



New South Wales

Electoral Funding Amendment (Local Government Electoral Expenditure Caps) Act 2024 No 11

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Electoral Funding Amendment (Local Government Electoral Expenditure Caps) Act 2024 No 11

Act No 11, 2024

An Act to amend the *Electoral Funding Act 2018* to make further provision regarding capped local government expenditure periods and local government election campaign electoral expenditure caps; and for other purposes. [Assented to 25 March 2024]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Electoral Funding Amendment (Local Government Electoral Expenditure Caps) Act 2024*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Electoral Funding Act 2018 No 20

1.1 Amendments relating to local government election campaign electoral expenditure caps

[1] Schedule 1 Adjustment for inflation of monetary amounts

Omit clause 3(3). Insert instead—

- (3) For subclause (2), if a local government general election is held on the day specified by the *Local Government Act 1993*, section 287(1) and another local government general election is held on a different day, the other local government general election must be disregarded.

Note— The election period for local government general elections is the ordinary 4-year cycle and early or late elections caused by mergers or other causes are to be disregarded so long as one or more elections are held on the ordinary schedule.

[2] Schedule 1, clause 3(4A)

Insert after clause 3(4)—

- (4A) Despite subclauses (1)–(4), if a subsequent Saturday has been appointed for a local government general election under the *Local Government Act 1993*, section 288, the adjustable amounts that would have applied to the election, except for the delay, continue to apply to the delayed election.

Note— Under the *Local Government Act 1993*, section 288, if the Minister for Local Government is of the opinion that it would be impracticable or inconvenient to hold an election on the Saturday scheduled by that Act, the Minister may appoint a subsequent Saturday for the election, being a Saturday not more than 28 days later than the day when the election should have been held.

[3] Schedule 1, clause 3(8) and (9)

Insert after clause 3(7)—

- (8) For this clause, in relation to local government elections, the first election period that was current when Part 3, Division 4 commenced is taken to have ended on 4 December 2021.

- (9) Accordingly—

- (a) each of the adjustable amounts specified in a provision of Part 3, Division 4 must be adjusted for inflation for the subsequent election period as provided by this clause, and
- (b) the Electoral Commission must publish notice on the NSW legislation website and its website of the amount of each adjustable amount for the election period that results from the adjustment.

[4] Schedule 1, clause 5B(3)

Omit the subclause. Insert instead—

- (3) For subclause (2), if a local government general election is held on the day specified by the *Local Government Act 1993*, section 287(1) and another local government general election is held on a different day, the other local government general election must be disregarded.

Note— The election period for local government general elections is the ordinary 4-year cycle and early or late elections caused by mergers or other causes are to be disregarded so long as one or more elections are held on the ordinary schedule.

[5] Schedule 1, clause 5B(4A)

Insert after clause 5B(4)—

- (4A) Despite subclauses (1)–(4), if a subsequent Saturday has been appointed for a local government general election under the *Local Government Act 1993*, section 288, the adjustable amounts that would have applied to the election, except for the delay, continue to apply to the delayed election.

Note— Under the *Local Government Act 1993*, section 288, if the Minister for Local Government is of the opinion that it would be impracticable or inconvenient to hold an election on the Saturday scheduled by that Act, the Minister may appoint a subsequent Saturday for the election, being a Saturday not more than 28 days later than the day when the election should have been held.

1.2 Other miscellaneous amendments

[1] Section 32 Aggregation of applicable caps—local government election campaigns

Omit “for the party or elected member” from section 32(1).

Insert instead “for the party”.

[2] Section 103 Register of Candidates

Omit section 103(5)(a).

[3] Section 106 Application for registration of groups

Omit section 106(2)(c)(i).

[4] Section 108 Determination of application to register groups

Omit section 108(5) and (6).

[5] Section 129 Amendment of Register

Omit “or, in the case of an official agent appointed by a group, a change in the composition or name of the group” from section 129(d).

[6] Section 130 Application of this Division

Omit “at which there are 2 or more candidates for election”.

[7] Section 158 Review of provisions of Act relating to caps on electoral expenditure for election campaigns

Omit “Electoral Commissioner” from section 158(1).

Insert instead “Electoral Commission”.

[Second reading speech made in—

Legislative Council on 8 February 2024

Legislative Assembly on 13 March 2024]