



New South Wales

Election Funding, Expenditure and Disclosures Amendment (Political Donations) Regulation 2013

under the

Election Funding, Expenditure and Disclosures Act 1981

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Election Funding, Expenditure and Disclosures Act 1981*.

BARRY O'FARRELL, MP
Premier

Explanatory note

Part 6 (Political donations and electoral expenditure) of the *Election Funding, Expenditure and Disclosures Act 1981* (the *EFED Act*) applies in relation to State elections and local government elections.

The object of this Regulation is to remove any doubt about whether sections 96D and 96GA of the EFED Act extend to the following kinds of political donations:

- (a) political donations to be paid into (or held as an asset of) accounts kept exclusively for the purposes of federal government election campaigns,
- (b) political donations to a third-party campaigner that are not to be paid into (or held as an asset of) the campaign account of the third-party campaigner under section 96AA of the EFED Act.

This Regulation is made under the *Election Funding, Expenditure and Disclosures Act 1981*, including section 117 (the general regulation-making power) and, specifically, section 117 (1) (b).

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Election Funding, Expenditure and Disclosures Act 1981

1 Name of Regulation

This Regulation is the *Election Funding, Expenditure and Disclosures Amendment (Political Donations) Regulation 2013*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Election Funding, Expenditure and Disclosures Regulation 2009

Clause 34A

Insert after clause 34:

34A Exemption for political donations for federal government election and third party campaigns

(1) Federal government campaign donations

The making, acceptance or soliciting of a political donation, or the making of a gift to an individual for the purpose of the individual making a political donation, that is to be paid into (or held as an asset of) an account kept exclusively for the purposes of federal government election campaigns is exempt from sections 96D and 96GA of the Act.

(2) The acceptance of a political donation of property (not being money) that is held as an asset of an account kept for federal government election campaigns ceases to be exempt under subclause (1) if the proceeds of the disposal of the property are paid into any other account.

(3) Third-party campaigner donations

The making, acceptance or soliciting of a political donation, or the making of a gift to an individual for the purpose of the individual making a political donation, to a third-party campaigner that is not to be paid into (or held as an asset of) the campaign account of the third-party campaigner under section 96AA of the Act is exempt from sections 96D and 96GA of the Act.