

# **ELECTION FUNDING (AMENDMENT) ACT 1987 No. 133**

NEW SOUTH WALES



## **TABLE OF PROVISIONS**

1. Short title
2. Amendment of Act No. 78, 1981

**SCHEDULE 1—AMENDMENTS TO THE ELECTION FUNDING ACT 1981**

---

**ELECTION FUNDING (AMENDMENT) ACT 1987 No. 133**

NEW SOUTH WALES



**Act No. 133, 1987**

An Act to amend the Election Funding Act 1981 with respect to the registration of parties and declarations of political contributions. [Assented to 16 June 1987]

*Election Funding (Amendment) 1987*

---

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Election Funding (Amendment) Act 1987".

**Amendment of Act No. 78, 1981**

2. The Election Funding Act 1981 is amended in the manner set forth in Schedule 1.

---

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE ELECTION FUNDING ACT 1981

(1) Section 4 (**Interpretation**)—

(a) Section 4 (1), definition of "abbreviation"—

Before the definition of "agent", insert:

"abbreviation", in relation to the name of a party, includes an alternate name of the party;

(b) Section 4 (1), definition of "electoral matter"—

After the definition of "electoral district", insert:

"electoral matter" means matter which is intended or likely to affect voting in an election;

(2) Section 26 (**Register of Parties to be kept**)—

(a) Section 26 (1)—

Omit ", for each general election".

(b) Section 26 (2)—

Omit the subsection.

*Election Funding (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE ELECTION FUNDING ACT 1981—  
*continued*(3) Section 28 (**Application for registration**)—

## (a) Section 28 (1)–(1B)—

Omit section 28 (1), insert instead:

(1) Subject to this Act, the Authority shall register a party in the Register of Parties if application for registration is made by the party agent on behalf of the party in the form and manner approved by the Authority.

(1A) If the application for registration of a party was received by the Authority within the period commencing on the day that is 8 days before polling day for a general election and ending on and including the day that is 60 days before the day on which the writs for the election were issued—

(a) the Commissioner may register the party in the Register of Parties; and

(b) any such registration shall be deemed—

(i) to have effect only for the purposes of sections 151A and 151G of the Parliamentary Electorates and Elections Act 1912; and

(ii) to have been effected by the Authority,

but shall cease to be in force when the application is dealt with by the Authority itself.

(1B) A party shall not be registered in the period commencing 8 days before the polling day for an election and ending on and including the polling day.

## (b) Section 28 (2) (b)—

After “documents”, insert “and electoral matter”.

## (c) Section 28 (2) (f)—

Omit “100”, insert instead “200”.

*Election Funding (Amendment) 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE ELECTION FUNDING ACT 1981—  
*continued*

(4) Section 29 (**Refusal to register**)—

(a) Section 29 (1)—

Omit the subsection.

(b) Section 29 (4)—

Omit the subsection, insert instead:

(4) The Authority may refuse to register a party if, in the opinion of the Authority, the name of the party or abbreviation to be used by the party in election documents and electoral matter, as set out in the application for registration of the party—

- (a) is obscene or offensive;
- (b) is the name, is an abbreviation or acronym of the name, or is a derivative of the name of a registered party or a party currently represented in Parliament;
- (c) so nearly resembles the name, or an abbreviation or acronym of the name, of a registered party or a party currently represented in Parliament that it is likely to be confused with or mistaken for that name or that abbreviation or acronym; or
- (d) comprises the words “Independent Party” or comprises or contains the word “Independent” and—
  - (i) the name, or an abbreviation or acronym of the name, of a registered party or a party currently represented in Parliament; or
  - (ii) matter that so nearly resembles the name, or an abbreviation or acronym of the name, of a registered party or a party currently represented in Parliament that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym.

*Election Funding (Amendment) 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE ELECTION FUNDING ACT 1981—  
*continued*

(5) Section 30 (Amendment of Register)—

(a) Section 30 (4A)—

After section 30 (4), insert:

(4A) If an alteration of particulars stated in the Register of Parties in relation to a party is sought—

- (a) to change the name of a party to a specified name;
- (b) to change the abbreviation of the name of the party entered in the Register of Parties to a specified abbreviation; or
- (c) to enter in the Register a specified abbreviation,

section 29 applies in relation to the statement setting out the details of the alteration as if it were an application for the registration of a party.

(b) Section 30 (10)—

After section 30 (9), insert:

(10) If the Authority is satisfied on reasonable grounds that—

- (a) a registered party has ceased to exist (whether by amalgamation with another party or otherwise);
- (b) a registered party not represented in Parliament has ceased to have 200 members;
- (c) the candidates at a general election held after the registration of a party did not include at least one candidate endorsed by the party; or
- (d) the registration of a party was obtained by fraud or misrepresentation,

the Authority may, subject to and in accordance with the regulations, cancel the registration of the party.

*Election Funding (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE ELECTION FUNDING ACT 1981—  
*continued*(6) Section 59 (**General entitlements of parties**)—

Section 59 (2) (a1)—

After section 59 (2) (a), insert:

- (a1) the application for registration was received by the Authority before the period commencing on and including polling day for the general election and ending on and including the day that is 60 days before the day on which the writs for the general election were issued;

(7) Section 87 (**Political contributions that are to be disclosed**)—

(a) Section 87 (3)—

Omit “\$1,000”, insert instead “\$2,500”.

(b) Section 87 (4)—

Omit “\$200”, insert instead “\$500”.

(c) Section 87 (5)—

Omit “\$1,000 or \$200”, insert instead “\$2,500 or \$500”.

(d) Section 87 (7) (c)—

Omit the paragraph, insert instead:

- (c) a payment made under the condition that the money not be used for electoral expenditure in relation to an election,

(8) Schedule 2 (**Transitional Provisions**)—

Clauses 5, 6—

After clause 4, insert:

**Declarations of political contributions**

5. Section 87 as amended by the Election Funding (Amendment) Act 1987 applies to and in respect of declarations of political contributions required to be made after the commencement of that Act.

*Election Funding (Amendment) 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE ELECTION FUNDING ACT 1981—  
*continued*

**Register of Parties**

6. (1) The Register of Parties kept as from the polling day for the general election held in 1984 shall be the Register of Parties required to be kept under this Act after the commencement of the Election Funding (Amendment) Act 1987.

(2) The amendments made to sections 28 and 29 by the Election Funding (Amendment) Act 1987 do not apply to the registration of a party effected, or an application to register a party made, before the period of 60 days before the commencement of that Act.