



New South Wales

Election Funding Amendment Act 2006 No 75

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Election Funding Amendment Act 2006 No 75

Act No 75, 2006

An Act to amend the *Election Funding Act 1981* to make further provision with respect to election funding and the disclosure of electoral expenditure. [Assented to 27 October 2006]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Election Funding Amendment Act 2006*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Election Funding Act 1981 No 78

The *Election Funding Act 1981* is amended as set out in Schedule 1.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Section 74 Claims for, and approvals of, payments

Insert after section 74 (5):

- (6) For the purposes of subsection (2) (b), an amount of expenditure incurred for election campaign purposes by a candidate for election to the Assembly includes, if the candidate is the endorsed candidate of a registered party, any amount of electoral expenditure that is:
 - (a) incurred by that party for the benefit of the candidate or for the benefit of the candidate and other candidates endorsed by the party at the election, and
 - (b) invoiced by that party to the candidate for payment.
- (7) For the purposes of subsection (6), a payment is to be made under this Part even if:
 - (a) the electoral expenditure incurred by the registered party was not incurred as an agent for the candidate, and
 - (b) the candidate had no legal liability to pay to the party the amount of electoral expenditure invoiced.

[2] Section 110A

Insert after section 110:

110A Power to demand information regarding failures to disclose

- (1) If the Authority, or a member of staff of the Authority authorised by it for the purposes of this section, reasonably suspects that a person has failed to lodge a declaration relating to electoral expenditure as required by section 85A, the Authority, or the authorised staff member, may, by notice in writing, require any other person whom the Authority, or the authorised staff member, reasonably suspects may have information regarding that electoral expenditure:
 - (a) to state the name and address of the person who it is suspected failed to lodge the declaration, or
 - (b) to furnish such other information in connection with the electoral expenditure as the Authority, or the authorised staff member, may reasonably require, or

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Schedule 1 Amendments

- (c) to produce to the Authority, or the authorised staff member, at the time and place specified in that notice, any document that relates to the electoral expenditure and permit the Authority, or the authorised staff member, to inspect, and take copies of or extracts from, the document.
- (2) A person must not, without reasonable excuse, fail to comply with a requirement of the Authority, or an authorised staff member, made under this section.
Maximum penalty: 100 penalty units.

[Second reading speech made in—
Legislative Assembly on 18 October 2006
Legislative Council on 18 October 2006]

BY AUTHORITY