



New South Wales

# **Election Funding, Expenditure and Disclosures Further Amendment Bill 2012**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Parliamentary Electorates and Elections Amendment (Redistributions) Bill 2012*.

## **Overview of Bill**

The object of this Bill is to amend the *Election Funding, Expenditure and Disclosures Act 1981*:

- (a) to put beyond doubt that a party that fails to comply with the obligations under section 41 of the Act (eg to appoint a party agent) commits an offence against that section (the penalties currently provided by that section for the party and for officers of the party are contingent on the party committing an offence against that section), and
- (b) to ensure that a person, who is required by section 91 (5) of the Act to make a declaration relating to political donations or electoral expenditure for a relevant disclosure period even if the person has no disclosures to make, can be prosecuted for an offence by clarifying that the lodging of the declaration is the making of a disclosure and that the time for making such a declaration is the time by which declarations containing disclosures are required to be made.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

### **Schedule 1      Amendment of Election Funding, Expenditure and Disclosures Act 1981 No 78**

**Schedule 1 [1]** gives effect to paragraph (a) of the Overview.

**Schedule 1 [2]** gives effect to paragraph (b) of the Overview.

**Schedule 1 [3]** enables the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

**Schedule 1 [4]** extends the amendment made by Schedule 1 [2] to declarations for the period ending 30 June 2012, but gives the persons concerned a further 28 days after the commencement of that amendment in which to lodge a declaration that contains no disclosures.

First print



New South Wales

# **Election Funding, Expenditure and Disclosures Further Amendment Bill 2012**

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New South Wales

# **Election Funding, Expenditure and Disclosures Further Amendment Bill 2012**

No. , 2012

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## **A Bill for**

An Act to amend the *Election Funding, Expenditure and Disclosures Act 1981* with respect to the appointment of party agents and declarations containing no disclosures.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Election Funding, Expenditure and Disclosures Further Amendment Act 2012</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

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<b>Schedule 1</b>	<b>Amendment of Election Funding, Expenditure and Disclosures Act 1981 No 78</b>	1 2 3
<b>[1]</b>	<b>Section 41 Appointment etc of party agents</b>	4
	Omit section 41 (10). Insert instead:	5
	(10) If a party fails to comply with a provision of this section:	6
	(a) the party is guilty of an offence and liable to a penalty not exceeding 200 penalty units, and	7 8
	(b) each person who, at the time the failure occurred, was an officer of the party is guilty of an offence and liable to a penalty not exceeding 100 penalty units.	9 10 11
<b>[2]</b>	<b>Section 91 When and how disclosures to be made</b>	12
	Insert at the end of section 91 (5):	13
	For the purposes of this Act (including this section and sections 90, 95 and 96H):	14 15
	(a) the declaration is taken to be the making of a disclosure required by this Part, and	16 17
	(b) the time required by this Part for lodging the declaration is taken to be the time prescribed by subsection (1) for the making of disclosures under this Part.	18 19 20
<b>[3]</b>	<b>Schedule 2 Transitional provisions</b>	21
	Insert at the end of clause 1A (1):	22
	<i>Election Funding, Expenditure and Disclosures Further Amendment Act 2012</i>	23 24
<b>[4]</b>	<b>Schedule 2</b>	25
	Insert at the end of the Schedule:	26
<b>Part 7</b>	<b>Provisions consequent on enactment of Election Funding, Expenditure and Disclosures Further Amendment Act 2012</b>	27 28 29
<b>22</b>	<b>Application of amendment</b>	30
	(1) The amendment to section 91 (5) of this Act made by the <i>Election Funding, Expenditure and Disclosures Further Amendment</i>	31 32

Election Funding, Expenditure and Disclosures Further Amendment  
Bill 2012

Schedule 1      Amendment of Election Funding, Expenditure and Disclosures Act 1981 No  
78

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- Act 2012* extends to a declaration containing no disclosures for the relevant disclosure period ending on 30 June 2012. 1  
2
- (2) The time required by Part 6 of this Act for lodging such a declaration is taken to be the day that is 28 days after the commencement of the amendment to section 91 (5) of this Act. 3  
4  
5