

# ANNUAL REPORT

of the

## ELECTION FUNDING AUTHORITY OF NEW SOUTH WALES

for the year ended

30 JUNE 2004

## ACCESS

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## ANNUAL REPORT

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*The Hon. Bob Carr, MP  
Premier  
Parliament House  
Macquarie Street  
Sydney*

*Dear Premier*

*In accordance with section 8 of the Annual Reports (Statutory Bodies) Act 1984 we submit for tabling in both Houses of Parliament the report on the operations of the Authority for the financial year ended 30 June 2004.*

*C Barry  
Chairperson*

*S D Lewis  
Member*



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## CHARTER

The Election Funding Authority is established pursuant to the provisions of the Election Funding Act 1981. This Act is designed to achieve two major purposes, viz. to prescribe a scheme of public funding of election campaigns and to provide for the public disclosure of the sources of funds used and expenditure incurred in election campaigns. The Act also provides for the annual payment to eligible parties of amounts from the Political Education Fund.

Section 22(2) of the Act imposes a duty on the Authority 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.

## AIMS & OBJECTIVES

The Authority is responsible for dealing with:

- (a) applications by groups and candidates for registration;
- (b) claims by parties, groups and candidates for payment of election campaign expenditure in respect of Parliamentary elections;
- (c) declarations by parties, groups, candidates and third parties of political contributions received and electoral expenditure incurred in respect of Parliamentary and Local Government elections; and
- (d) claims by parties for payment from the Political Education Fund.

The Authority has a number of other responsibilities including a research role in relation to election funding, political contributions, electoral expenditure and other matters relating to the Act.

## MANAGEMENT & STRUCTURE

Part II of the Election Funding Act 1981 provides that the Authority shall consist of:

- (a) The Electoral Commissioner for New South Wales as Chairperson;
- (b) A member appointed on the nomination of the Premier; and
- (c) A member appointed on the nomination of the Leader of the Opposition in the Legislative Assembly.

During the 2003/2004 year members of the Authority were:

### Chairperson

Mr J Wasson, Dip.Law  
(01.07.03 – 11.01.04)

Mr B DeCelis (Acting)  
(12.01.04 – 30.06.04)

### Appointed on the nomination of the Premier

Mr S J O'Halloran  
(01.07.03 – 25.11.03)

Mr S D Lewis  
(26.11.03 – 30.06.04)

### Appointed on the nomination of the Leader of the Opposition

Mr B E MacCarthy  
(01.07.03 – 25.11.03)

Mr E P Pickering  
(26.11.03 – 30.06.04)

Alternate members were:

### Appointed on the nomination of the Premier

Mr D W Kirby  
(01.07.03 – 25.11.03)

Mr M E Causer  
(26.11.03 – 30.06.04)

### Appointed on the nomination of the Leader of the Opposition

Mrs A M Cohen  
(01.07.03 – 25.11.03)

Mr J A Longley  
(26.11.03 – 30.06.04)

Mrs M Floyd held the position of Secretary of the Authority from 1 July 2003 to 30 January 2004.

A meeting of the Authority was held on 12 October 2003 and was attended by:

Mr J Wasson  
Mr S J O'Halloran  
Mr B E MacCarthy

## SUMMARY REVIEW OF OPERATIONS

### General

During the year the Authority registered candidates and groups contesting the Local Government general election held on 27 March 2004 conducted under the provisions of the Local Government Act 1993 and which involved a record number of candidates.

Some declarations of political contributions received and electoral expenditure incurred lodged by candidates, groups and parties contesting the Local Government general election were received before the end of the year.

Claims for payment from the Political Education Fund lodged by eligible parties were considered and appropriate payments made.

The Authority takes the opportunity to again express its appreciation to the staff of the State Electoral Office for their assistance and support.

### 2003 General Election

During the reporting period the Authority dealt with claims for payment and declarations of political contributions received and electoral expenditure incurred lodged by parties, groups and candidates contesting the General Election held on 22 March 2003.

The following number of parties, groups and candidates contested the election:-

Parties	17
Groups	1
Ungrouped Legislative Council Candidates	7
Legislative Assembly Candidates	660

The amounts available for distribution in accordance with the provisions of the Act were:-

Central Fund	\$ 6,915,113
Constituency Fund	\$ 3,457,556
Total	\$10,372,669

A total of \$10,372,669 was available for distribution to eligible parties, group and candidates contesting the election. Of this amount two-thirds (\$6,915,113) comprises the Central Fund from which eligible parties, groups and candidates contesting the Legislative Council election are paid. The balance (\$3,457,556) comprises the Constituency Fund from which eligible candidates contesting the Legislative Assembly elections are paid. The amount available for payment in each district is calculated by dividing the Constituency Fund by the number of electoral districts (93). The amount for each district would be  $\$3,457,556 \div 93 = \$37,178$ .

The Central Fund is payable to parties dependent upon the number of votes groups endorsed by a party receives at Legislative Council election although no party is entitled to receive more than 50% of the Fund.



The Constituency Fund is divided equally amongst the 93 Legislative Assembly districts and is payable to eligible candidates dependent upon number of votes received. No candidate is entitled to receive more than half the amount available for the district i.e.  $\$37,178 \div 2 = \$18,589$ .

All parties contesting the election were registered under Part 4A of the Parliamentary Electorates and Elections Act 1912 for the purposes of the Election Funding Act.

Schedules containing the following details are available for inspection at the office of the Authority or are available at the State Electoral Office Internet site [www.seo.nsw.gov.au](http://www.seo.nsw.gov.au).

Schedule "A" sets out details of the distribution of the Central Fund to parties pursuant to section 62 of the Act.

Schedule "B" sets out details of the distribution of the Constituency Fund to candidates pursuant to section 67 of the Act.

Schedule "C" sets out a summary of political contributions received and electoral expenditure incurred by parties that endorsed a group at the 2003 Legislative Council election. A summary of political contributions received and electoral expenditure incurred by ungrouped candidates at this election is also set out.

Schedule "D" sets out a summary of political contributions received and electoral expenditure incurred by candidates at the 2003 Legislative Assembly election.

Schedule "E" sets out details of political contributions of more than \$1,500 received by parties that endorsed a group at the 2003 Legislative Council election. Also shown are details of political contributions of more than \$200 received by independent candidates.

Schedule "F" sets out details of political contributions of more than \$200 received by candidates at the 2003 Legislative Assembly election.

#### Matters Arising out of the Examination of Claims and Declarations

Parties, groups and candidates generally complied with the requirements of the Act although there continued to be occasions where additional details had to be sought.

However, the receipt of third party returns has presented some difficulties and this needs to be addressed at future elections.

Overall, those involved in the electoral process seem to be increasingly more aware of the requirements of the Act and this might well be attributable to the instructional material prepared by the Authority. Nonetheless, this latter aspect needs to be the subject to constant review in the light of matters coming to notice during examination of declarations and comments made by stakeholders.

### Third Parties

Under the Act a third party is:-

- (a) a person or organisation who incurs political expenditure of more than \$1,500 by way of a donation to a party or candidate;
- (b) a person or organisation which incurs political expenditure to this amount by way of playing an active role in the political process other than by direct donations to a party or candidate.

A third party is required to lodge a declaration setting out details of the expenditure together with the identity of any person or organisation who contributed more than \$1,000 which was used to incur the expenditure.

An examination has been made of the declarations of political contributions received to identify third parties who donated more than \$1,500 to a party or candidate at the 2003 State general election.

Declarations required under the Act have been received from most of the organisations or persons. Action is being taken with a view to the institution of proceedings against those organisations and persons who have failed to lodge the necessary declaration.

Third party declarations are available for inspection at the office of the Authority.

### Local Government Elections

#### 2004 Local Government General Election

Some 142 Councils held elections contested by a record number of 4962 candidates for the Local Government General Election held on 27 March 2004. Elections were deferred for 17 Councils pending finalisation of amalgamation proposals. (By comparison, in 1999 some 152 of 174 councils held elections and involved 4,552 candidates.)

In addition, 6 council areas, Conargo (4 wards), Coolamon, Dungog (3 wards), Narromine, Quirindi and Warren (4 wards) had uncontested elections as the number of candidates nominating was the same as the number to be elected. A further 27 wards over 19 councils were uncontested.

At the close of the reporting period only a few declarations and claims had been lodged with the Authority. The last day for lodgement of documents was 26 July 2004. In order to provide a complete record of the 2004 Local Government General Election details of all documents lodged will be included in the next Annual Report.

Documents lodged are available for inspection once they have been dealt with by the Authority.

Copies of all declarations lodged are available for inspection at the Authority or at the office of the relevant Council.

## Political Education Fund

### Entitlement for 2004 Calendar Year

Amounts payable to eligible parties for the 2003 calendar year from the Political Education Fund are as follows:-

Party	Entitlement \$
Australian Labor Party (NSW Branch)	688,618
Country Labor Party	126,891
Christian Democratic Party (Fred Nile Group)	32,986
Liberal Party of Australia New South Wales Division	472,444
National Party of Australia - NSW	184,002
The Greens	157,685

Claims for payment from the Political Education Fund are available for inspection at the Authority.

### CHIEF & SENIOR EXECUTIVE OFFICERS

By virtue of section 6(a) of the Election Funding Act the Electoral Commissioner is Chairperson of the Authority. The Electoral Commissioner's office is included in the Public Office Holder Group listed under section 11A of the Statutory and Other Office Remuneration Act 1975.

For the period 1 July 2003 to 11 January 2004, the Chairperson was John Wasson, who as Electoral Commissioner received a total remuneration package of \$214,260 (for the period 12 January to 30 June 2004 Brian DeCelis was the acting Chairperson). The Chairperson did not receive any payments in addition to his remuneration.

The total number of senior executive positions in the Authority during the reporting year was one. No female filled the position during this period.

### CODE OF CONDUCT

The Code of Conduct is set out in the Annual Report of the State Electoral Office.

### CONSULTANTS

The Authority did not use the services of consultants during the reporting period.

## CONTRACT & MARKET TESTING

Internal auditing of the State Electoral Office extends to the records of the Authority. This function is contracted out and for the reporting period the cost to the Authority was \$10,400.

## CONTROLLED ENTITIES

The Authority has no controlled entities.

## DEPARTURE FROM THE SUBORDINATE LEGISLATION ACT

There have been no departures from the provisions of the Subordinate Legislation Act. No extensions have been sought under that Act.

## DISABILITY STRATEGIC PLAN

Details of the Disability Strategic Plan applicable to the Authority are set out in the Annual Report of the State Electoral Office.

## ECONOMIC OR OTHER FACTORS

There were no economic or other factors that have affected the achievement of the operational objectives of the Authority during the reporting year.

## ELECTRONIC SERVICE DELIVERY

The Authority has made many of its forms and instructional material necessary for parties, groups and candidates to comply with the requirements of the legislation available on the Internet. The Authority will continue to develop this material.

Details of contributions received, expenditure incurred and payments made are presently available on the Internet.

## EQUAL EMPLOYMENT OPPORTUNITY

EEO details are set out in the Annual Report of the State Electoral Office.

## ETHNIC AFFAIRS POLICY STATEMENT

Details of the Ethnic Affairs Policy Statement are set out in the Annual Report of the State Electoral Office.

## FINANCE

The financial statements of the Authority 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 Authority for the financial year are included in this Report.

## GOVERNMENT ENERGY MANAGEMENT POLICY

Details of the Government Energy Management Policy are shown in the Annual Report of the State Electoral Office.

## GRANTS TO COMMUNITY ORGANISATIONS

No grants were made to non-government community organisations other than payments made to eligible parties under the Act.

## GUARANTEE OF SERVICE - CONSUMER RESPONSE

On the basis of the continuing improved compliance rate consumer response to the redesigned forms and instructional material continues to be good having regard to their use at the recent Local Government General Election.

## HUMAN RESOURCES

The duties of the position Manager, Parliamentary Elections Division, State Electoral Office, include the functions of the Secretary of the Authority. Staff of the Parliamentary Elections Division provides administration, accounting and research services to the Authority (See "Organisation Structure").

Details of information relating to staff required by virtue of clause 4(1)(j) of the Annual Reports (Statutory Bodies) Regulation 1985 are included in the Annual Report of the State Electoral Office.

No overseas visits were undertaken.

## IMPLEMENTATION OF PRICE DETERMINATION

No publications of the Authority are sold.

## INVESTMENT PERFORMANCE & LIABILITY MANAGEMENT PERFORMANCE

The Authority has no investments or liabilities.

## LAND DISPOSAL

The Authority does not own or have an interest in any realty.

## LEGAL CHANGE

There were no other amendments to the legislation or significant judicial decisions affecting the Authority, parties, groups or candidates during 2003/2004.

## MAJOR ASSETS

The Authority does not possess any assets, major or otherwise.

## MANAGEMENT & ACTIVITIES

The general nature and range of activities of the Authority are set out in the item "Summary Review of Operations".

## OCCUPATIONAL HEALTH AND SAFETY

Details relating to Occupational Health and Safety are shown in the Annual Report of the State Electoral Office.

## ORGANISATION STRUCTURE

See under "Management and Structure"

## PAYMENT OF ACCOUNTS

Accounting functions are managed by the Finance Section of the State Electoral Office. Details of payment of accounts are set out in the Annual Report of that Agency.

## PERFORMANCE INDICATORS/PROGRAM EVALUATION RESULTS

The service functions provided by the Authority are set out on page 1 under the heading "Aims & Objectives".

## POLITICAL EDUCATION FUND

Payment of claims for payment from the Political Education Fund within two weeks after lodgement in proper form:

2000	2001	2002	2003	2004
100%	100%	100%	100%	100%

## PERFORMANCE STATEMENT

Name: J Wasson

Position and Level: Electoral Commissioner  
Chairperson, Election Funding Authority  
Public Office Holder Group

Period in the position: 1 July 2003 to 11 January 2004

By virtue of section 6(a) of the Election Funding Act 1981 the Electoral Commissioner is appointed Chairperson of the Election Funding Authority.

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 State Electoral Office.

The Authority administers the public funding of Parliamentary election campaigns and ensures the disclosure of political contributions and electoral expenditure by parties, groups, candidates and third parties.

During the reporting period:-

- the Authority prepared and distributed instructional material to parties, groups and candidates contesting the 2004 Local Government General Election;
- processed the claims for payment and disclosure of political contributions and electoral expenditure by parties, groups and candidates at 2003 NSW State General Election;
- administered the Political Education Fund established to provide money to eligible parties for expenditure on political education; and
- ensured that third parties disclosed expenditure incurred in relation to the electoral process in the State election.

The Authority, under the Chairperson, undertook all these matters together with others outlined in this Report.

#### PRIVACY MANAGEMENT PLAN

Pursuant to the provisions of the Election Funding Act 1981 all documents lodged with the Authority must be made available for public inspection.

The details of the Privacy Management Plan generally are set out in the Annual Report of the State Electoral Office.

#### PROMOTION

The Authority publishes instructional handbooks for use by parties, groups and candidates contesting State and Local Government elections. These publications explain their rights and responsibilities under the Act and contain examples of the proper manner of completing documents to be lodged with the Authority.

#### RESEARCH & DEVELOPMENT

Research into declarations lodged by parties, groups and candidates indicate that the level of compliance with the requirements of the legislation continues to increase.

Areas where there appears to be some misunderstanding have been identified and will be dealt with in future instructional material and presentations to those involved in general elections.

## RESPONSE TO MATTERS RAISED BY AUDITOR-GENERAL IN MANAGEMENT LETTERS

No matters were raised by the Auditor-General.

## RISK MANAGEMENT & INSURANCE ACTIVITIES

Details of risk management and insurance activities are shown in the Annual Report of the State Electoral Office.

## SOCIAL PROGRAMS

The Authority does not provide any Social Programs.

## SUBSIDIARIES, PARTNERSHIPS, JOINT VENTURES & OTHER ASSOCIATIONS

The Authority has no bodies of this nature with which it is associated or has arrangements.

## WASTE REDUCTION PLAN

Details of the activities in relation to waste reduction are shown in the Annual Report of the State Electoral Office.

## WOMEN'S ACTION PLAN

Details of the Women's Action Plan are shown in the Annual Report of the State Electoral Office.

## REGISTERED PARTIES AS AT 30 JUNE 2004

The undermentioned parties are registered under the Act for the purposes of both State and Local Government elections:-

Australian Democrats (NSW Division)  
Australian Family Alliance  
Australian Labor Party (NSW Branch)  
Australians Against Further Immigration  
Christian Democratic Party (Fred Nile Group)  
Country Labor Party  
Four Wheel Drive Party  
Horse Riders Party  
Liberal Party of Australia New South Wales Division  
National Party of Australia – NSW  
No Privatisation People's Party  
One Nation NSW Political Party  
Outdoor Recreation Party  
Peter Breen – Reform the Legal System  
Save Our Suburbs  
Socialist Alliance



The Fishing Party  
The Greens  
The Shooters Party  
Unity Party

The undermentioned parties are registered or have applied for continued registration under the Act for the purposes of Local Government elections only. 81 of the parties have not complied with the new measures in the Act which required an application for continued registration to be lodged by 1 June 2003 and action is presently being taken for cancellation of their registration.

A Better Mosman  
Advance Eurobodalla Group  
Australian Justice Party  
Bathurst Civic Reform Party  
Best For Bathurst  
Blue Mountains First - Community Independents Incorporated  
Bob Thompson's Independent Team  
Burwood Community Voice  
Byron Community Alliance Network  
Campbelltown Environmental Management Team  
Canada Bay Independents  
Canterbury City Ethnic Party  
Central Coast First  
Change The Name Party  
Citizens Reform Group  
City of Fairfield Community Independents  
Clive Taylor A Better Bankstown Independents  
Col Ritchie, West Ward Progress Association  
Community Action Group - Eurobodalla  
Community Before Developers – Stop Over Development  
Community Development "Environment" Save Campbelltown Koalas  
Community First Alliance  
Community Sports Party  
David Barr's Independent Team  
De-Amalgamation Party  
Democracy Party  
Don't Amalgamate My Municipality  
DMRA  
Eurobodalla - A Better Vision For All  
Eurobodalla First  
Genevieve Rankin - Community Independents  
Get Rid of Woods Party  
Gosford Community Independents  
Holroyd Independents  
Hume Ward Independents  
Hunter Citizens  
Ian Longbottom Independents' Group  
Independent Residents  
Jim Taylor, Connells Point Progress Association  
Jobs For Shoalhaven

John Caputo Community Action Team  
John May's Independent Party  
Julie Sutton Working for "C" Ward  
Kogarah Municipality Combined Progress Association  
Kogarah North Ward Progress Association  
Lane Cove Community Action Group  
Lane Cove Community Independents  
Leichhardt Community Alliance  
Leichhardt Council Community Independents  
Leichhardt Lilyfield Independents For Open Council  
Lismore and District United Ratepayer's Association  
Lismore Community Independents  
Lismore First  
Lismore Progressive Independents  
Lismore Young Independents  
Liverpool Community Independents Team  
Living Sydney Team  
Local Community Independents Group  
Local Voice Party  
Lorraine Wearne Independents  
Manly Community Independents  
Max Boyd Group  
More Car Parking Party  
Mosman Residents Group  
Newcastle Community Independents  
No Politics  
One Happy Valley Party  
Our Community – Our Council  
Our Sustainable Future  
Paul Sinclair Independents Group  
Peter Bryant Independent  
Peter Moxham Forest First  
Pride in our City Independents  
Progress for Richmond Valley  
Progressive Action Group  
Protect Our Garden Shire  
Randwick City Community Independents  
Randwick Ratepayers and Residents Association  
Real Peoples Party  
Residents Action Group for Auburn Area  
Residents and Friends of Manly  
Residents First Woollahra  
Road and Services Action Party  
Ron Owers Independents Group  
Russell Matheson Community First Team  
Ryde Reform Group  
Save the Rabbitohs Party  
Save Tuggerah Lakes  
Secure A Future For Your Pet  
Senior Citizens First  
Shire Watch Independents

Shire Wide Action Group  
Shoalhaven Community Action  
Shoalhaven Independents Group  
Shoalhaven Residents and Ratepayers  
Small Business Support Network  
South Sydney Community Independents  
Stop Subsidence and Mining Madness  
Stop the Rot Environment First  
Strathfield Council Community Independents  
Sustaining the Tweed Rhonda James Group  
Sydney Alliance  
Sydney Independents  
The Kevin Hill Independent Party  
The National Republic Party  
The No Paid Parking Party  
The Progressive Team - Eurobodalla  
The Trevor Kilner for Shoalhaven  
The Womens Team for Wyong Shire  
Totally Locally Committed Party  
Treasure Our Lifestyle  
Tweed Shire Residents & Ratepayers Group  
United Action Party  
United Communities Group  
Vince De Luca's Community Team  
Vision for our Young  
Voice for Eurobodalla Group  
Wagga Wagga Ratepayers and Citizens Association  
Warnervale Anti-Airport Noise Party  
Warringah Community Action Team  
Warringah Community Environment Group  
Warringah Community Representation Party  
Warringah Conservative Independents  
Warringah Independent Network  
West Ward Community Independents Network  
Woollahra Independents' Network  
Working for Warringah  
Wyong Shire First Team  
Youth Alliance Party  
Yvonne Bellamy Independents

Audited Financial Statements

And

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