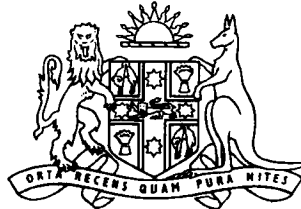


Passed by both Houses



New South Wales

Parliamentary Electorates and Elections Amendment Bill 1999

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council

1999

Clerk of the Parliaments



New South Wales

Parliamentary Electorates and Elections Amendment Bill 1999

Act No , 1999

An Act to amend the *Parliamentary Electorates and Elections Act 1912* with respect to voting in Legislative Council elections and the registration of political parties; and to make consequential amendments to the *Local Government Act 1993*.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Parliamentary Electorates and Elections Amendment Act 1999*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation (being not earlier than 1 January 2000).

3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41

The *Parliamentary Electorates and Elections Act 1912* is amended as set out in Schedules 1 and 2.

4 Consequential amendment of Local Government Act 1993 No 30

The *Local Government Act 1993* is amended as set out in Schedule 3.

Schedule 1 Amendment of Parliamentary Electorates and Elections Act 1912 relating to group ticket voting

(Section 3)

[1] Section 3 Definitions

Omit the definition of *Group voting ticket* from section 3 (1).

[2] Section 3 (1), definition of “Group voting ticket square”

Omit the definition. Insert instead:

Group voting square means a square printed on a ballot-paper for a periodic Council election above the names of the candidates included in a group who have duly requested under section 81C (1A) a group voting square for the purposes of the election.

[3] Section 81C Grouping of candidates

Insert after section 81C (1):

- (1A) A claim under subsection (1) may also include a request for a group voting square for the group on the ballot-papers to be used in the election concerned, but only if there are at least 15 candidates in the group at the close of nominations for the election.

[4] Section 81C (6) and (7)

Insert after section 81C (5):

- (6) The candidates who are included in a group for a periodic Council election and who have duly requested a group voting square for the election, are required to nominate, for the purposes of section 129EB, one other group of candidates in the election for whom a second preference vote is taken to be recorded on all ballot papers on which only a first preference

vote is recorded for the first-mentioned group if that group ceases to have 15 candidates because of the operation of subsection (5).

- (7) The following provisions apply to nominations under subsection (6):
- (a) A nomination may be made at the time the candidates request a group voting square for the election or within 24 hours after the close of nominations for the election. However, the Electoral Commissioner may accept a late nomination so long as it is made before the day for the taking of the poll in the election.
 - (b) A nomination may be made on behalf of the candidates in the group by the first candidate in the group or by the registered officer of a registered party that has endorsed all or any of the candidates for the election.
 - (c) A group of candidates is not eligible to be nominated unless the candidates in that group have duly requested a group voting square for the election.
 - (d) The Electoral Commissioner is to cause notice of the nominations to be published, at least one week before the day for the taking of the poll in the election, in one or more newspapers circulating throughout New South Wales.
 - (e) Once a nomination has been lodged with the Electoral Commissioner in respect of the election, the nomination may not be changed, nor may a further nomination be made for the election by or on behalf of any of the candidates concerned.

[5] Section 81F Deposit for periodic Council election

Insert after section 81F (1):

- (1A) However, the amount of the deposit for a candidate included in a group comprising more than 10 candidates (but not more than 21 candidates) is \$5,000 divided by the number of candidates in that group.

[6] Section 83B Printing of ballot-papers

Omit “each group voting ticket square” from section 83B (5) (a) wherever occurring.

Insert instead “any group voting square”.

[7] Section 83B (5A)

Omit “a group has a group voting ticket registered”.

Insert instead “the candidates in a group have duly requested under section 81C (1A) a group voting square”.

[8] Section 83C Group voting tickets

Omit the section.

[9] Section 83D Notification of party endorsement

Omit section 83D (4) (b). Insert instead:

- (b) the candidates have duly requested under section 81C (1A) a group voting square for the purposes of the election,

[10] Section 83D (4)

Omit “group voting ticket square”. Insert instead “group voting square”.

[11] Section 83H Printing of party name etc on ballot-papers

Omit “group voting ticket square” from section 83H (2) wherever occurring.

Insert instead “group voting square”.

[12] Section 86A Group voting tickets to be displayed at polling-places

Omit the section.

[13] Section 103 Vote, how given

Omit section 103 (4). Insert instead:

- (4) If the ballot-paper in a periodic Council election contains one or more group voting squares, the voter may record a vote by placing the number “1” in any one of those squares instead of

recording a vote in accordance with subsection (3) and may, if he or she wishes, vote for additional groups of candidates by placing consecutive numbers beginning with the number “2” in the group voting squares above the names of those additional groups of candidates in the order of his or her preferences for them.

[14] Sections 129EA, 129EB

Omit section 129EA. Insert instead:

129EA Formal votes where vote recorded in group voting square

- (1) If a voter records a vote on a ballot-paper by placing the number “1” in the group voting square for one of the groups, the ballot-paper is taken to have recorded on it a first preference vote for the first candidate included in the group and subsequent preferences for all other candidates included in the group in the order of the names of the candidates on the ballot-paper.
- (2) If the voter also records a vote on the ballot-paper by placing the number “2” in the group voting square for another group, the ballot-paper is taken to have recorded on it a preference (subsequent to those referred to in subsection (1)) for the first candidate included in that other group and subsequent preferences for all other candidates included in that other group in the order of the names of the candidates on the ballot-paper.
- (3) If the voter also records a vote on the ballot-paper by placing the number “3” or subsequent numbers in the group voting squares for other groups, the ballot-paper is taken to have recorded on it preferences (subsequent to those referred to in subsections (1) and (2)) for the first candidate included in those other groups and subsequent preferences for all other candidates included in those other groups in the order of the names of the candidates on the ballot-paper.

129EB Special provision where minimum size of group reduced by death of candidate etc

- (1) This section applies to ballot-papers in which the voter records a vote by placing the number “1” in the group voting square for one of the groups and does not record any other preference, where that group ceases to have 15 candidates because of the operation of section 81C (5).
- (2) The ballot-papers to which this section applies are taken to have recorded on them a second preference vote for the group nominated under section 81C (6).

[15] Section 129F Informal ballot-papers

Omit “group voting ticket square” and “group voting ticket squares” wherever occurring.

Insert instead “group voting square” and “group voting squares” respectively.

[16] Section 129F (2D)

Omit the subsection. Insert instead:

- (2D) Notwithstanding anything to the contrary in this Act, a ballot-paper on which the voter has recorded his or her vote by placing in one square the number “1” shall not be informal by reason only that:
 - (a) the same preference (other than his or her first preference) has been recorded on the ballot-paper for more than one candidate or one group of candidates, but the ballot-paper shall be treated as if those preferences and any subsequent preferences had not been recorded on the ballot-paper, or
 - (b) there is a break in the order of his or her preferences, but the ballot paper shall be treated as if any subsequent preference had not been recorded on the ballot-paper.

Parliamentary Electorates and Elections Amendment Bill 1999

Schedule 1 Amendment of Parliamentary Electorates and Elections Act 1912
relating to group ticket voting

[17] Section 129F (3)

Omit “(or indicated on a group voting ticket adopted by any such ballot-paper)”.

Insert instead “(or taken to be indicated on any such ballot-paper by a vote recorded in a group voting square)”.

[18] Schedule 4A Form of ballot-paper

Omit the Schedule. Insert instead:

Schedule 4A BALLOT-PAPER NEW SOUTH WALES Election of 21 Members of Legislative Council

Electoral District Elector enrolled		GROUP Q	GROUP C	GROUP B	GROUP A
<p>You may vote in one of two ways:</p> <p style="text-align: center;"><i>either</i></p> <p>Place the number "1" in the square above the group of candidates for whom you desire to vote. You may if you wish vote for additional groups of candidates by placing consecutive numbers beginning with the number "2" in the squares above the additional groups of candidates in order of your preferences for them.</p>		<p>GROUP Q</p> <p style="text-align: center;"><input type="checkbox"/></p>	<p>GROUP C</p> <p style="text-align: center;"><input type="checkbox"/></p>	<p>GROUP B</p> <p style="text-align: center;"><input type="checkbox"/></p>	<p>GROUP A</p> <p style="text-align: center;"><input type="checkbox"/></p>
<p>or</p> <p>Place the numbers "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14" and "15" in the squares opposite the names of 15 candidates in order of your preferences for them. You may if you wish vote for additional candidates by placing consecutive numbers beginning with the number "16" in the squares opposite the names of those additional candidates in the order of your preferences for them.</p>		<p>GROUP Q</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>BOOKMAN John **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>CRANE June **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>ADLER Greg ***</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>SPICER Melanie ***</p>	<p>GROUP C</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>LEVY Mark **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>WOOD Henry **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>FONG Phillip **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>ILIC Petar **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>HAYES Graham **</p>	<p>GROUP B</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>WILLIAMS Gregory **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>ROGERS Ralph **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>PERCIVAL Eleanor **</p>	<p>GROUP A</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>PARKER Alan **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>MILLER John **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>MORGAN Albert **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>LUMSDAINE Elaine **</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>POULOS Nicholas **</p>
		<p>GROUP Q</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>RODDER Jodie ***</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>PASCALUS Sasha ***</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>ADLER Greg ***</p> <p style="text-align: center;"><input type="checkbox"/></p> <p>SPICER Melanie ***</p>			

* Here insert name of registered party or composite name if to be printed

** Here insert name of registered party if to be printed

*** Here insert name of registered party or word "Independent" if to be printed

Parliamentary Electorates and Elections Amendment Bill 1999

Schedule 1 Amendment of Parliamentary Electorates and Elections Act 1912
relating to group ticket voting

[19] Schedule 15A Form of ballot-paper

Omit the Schedule. Insert instead:

Schedule 15A BALLOT-PAPER
NEW SOUTH WALES Election of 21 Members of Legislative Council

The elector must not mark a vote on the ballot-paper until after the elector has first exhibited the ballot-paper (in blank) to the Authorised Witness

Electoral District Elector enrolled

	GROUP A *	GROUP C *	GROUP Q *
<p>You may vote in one of two ways:</p> <p style="text-align: center;"><i>either</i></p> <p>Place the number "1" in the square above the group of candidates for whom you desire to vote. You may if you wish vote for additional groups of candidates by placing consecutive numbers beginning with the number "2" in the squares above the additional groups of candidates in order of your preferences for them.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p style="text-align: center;"><i>or</i></p> <p>Place the numbers "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", and "15" in the squares opposite the names of 15 candidates in order of your preferences for them. You may if you wish vote for additional candidates by placing consecutive numbers beginning with the number "16" in the squares opposite the names of those additional candidates in the order of your preferences for them.</p>	<p style="text-align: center;">GROUP A *</p> <p><input type="checkbox"/> PARKER Alan **</p> <p><input type="checkbox"/> MILLER John **</p> <p>.....</p> <p><input type="checkbox"/> MORGAN Albert **</p> <p><input type="checkbox"/> LUMSDAINE Elaine **</p> <p><input type="checkbox"/> POULOS Nicholas **</p>	<p style="text-align: center;">GROUP C *</p> <p><input type="checkbox"/> LEVY Mark **</p> <p><input type="checkbox"/> WOOD Henry **</p> <p>.....</p> <p><input type="checkbox"/> FONG Phillip **</p> <p><input type="checkbox"/> ILIC Peter **</p> <p><input type="checkbox"/> HAYES Graham **</p>	<p style="text-align: center;">GROUP Q *</p> <p><input type="checkbox"/> BOOKMAN John **</p> <p><input type="checkbox"/> CRANE June **</p> <p>.....</p> <p><input type="checkbox"/> KING Henry **</p> <p><input type="checkbox"/> WILSON Mary **</p> <p><input type="checkbox"/> FRENCH Charles **</p>
	<p style="text-align: center;">GROUP B *</p> <p><input type="checkbox"/> WILLIAMS Gregory **</p> <p><input type="checkbox"/> ROGERS Ralph **</p> <p><input type="checkbox"/> PERCIVAL Eleanor **</p>		<p style="text-align: center;">GROUP Q *</p> <p><input type="checkbox"/> RODGER Jodie ***</p> <p><input type="checkbox"/> PASCALIS Sasha ***</p> <p><input type="checkbox"/> ADLER Greg ***</p> <p><input type="checkbox"/> SPICER Melanie ***</p>

* Here insert name of registered party or composite name if to be printed
 ** Here insert name of registered party if to be printed
 *** Here insert name of registered party or word "independent" if to be printed

Schedule 2 Amendment of Parliamentary Electorates and Elections Act 1912 relating to political parties

(Section 3)

[1] Section 66A Definitions and related provisions

Omit the definition of *eligible party*. Insert instead:

eligible party means (subject to subsection (2)) a party:

- (a) that has at least 750 members, and
- (b) that is established on the basis of a written constitution (however expressed) that sets out the platform or objectives of the party.

[2] Section 66A (2)

Insert at the end of section 66A:

- (2) Two or more parties cannot rely on the same member for the purpose of qualifying or continuing to qualify as an eligible party. The following provisions apply accordingly:
 - (a) a member who is relied on by 2 or more parties may nominate the party entitled to rely on the member, but if a party is not nominated after the Electoral Commissioner has (in accordance with the regulations) given the member an opportunity to do so, the member is not entitled to be relied on by any of those parties,
 - (b) the members on whom a registered party relies may be changed at any time by an amendment of the Register of Parties,
 - (c) the registration of a party is not to be cancelled because of this subsection unless the party is given an opportunity by the Electoral Commissioner (in accordance with the regulations) to change the members on whom it relies.

[3] Section 66D Application for registration

Omit section 66D (1). Insert instead:

- (1) An application for the registration of a party may be made to the Electoral Commissioner (in the form and manner approved by the Electoral Commissioner) by the secretary of the party.

[4] Section 66D (2)

Omit section 66D (2) (g). Insert instead:

- (g) set out the names and addresses (as enrolled) of 750 electors who are members of the party and on whom the party relies for the purpose of qualifying as an eligible party, and
- (g1) be accompanied by declarations of membership of the party (in the form prescribed by the regulations) completed and signed by the members on whom the party relies for the purpose of qualifying as an eligible party, and

[5] Section 66D (3)

Insert after section 66D (2):

- (3) An application for the registration of a party must be accompanied by a fee of \$2,000.

[6] Section 66DA Notice of application for registration

Omit “names, addresses and signatures of 200 electors” from section 66DA (4).

Insert instead “names and addresses of 750 electors”.

[7] Section 66FA

Insert after section 66F:

66FA Entitlements resulting from party registration not available until first anniversary of registration

- (1) A party that becomes registered under this Part is not a registered party until the first anniversary of its registration for the following purposes:
 - (a) Division 6B of Part 5 (Party endorsement on ballot-papers),
 - (b) section 79 (Nomination of Assembly candidates) and section 81B (Nomination of Council candidates),
 - (c) section 151G (Registration of electoral matter).
- (2) A party that becomes registered under this Part is not, until the first anniversary of its registration:
 - (a) a registered party for the purposes of the *Election Funding Act 1981*, or
 - (b) a party for the purposes of sections 60 and 61 of that Act.
- (3) This section extends to a party whose registration was previously cancelled under this Part.

[8] Section 66G Refusal to register

Insert after section 66G (3):

- (3A) A reference in subsection (3) (c)–(e) to a registered party includes a reference to any party that was registered under this Part at any time during the previous 4 years, except where the application for registration is made with the approval of a person who was the last registered officer or deputy registered officer of that previously registered party.

[9] Section 66H Amendment of Register

Omit “or by a member of the party who is a member of Parliament” from section 66H (2) (b).

[10] Section 66H (3A) and (3B)

Insert after section 66H (3):

- (3A) Section 66D (3) does not apply to an application for the amendment of the particulars in the Register of Parties. The regulations may prescribe a fee to accompany any such application.
- (3B) Section 66DA does not apply to an application for the amendment of the particulars in the Register of Parties if the Electoral Commissioner is of the opinion that the amendment is of a minor nature only and does not warrant publication of a notice under that section.

[11] Section 66HA

Insert after section 66H:

66HA Annual returns and other inquiries with respect to continued registration or applications for registration

- (1) The registered officer of a party must, by 30 June each year, furnish to the Electoral Commissioner a return as to its continued eligibility for registration under this Part in the form prescribed by the regulations. The form so prescribed may require the return to be accompanied by specified documents.
- (2) A return is not required to be furnished under subsection (1) if the party has been registered for less than 6 months before the return is due to be furnished.
- (3) The Electoral Commissioner may at any time, by notice in writing, require:
 - (a) an applicant for registration, or
 - (b) the registered officer of a party,to provide such information as is specified in the notice for the purpose of dealing with the application or of determining whether the party is an eligible party.
- (4) If an applicant for registration fails to comply with a requirement made under this section, the Electoral Commissioner may decline to deal with the application.

- (5) If the registered officer of a party fails to comply with a requirement made under this section, the Electoral Commissioner may cancel the registration of the party.

[12] Section 66I Cancellation of registration

Omit section 66I (2) (b). Insert instead:

- (b) a registered party is no longer an eligible party, or

[13] Section 66J Public access to registers

Insert at the end of the section:

- (2) Applications for registration or for the amendment of the particulars in the Register of Parties must also be made available for public inspection during ordinary office hours.

[14] Section 66JA

Insert after section

66JA Distribution of information to electors about registered parties

- (1) The Electoral Commissioner is required to prepare, for each periodic Council election, a registered party information sheet for each registered party.
- (2) Any such information sheet is to contain the following information:
- (a) the name of the registered party,
 - (b) the name and address of the registered officer of the party,
 - (c) a statement (not exceeding 500 words) setting out the platform or objectives of the party provided by the registered officer of the party (but only if such a statement is provided within the time requested by the Electoral Commissioner).
- (3) The Electoral Commissioner is required to publish a copy of each such information sheet on the world wide web at least 1 month before the date on which the Legislative Assembly is due to expire or, if it is dissolved earlier, as soon as practicable after its dissolution.

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- (4) The Electoral Commissioner is to make any such information sheet available for public inspection, at any reasonable time before the periodic Council election concerned is held, at the office of the Electoral Commissioner and at any public library or other place determined by the Electoral Commissioner.
- (5) In complying with this section, the Electoral Commissioner:
- (a) may reduce the length of information supplied by a registered party officer if the Electoral Commissioner is satisfied that the information is longer than that permitted by this section, or
 - (b) may omit information supplied by a registered party officer if the Electoral Commissioner is of the opinion that its publication might be unlawful or defamatory.

[15] Section 66K

Omit the section. Insert instead:

66K Statutory declarations

- (1) A form that is prescribed or approved under this Part may require any information provided to be verified by statutory declaration.
- (2) The Electoral Commissioner may also require any information in an application or return under this Part, or any information provided pursuant to a requirement under this Part, to be verified by statutory declaration.

[16] Section 66N

Omit the section. Insert instead:

66N Transitional and other arrangements

- (1) In this section:
existing registered party means any party registered under this Part immediately before the commencement of the new registration requirements, and includes any party registered under this Part after that commencement and before the registration confirmation day in pursuance of an application for registration made before that commencement.

new registration requirements means the amendments to this Part made by Schedule 2 [1] and [2] to the *Parliamentary Electorates and Elections Amendment Act 1999* relating to the membership requirements for the qualification of a party as an eligible party for the purposes of this Part.

registration confirmation day means 31 December next after the commencement of the new registration requirements.

- (2) The new registration requirements do not, until the registration confirmation day, apply to an existing registered party.
- (3) An existing registered party is not entitled to continue to be registered, on and after the registration confirmation day, unless:
 - (a) the registered officer of the party has made an application for continued registration of the party in accordance with this section, and
 - (b) the Electoral Commissioner is satisfied that the party is an eligible party under the new registration requirements and approves the application.
- (4) An application for continued registration of an existing registered party is to be made to the Electoral Commissioner (in the form and manner approved by the Electoral Commissioner) and must:
 - (a) set out the particulars, and be accompanied by the documents, that are referred to in section 66D (2) (g) and (g1) and such additional particulars and documents as are required by the approved form, and
 - (b) be accompanied by a fee of \$2,000.
- (5) Sections 66DA, 66E (2), 66HA (2) and (3), 66J (2) and 66K apply (subject to the regulations) to an application for continued registration under this section in the same way as they apply to an application for registration.
- (6) The Electoral Commissioner is to cancel the registration of an existing registered party that is not entitled to continue to be registered by virtue of this section. Section 66I (3) applies to any such cancellation of registration.

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- (7) Before the Electoral Commissioner cancels the registration of any such existing party, the Electoral Commissioner is required to give the registered officer of the party notice of the proposed cancellation and the date of and reasons for the proposed cancellation. The Electoral Commissioner may accept a late application for continued registration made before that date and defer a decision on the proposed cancellation until the application is dealt with.
 - (8) If an existing registered party has made an application for continued registration in accordance with this section before the registration confirmation day, but the application has not been determined by the Electoral Commissioner before that day, the party is entitled to continue to be registered until the application is determined.
 - (9) Section 66FA does not apply to an existing registered party while it remains a registered party.
 - (10) In the case of an existing registered party, a return is not required to be furnished under section 66HA (1) if the return would otherwise be required to be furnished in the year in which the registration confirmation day occurs or in the following year.
 - (11) If a form is not prescribed by the regulations for the purposes of section 66D (2) (g1) or 66HA (1), the relevant form is to be a form approved by the Electoral Commissioner.
 - (12) An amendment of this Part made by the *Parliamentary Electorates and Elections Amendment Act 1999* does not apply to the determination of an application for registration of a party that is made before the commencement of the amendment but not determined before that commencement. The amendment applies to the application if it is not determined before the registration confirmation day, but the applicant is to be given an opportunity to amend the application before it is determined.

Schedule 3 Consequential amendment of Local Government Act 1993

(Section 4)

Section 320

Omit the section. Insert instead:

320 Registration of political parties

- (1) The political parties registered under this Part are:
 - (a) the political parties registered for the time being under Part 4A of the *Parliamentary Electorates and Elections Act 1912*, and
 - (b) any other political parties registered for the time being for the purposes of this Act.
- (2) A party may be registered for the purposes of this Act in accordance with the procedure applicable under Part 4A of the *Parliamentary Electorates and Elections Act 1912*, subject to the following modifications of that Part:
 - (a) references to an eligible party are to be read as references to an eligible local government party (as defined in subsection (3)),
 - (b) references to Parliament are to be read as references to a council,
 - (c) references to the names and addresses of 750 electors are to be read as references to the names, addresses and signatures of 100 electors,
 - (d) references to the Register of Parties are to be read as references to the Local Government Register of Political Parties,
 - (e) references to the issue of a writ for an election are to be read as references to the closing date for an election,

- (f) if a party has at least one member who is a member of a council, section 66D (2) (g) is taken to require only that an application for registration of the party set out the name and address of that member,
 - (g) sections 66A (2), 66C, 66D (2) (g1), 66D (3), 66FA, 66G (3A), 66HA, 66JA, 66N of that Act are to be disregarded,
 - (h) such other modifications as are prescribed by the regulations.
- (3) For the purposes of subsection (2), an ***eligible local government party*** is a party:
- (a) that has at least 100 members or that has at least one member who is a member of a council, and
 - (b) that is established on the basis of a written constitution (however expressed) that sets out the platform or objectives of the party.