



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.