donations (1 October 2022 – 25 March 2023)* (EF.744) form, available on request.

What happens after a pre-election period disclosure is made?

Pre-election period donation disclosures are published on the NSW Electoral Commission's [website](#). Publication of these disclosures is an important part of raising public awareness of political donations and promoting transparency in the 2023 NSW State election.

Disclosures may be subject to a compliance audit. This may include whether donations in the pre-election period were disclosed by the due date.

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

- failure to validly lodge a disclosure form by the due date
- providing or withholding information knowing it will result in a false or misleading declaration by the person responsible for the disclosure
- making a false statement in a declaration on a disclosure form.

More information

The *Electoral Funding Act 2018* is available in full at legislation.nsw.gov.au.

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