



New South Wales

Electoral Funding Amendment (Savings and Transitional) Regulation 2019

under the

Electoral Funding Act 2018

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electoral Funding Act 2018*.

GLADYS BEREJIKLIAN, MP
Premier

Explanatory note

The object of this Regulation is to provide that the applicable caps on electoral communication expenditure for third-party campaigners set out in section 95F (10) of the *Election Funding, Expenditure and Disclosures Act 1981*, before its repeal, are to apply for the 2019 State general election.

This Regulation is made under the *Electoral Funding Act 2018*, including section 156 (the general regulation-making power) and clause 1 of Schedule 2.

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1 Name of Regulation

This Regulation is the *Electoral Funding Amendment (Savings and Transitional) Regulation 2019*.

2 Commencement

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

Schedule 1 Amendment of Electoral Funding Regulation 2018

Clause 47

Insert after clause 46:

47 Transitional—saving of caps on electoral communication expenditure by third-party campaigners

- (1) The following provisions of the former Act (as in force immediately before the repeal of the former Act) apply until the end of 31 December 2019:
 - (a) section 95F (10),
 - (b) the relevant provisions of the former Act that give effect to the applicable caps set out in that subsection (other than section 95F (14) and Schedule 1 to that Act).
- (2) To avoid doubt:
 - (a) the new Act and this Regulation (other than this clause) do not apply to the applicable caps set out in section 95F (10) of the former Act, and
 - (b) the amounts of those applicable caps, as adjusted by clause 3 of Schedule 1 to the former Act for the election period for the 2015 State general election, apply for the election period for the 2019 State general election, and

Note. Section 95F (10) of the *Election Funding, Expenditure and Disclosures Act 1981* specified the applicable caps on electoral communication expenditure for a third-party campaigner for State general elections. This clause provides for the application of the following applicable caps for third-party campaigners for the 2019 State general election:

 - (a) \$1,288,500 if the third-party campaigner was registered before the commencement of the capped State expenditure period for the election,
 - (b) \$644,300 in any other case.
 - (c) electoral communication expenditure incurred by a third-party campaigner during the capped State expenditure period for the 2019 State general election before the commencement of this clause is to be included in the calculation of the electoral communication expenditure incurred by the third-party campaigner during that capped State expenditure period for the purposes of the provisions applied by subclause (1).
- (3) For the purposes of subclause (1), a reference in section 95F (10) (a) of the former Act to “this Act” is taken to be a reference to the former Act or the new Act.
- (4) This clause has effect despite anything to the contrary in the new Act.
- (5) In this clause:

capped State expenditure period, electoral communication expenditure and third-party campaigner have the same meanings as in the former Act.

former Act means the *Election Funding, Expenditure and Disclosures Act 1981*.

new Act means the *Electoral Funding Act 2018*.

relevant provisions, of the former Act, include Divisions 2B and 5 of Part 6 of the former Act.