



New South Wales

# Parliamentary Electorates and Elections Amendment (Registration of Parties) Bill 1999

## Explanatory note

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

## Overview of Bill

The objects of this Bill are:

- (a) to ensure that a party cannot be registered under the *Parliamentary Electorates and Elections Act 1912* if more than one-quarter of the members of the party whose names are set out in the application for registration were signatories to another party's application for registration at any time in the preceding 5 years, and
- (b) to require a party that is registered or applies for registration to have at least 1,000 members (instead of either a Parliamentary representative or 200 members) and to ensure that that level of membership is maintained.

## 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 1 January 2001.

**Clause 3** is a formal provision giving effect to the amendments to the *Parliamentary Electorates and Elections Act 1912* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the consequential amendments to the *Local Government Act 1993* set out in Schedule 2.

## **Schedule 1 Amendment of Parliamentary Electorates and Elections Act 1912**

At present, an application for registration of a party must set out certain matters, including either the name and address of a member of Parliament who is a member of the party or the names, addresses and signatures of 200 electors who are members of the party.

**Schedule 1 [1]–[3]** increase the membership requirement from 200 to 1,000 members and remove eligibility on the basis of representation in Parliament. As a result of the amendments, a party with fewer than 1,000 members will not be eligible for registration, whether or not any member of the party is a member of Parliament.

**Schedule 1 [4]** requires the Electoral Commissioner to consider each application for registration for the purpose of determining whether or not it was duly made.

**Schedule 1 [5]** requires the Electoral Commissioner to refuse to register a party if the Electoral Commissioner is satisfied that more than one-quarter of the members whose names are set out in the application under consideration have had their names set out in an application for the registration of any other party in the preceding 5 years.

**Schedule 1 [6]** requires existing registered parties to submit information regarding their membership after the commencement of the proposed Act and after each periodic Council election, so that the Electoral Commissioner can determine their continuing eligibility to be registered.

**Schedule 1 [7]** provides for cancellation of registration if membership falls below the new level established by the proposed Act.

**Schedule 1 [8]** and **[9]** insert savings and transitional provisions consequent on the enactment of the proposed Act.

## **Schedule 2 Consequential amendment of Local Government Act 1993**

Section 320 of the *Local Government Act 1993* provides for a register of political parties for the purposes of local council elections comprising parties registered for State elections under Part 4A of the *Parliamentary Electorates and Elections Act 1912* and parties specially registered for council elections in accordance with Part 4A (as applied to council elections, with modifications). The principal modification is that only 100 party members and not 200 party members are required for a party to be eligible to be registered.

The amendment to the Act makes consequential changes and applies to parties registered for council elections the requirement to submit information regarding membership. The special eligibility criteria of 100 members, or one member who is a member of council, for council elections is not affected despite the increase to 1,000 members for State elections.



New South Wales

# Parliamentary Electorates and Elections Amendment (Registration of Parties) Bill 1999

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New South Wales

# Parliamentary Electorates and Elections Amendment (Registration of Parties) Bill 1999

No. , 1999

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## A Bill for

An Act to amend the *Parliamentary Electorates and Elections Act 1912* with respect to the requirements for the registration of political parties; and for other purposes.

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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>Parliamentary Electorates and Elections Amendment (Registration of Parties) Act 1999</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on 1 January 2001.	6
<b>3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41</b>	7
The <i>Parliamentary Electorates and Elections Act 1912</i> is amended as set out in Schedule 1.	8 9
<b>4 Consequential amendment of Local Government Act 1993 No 30</b>	10
The <i>Local Government Act 1993</i> is amended as set out in Schedule 2.	11

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<b>Schedule 1</b>	<b>Amendment of Parliamentary Electorates and Elections Act 1912</b>	1
		2
	(Section 3)	3
<b>[1]</b>	<b>Section 66A Definitions</b>	4
	Omit the definition of <i>eligible party</i> . Insert instead:	5
	<i>eligible party</i> means a party that has at least 1,000 members, being a party established on the basis of a written constitution (however expressed) that sets out the platform or objectives of the party.	6 7 8 9
<b>[2]</b>	<b>Section 66D Application for registration</b>	10
	Omit section 66D (2) (g). Insert instead:	11
	(g) set out the names, addresses (as enrolled) and signatures of 1,000 electors who are members of the party, and	12 13
<b>[3]</b>	<b>Section 66DA Notice of application for registration</b>	14
	Omit “200” from section 66DA (4). Insert instead “1,000”.	15
<b>[4]</b>	<b>Section 66DB</b>	16
	Insert after section 66DA:	17
<b>66DB</b>	<b>Electoral Commissioner must investigate application for registration</b>	18 19
	(1) The Electoral Commissioner must consider every application for the registration of an eligible party for the purpose of determining whether or not the application was duly made.	20 21 22
	(2) Without limiting subsection (1), the Electoral Commissioner must consider whether or not any elector whose name is set out in the application for registration has, in the previous 5 years, had his or her name set out in another application as a member of another party that was subsequently registered (and that, immediately before the current application was made, remained registered).	23 24 25 26 27 28 29

<b>[5] Section 66G Refusal to register</b>	1
Insert after section 66G (1):	2
(1A) Without limiting subsection (1), the Electoral Commissioner must refuse to register a party if the Electoral Commissioner is satisfied (either after considering an objection or otherwise) that more than one-quarter of the members of the party whose names are set out in the application have, in the previous 5 years, had their names set out in another application as a member of another party that was subsequently registered and that remains registered.	3 4 5 6 7 8 9 10
<b>[6] Section 66HA</b>	11
Insert after section 66H:	12
<b>66HA Provision of information regarding membership</b>	13
(1) The registered officer of a party must:	14
(a) in the case of a party registered immediately before 1 January 2001—by 31 January 2001, and	15 16
(b) within one year after a periodic Council election, and	17
(c) at such other times as the Electoral Commissioner may require,	18 19
furnish to the Electoral Commissioner a list of the names, addresses and signatures of at least 1,000 electors who are members of the party, in the form and manner approved by the Electoral Commissioner.	20 21 22 23
(2) If a registered party fails to comply with any requirement made under this section, the party is taken not to be eligible for registration under this Part, and the Electoral Commissioner must cancel its registration accordingly.	24 25 26 27
<b>[7] Section 66I Cancellation of registration</b>	28
Omit section 66I (2) (b). Insert instead:	29
(b) a registered party has ceased to have 1,000 members, or	30





Parliamentary Electorates and Elections Amendment (Registration of Parties) Bill 1999

Schedule 1      Amendment of Parliamentary Electorates and Elections Act 1912

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**4    Saving of existing parties**

The amendment made to section 66I by the amending Act, and section 66HA, do not empower the Electoral Commissioner to cancel the registration of a party that was registered immediately before 1 January 2001 until 1 February 2001 (unless, during that time, the party is deregistered and re-registers).

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<b>Schedule 2</b>	<b>Consequential amendment of Local Government Act 1993</b>	1
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	(Section 4)	3
<b>Section 320</b>	<b>Registration of parties</b>	4
	Omit section 320 (3) (e) and (f). Insert instead:	5
(e)	the references to 1,000 members in the definition of <i>eligible party</i> in section 66A of that Act, and in section 66I (2) (b) of that Act, were references to either 100 members or to at least one member of the party who is a member of council, and	6 7 8 9 10
(f)	the references to 1,000 electors in sections 66D (2) (g), 66DA (4) and 66HA (1) of that Act were references to either 100 electors, or to one member of the party who is a member of council.	11 12 13 14