



New South Wales

# Electoral Funding Amendment (Local Government Electoral Expenditure Caps) Bill 2024

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Electoral Funding Act 2018* as follows—

- (a) to clarify certain indexation provisions about local government election campaign electoral expenditure caps,
- (b) to make other minor amendments.

## 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.

## Schedule 1 Amendment of Electoral Funding Act 2018 No 20

### 1.1 Amendments relating to local government election campaign electoral expenditure caps

**Schedule 1.1[1] and [4]** make it clear that, for the purpose of determining the end of an election period, which triggers the indexation of local government election campaign electoral expenditure cap amounts, and of office accommodation amounts to be excluded from the caps, if a local government general election for a council is held on the ordinary day scheduled by the *Local Government Act 1993*, section 287(1), that is, according to the 4-year election cycle, and a local government general election for another council is held on a different day, the other local government general election is to be disregarded.

**Schedule 1.1[2] and [5]** provide that if a local government election is delayed by an order under the *Local Government Act 1993*, section 288, being a delay of not more than 28 days, the local government election campaign electoral expenditure cap amounts, and the office accommodation amounts to be excluded from the caps, that would have applied to the election, except for the delay, continue to apply to the delayed election.

**Schedule 1.1[3]** provides that for the purpose of determining when to index certain local government election campaign electoral expenditure caps, the first election period under the indexation provisions is taken to have ended on 4 December 2021. Accordingly, the local government election expenditure cap amounts are required to be indexed as provided by the provisions and the Electoral Commission is required to publish notice of the indexed amounts on the NSW legislation website and the Electoral Commission's website.

## 1.2 Other miscellaneous amendments

**Schedule 1.2[1]** removes a redundant reference to local government election campaign electoral expenditure caps for elected members in a provision about the aggregation of expenditure of parties, elected members and associated entities.

**Schedule 1.2[2]** removes a requirement that a group of candidates registered under the *Electoral Funding Act 2018* must have a registered name. **Schedule 1.2[3], [4] and [5]** make consequential amendments. **Schedule 1.2[5]** also removes a redundant reference to official agents appointed by groups.

**Schedule 1.2[6]** provides that registers for by-elections, being the Register of Candidates, the Register of Third-party Campaigners and the Register of Official Agents, must be kept even if there is only one candidate at the by-election.

**Schedule 1.2[7]** provides that the Electoral Commission, and not the Electoral Commissioner, is to conduct the review of provisions of the *Electoral Funding Act 2018* relating to caps on electoral expenditure for election campaigns.



New South Wales

# Electoral Funding Amendment (Local Government Electoral Expenditure Caps) Bill 2024

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*This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council*

*Clerk of the Parliaments*



New South Wales

# **Electoral Funding Amendment (Local Government Electoral Expenditure Caps) Bill 2024**

No. \_\_\_\_\_, 2024

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## **A Bill for**

An Act to amend the *Electoral Funding Act 2018* to make further provision regarding capped local government expenditure periods and local government election campaign electoral expenditure caps; and for other purposes.

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*The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.*

*Legislative Assembly*

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*Clerk of the Legislative Assembly*

**Tabling copy**

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Electoral Funding Amendment (Local Government Electoral Expenditure Caps) Act 2024*.

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**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Electoral Funding Act 2018 No 20</b>	1
<b>1.1</b>	<b>Amendments relating to local government election campaign electoral expenditure caps</b>	2
		3
<b>[1]</b>	<b>Schedule 1 Adjustment for inflation of monetary amounts</b>	4
	Omit clause 3(3). Insert instead—	5
	(3) For subclause (2), if a local government general election is held on the day specified by the <i>Local Government Act 1993</i> , section 287(1) and another local government general election is held on a different day, the other local government general election must be disregarded.	6
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	<b>Note—</b> The election period for local government general elections is the ordinary 4-year cycle and early or late elections caused by mergers or other causes are to be disregarded so long as one or more elections are held on the ordinary schedule.	10
		11
		12
<b>[2]</b>	<b>Schedule 1, clause 3(4A)</b>	13
	Insert after clause 3(4)—	14
	(4A) Despite subclauses (1)–(4), if a subsequent Saturday has been appointed for a local government general election under the <i>Local Government Act 1993</i> , section 288, the adjustable amounts that would have applied to the election, except for the delay, continue to apply to the delayed election.	15
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	<b>Note—</b> Under the <i>Local Government Act 1993</i> , section 288, if the Minister for Local Government is of the opinion that it would be impracticable or inconvenient to hold an election on the Saturday scheduled by that Act, the Minister may appoint a subsequent Saturday for the election, being a Saturday not more than 28 days later than the day when the election should have been held.	19
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<b>[3]</b>	<b>Schedule 1, clause 3(8) and (9)</b>	24
	Insert after clause 3(7)—	25
	(8) For this clause, in relation to local government elections, the first election period that was current when Part 3, Division 4 commenced is taken to have ended on 4 December 2021.	26
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	(9) Accordingly—	29
	(a) each of the adjustable amounts specified in a provision of Part 3, Division 4 must be adjusted for inflation for the subsequent election period as provided by this clause, and	30
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	(b) the Electoral Commission must publish notice on the NSW legislation website and its website of the amount of each adjustable amount for the election period that results from the adjustment.	33
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<b>[4]</b>	<b>Schedule 1, clause 5B(3)</b>	36
	Omit the subclause. Insert instead—	37
	(3) For subclause (2), if a local government general election is held on the day specified by the <i>Local Government Act 1993</i> , section 287(1) and another local government general election is held on a different day, the other local government general election must be disregarded.	38
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	<b>Note—</b> The election period for local government general elections is the ordinary 4-year cycle and early or late elections caused by mergers or other causes are to be disregarded so long as one or more elections are held on the ordinary schedule.	42
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<b>[5]</b>	<b>Schedule 1, clause 5B(4A)</b>	45
	Insert after clause 5B(4)—	46

(4A)	Despite subclauses (1)–(4), if a subsequent Saturday has been appointed for a local government general election under the <i>Local Government Act 1993</i> , section 288, the adjustable amounts that would have applied to the election, except for the delay, continue to apply to the delayed election.	1 2 3 4
	<b>Note—</b> Under the <i>Local Government Act 1993</i> , section 288, if the Minister for Local Government is of the opinion that it would be impracticable or inconvenient to hold an election on the Saturday scheduled by that Act, the Minister may appoint a subsequent Saturday for the election, being a Saturday not more than 28 days later than the day when the election should have been held.	5 6 7 8 9
<b>1.2</b>	<b>Other miscellaneous amendments</b>	10
<b>[1]</b>	<b>Section 32 Aggregation of applicable caps—local government election campaigns</b>	11
	Omit “for the party or elected member” from section 32(1).	12
	Insert instead “for the party”.	13
<b>[2]</b>	<b>Section 103 Register of Candidates</b>	14
	Omit section 103(5)(a).	15
<b>[3]</b>	<b>Section 106 Application for registration of groups</b>	16
	Omit section 106(2)(c)(i).	17
<b>[4]</b>	<b>Section 108 Determination of application to register groups</b>	18
	Omit section 108(5) and (6).	19
<b>[5]</b>	<b>Section 129 Amendment of Register</b>	20
	Omit “or, in the case of an official agent appointed by a group, a change in the composition or name of the group” from section 129(d).	21 22
<b>[6]</b>	<b>Section 130 Application of this Division</b>	23
	Omit “at which there are 2 or more candidates for election”.	24
<b>[7]</b>	<b>Section 158 Review of provisions of Act relating to caps on electoral expenditure for election campaigns</b>	25 26
	Omit “Electoral Commissioner” from section 158(1).	27
	Insert instead “Electoral Commission”.	28