



New South Wales

Election Funding Amendment Bill 2002

Explanatory note

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

Overview of Bill

The object of this Bill is to enable candidates entitled to public funding under the *Election Funding Act 1981* to direct that payment of the funding be made to the political party that endorsed the candidate for the election concerned.

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.

Clause 3 is a formal provision giving effect to the amendments to the *Election Funding Act 1981* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendment to the *Election Funding Regulation 1999* set out in Schedule 2.

Schedule 1 Amendment of Election Funding Act 1981

Schedule 1 [3] inserts section 76A into the Act to allow a candidate who is entitled to public funding in relation to his or her election campaign to direct the Election Funding Authority to pay the funding instead to a party that endorsed the candidate in the election for which the payment is to be made and that was a registered party as at the polling day for that election.

Schedule 1 [1] makes a consequential amendment to ensure that a payment to a party under proposed section 76A is still regarded as an amount receivable by a candidate for the purposes of determining the maximum entitlement of candidates to public funding.

Schedule 1 [2] makes a consequential amendment to ensure that a payment to a party under proposed section 76A is not included in the amount used to calculate the entitlement of the party to advance payments under section 69 of the Act.

Schedule 1 [4] makes a consequential amendment to ensure that a payment to a party under proposed section 76A is not included in the amount used to calculate the entitlement of the party to preliminary payments under section 77A of the Act.

Schedule 2 Amendment of Election Funding Regulation 1999

Schedule 2 makes a consequential amendment to the *Election Funding Regulation 1999*.



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Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Election Funding Act 1981 No 78	2
4 Amendment of Election Funding Regulation 1999	2
Schedules	
1 Amendment of Election Funding Act 1981	3
2 Amendment of Election Funding Regulation 1999	5



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Election Funding Amendment Bill 2002

No. , 2002

A Bill for

An Act to amend the *Election Funding Act 1981* and the *Election Funding Regulation 1999* with respect to the payment of public funding for candidates endorsed by a political party.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Election Funding Amendment Act 2002</i> .	3
2 Commencement	4
This Act commences on the date of assent.	5
3 Amendment of Election Funding Act 1981 No 78	6
The <i>Election Funding Act 1981</i> is amended as set out in Schedule 1.	7
4 Amendment of Election Funding Regulation 1999	8
The <i>Election Funding Regulation 1999</i> is amended as set out in Schedule 2.	9
	10

Schedule 1	Amendment of Election Funding Act 1981	1
	(Section 3)	2
[1]	Section 68 Maximum amounts payable	3
	Insert after section 68 (2):	4
	(3) Subsection (1) applies to a payment to a candidate even though the candidate has directed that the payment be made to a party under section 76A.	5 6 7
[2]	Section 69 Entitlements to advance payments	8
	Insert after section 69 (2):	9
	(3) For the purposes of subsection (2), the total amount to which a party was entitled under this Part does not include any amount payable to the party under section 76A.	10 11 12
[3]	Section 76A	13
	Insert after section 76:	14
	76A Making of payments to party at the direction of candidate	15
	(1) A candidate to whom a payment is to be made under this Part for an election for an electoral district may direct the Authority to make the payment to a party that:	16 17 18
	(a) endorsed the candidate in that election, and	19
	(b) was a registered party as at the polling day for that election.	20 21
	(2) In that case, the party becomes entitled to the payment and the payment is to be made to that party instead of to that candidate.	22 23
	(3) A direction under this section:	24
	(a) may be made in anticipation of an entitlement to a payment under this Part, and	25 26
	(b) is required to be made in writing, and	27
	(c) may be revoked by the candidate by notice to the Authority given with the written consent of the registered agent of the party.	28 29 30

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Schedule 1 Amendment of Election Funding Act 1981

[4] Section 77A Prepayment on lodgment of claims	1
Insert after section 77A (2):	2
(2A) For the purposes of subsection (2), the total amount estimated by the Authority to be payable to a party does not include any amount payable to the party under section 76A.	3 4 5

Schedule 2	Amendment of Election Funding Regulation 1999	1
		2
	(Section 4)	3
Clause 7 Part 5 payments generally		4
Insert after clause 7 (2):		5
(3) Subclause (2) does not apply to a payment referred to in section 76A of the Act.		6
		7