

Statement

By the Chairperson, NSW Electoral Commission

Statement concerning allegations of local government candidates knowingly making a false statement on their candidate information sheets

The purpose of this statement is to clarify the role of the NSW Electoral Commissioner in relation to the investigation of allegations of local government candidates knowingly making a false statement on their candidate information sheets regarding their status as a property developer or as a close associate of a corporation that is a property developer.

Last year's integrity reforms introduced by the Government required candidates for local government elections to disclose in the candidate information sheets, submitted with their nomination forms, whether they are a property developer or a close associate of a corporation that is a property developer. These reforms were designed to assist electors to make an informed choice when voting for candidates at council elections.

The onus is on candidates to provide accurate information when completing the nomination forms. Candidate information sheets are made in the form of a statutory declaration. It is an offence under clause 359 of the *Local Government (General) Regulations* to knowingly make a false statement in a paper relating to an election. It is also an offence under the *Oaths Act* to make a false declaration.

It should be noted that there is no requirement for a returning officer, when receiving a candidate's nomination form, to interrogate or look behind claims or statements made in a candidate information sheet to verify their accuracy. In practice, provided the form is properly completed and the person satisfies the enrolment requirements, their nomination is accepted.

Following an election, the NSW Electoral Commissioner will examine allegations, brought to his attention, of candidates knowingly making a false statement on their candidate information sheet with regard to their status as a property developer or as a close associate of a corporation that is a property developer.

In accordance with the usual practice the NSW Electoral Commissioner will not make comment on any compliance matter before it.

ABOUT THE NSW ELECTORAL COMMISSION

In December 2014, the three member Electoral Commission was constituted. It is separate to the agency led by the Electoral Commissioner. The Commission is an independent, statutory authority. It approves public funding to the political parties and others and enforces the provisions of three NSW Acts. These provisions govern electoral funding, expenditure and disclosures, the conduct of State elections and the lobbying of government officials. The Commission's Chairperson is the Hon Keith Mason AC QC, a former President of the NSW Court of Appeal (1997 to 2008). The Deputy of the Commission's Chairperson is Adjunct Professor Joseph Campbell, a former judge of the NSW Court of Appeal and the Supreme Court of New South Wales (2001 to 2012). Information about this independent Commission's work can view viewed at:

www.elections.nsw.gov.au/about_us/work_of_the_commission.

More information about funding and disclosure laws is available at: www.elections.nsw.gov.au/fd