

Appendix 3

Comparative table of Commonwealth and NSW funding and disclosure legislative provisions¹

	Commonwealth	NSW
Donations bans and caps	Yes - cap on anonymous donations of more than \$13,000 (2015-16 financial year): <i>Commonwealth Electoral Act 1918</i> (Cth) s 306.	Yes - annual cap of \$5,800 for donations to registered political parties and groups; \$2,500 for candidates, elected members and third-party campaigners (2015-16 financial year): <i>Election Funding, Expenditure and Disclosures Act 1981</i> (NSW) s 95A. Cap of \$1,000 on anonymous donations and in kind campaign contributions: ss 96E and 96F. Ban on property developer, tobacco, gambling and liquor entity donations: Div 4A. Ban on donations from unenrolled individuals and entities without an ABN: s 96D.

1 Derived from NSW Panel of Experts (Dr Kerry Schott (Chair), Mr Andrew Tink AM, The Hon John Watkins), *Working Paper 1 – Overview of Australian Election Funding and Donations Disclosure Laws*, August 2014, Annexure A: Summary of Commonwealth State and Territory Election funding and donations disclosure rules; NSW Electoral Commission website, *Caps on Political Donations*, available at: www.elections.nsw.gov.au/fd/political_donations/caps_on_political_donations; NSW Electoral Commission website, *Unlawful Political Donations*, available at: http://www.elections.nsw.gov.au/fd/political_donations/unlawful_political_donations.

Expenditure limits	No.	<p>Yes - s 95F sets limits on 'electoral communication expenditure' by parties, groups, candidates and third-party campaigners for general elections and by-elections.</p> <p>The expenditure limit for a party that endorses candidates in all 93 districts for the 2015 State election is \$10,341,600.</p>
Public funding	<p>Yes – direct entitlement scheme.</p> <p>Candidates and Senate Groups that receive at least 4% of first preference votes (FPVs) are eligible.</p> <p>The current funding rate is \$2.56 per FPV: Pt XX, Div 3.</p>	<p>Yes – reimbursement scheme.</p> <p>Parties and candidates who receive at least 4% of FPVs are eligible for payments from the Elections Campaign Fund: Pt 5.</p> <p>Parties are also entitled to Administration Funding based on no. of elected members: Pt 6A Div 2.</p> <p>Parties that are ineligible for Administration Funding may apply for Policy Development Funding: Pt 6A, Div 3.</p>
Donations disclosure rules	<p>Yes - parties, associated entities, and third parties who incur electoral expenditure must lodge annual returns, including details of donations of more than \$12,800.</p> <p>Donors to parties must report annually on donations of more than \$12,800.</p> <p>Candidates, donors to candidates, and Senate groups must disclose details of donations of more than \$12,800 after each election: Pt XX, Divs 4-5A.</p>	<p>Yes - parties, groups, elected members, candidates, third party campaigners and major political donors must lodge annual returns, including details of donations of \$1,000 or more: s 92.</p> <p>'Political donations' include membership fees, intra-party transfers, and entry fees for fund-raising events: s 85(2).</p>