



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.