



New South Wales

Electoral Legislation Amendment (Local Government Elections) Act 2021 No 20

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Electoral Legislation Amendment (Local Government Elections) Act 2021 No 20

Act No 20, 2021

An Act to amend the *Electoral Funding Act 2018* to make further provision regarding political donations received or made, and electoral expenditure incurred, by or on behalf of participants in local government elections; to amend the *Local Government Act 1993* to provide for matters in relation to the postponement of local government elections; and for related purposes. [Assented to 28 June 2021]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Electoral Legislation Amendment (Local Government Elections) Act 2021*.

2 Commencement

This Act commences on 1 July 2021.

Schedule 1 Amendment of Electoral Funding Act 2018 No 20

[1] Section 14 Person responsible for making disclosures

Omit section 14(3). Insert instead—

- (3) However, despite subsection (2), a party agent is the person responsible for making a disclosure required under this Part for an elected member, candidate or the group, if—
 - (a) the party agent consents in accordance with subsection (4) to be the person responsible for making the disclosure, or
 - (b) the party agent decides in accordance with subsection (4A) to be the person responsible for making the disclosure.

[2] Section 14(4A)

Insert after section 14(4)—

- (4A) A party agent of a registered party may, by written notice given to the Electoral Commission in an approved way, decide to be the person who is responsible for making a disclosure required under this Part for the following—
 - (a) an elected member who is a councillor, including the mayor, of a local government area who is a member of the registered party,
 - (b) a candidate in a local government election who is a member of the registered party,
 - (c) a group in a local government election where all, or 1 or more, of the members of the group are members of the registered party.

[3] Section 14(5)

Omit “such a consent or agreement”.

Insert instead “a consent or agreement under subsection (4)”.

[4] Section 14(5A)–(5C)

Insert after section 14(5)—

- (5A) A party agent may withdraw a decision under subsection (4A) by written notice given to the Electoral Commission in an approved way.
- (5B) A party agent must give a copy of a written notice given under subsection (4A) or (5A) to the elected member or candidate or the members of the group concerned as soon as practicable after giving the written notice to the Electoral Commission.
- (5C) A written notice given under subsection (4A) or (5A) is not invalid because of a failure to comply with subsection (5B).

[5] Schedule 2 Savings, transitional and other provisions

Insert after Part 4—

Part 5 Provision consequent on enactment of Electoral Legislation Amendment (Local Government Elections) Act 2021

21 Disclosures of political donations and electoral expenditure

Section 14, as in force immediately before the commencement of the *Electoral Legislation Amendment (Local Government Elections) Act 2021*, continues to apply to the disclosure of political donations received or made, and electoral expenditure incurred, before that commencement.

[Second reading speech made in—
Legislative Council on 10 June 2021
Legislative Assembly on 23 June 2021]