



New South Wales

Election Funding, Expenditure and Disclosures Consequential Amendment Bill 2014

Explanatory note

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

Overview of Bill

The High Court of Australia in the case of *Unions NSW & Ors v State of New South Wales* [2013] HCA 58 declared that certain provisions of the *Election Funding, Expenditure and Disclosures Act 1981* (being provisions that were inserted into that Act by the *Election Funding, Expenditure and Disclosures Amendment Act 2012*) are invalid. The provisions that were declared invalid:

- (a) prohibited political donations from corporations or other entities, and
- (b) required electoral communication expenditure incurred for a State election campaign by an affiliated organisation of a party to be combined with the expenditure of the party for the purposes of the applicable cap on expenditure by the party.

The objects of this Bill are:

- (a) to remove the text of the invalid provisions from the *Election Funding, Expenditure and Disclosures Act 1981* (and to restore provisions that were replaced by those invalid provisions), and
- (b) to reverse a number of consequential amendments that were made to that Act by the *Election Funding, Expenditure and Disclosures Amendment Act 2012* relating to the prohibition of political donations from corporations or other entities (so as to restore the operation of provisions of that Act that regulated political donations from corporations or other entities).

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 to the proposed Act.

Schedule 1 Consequential amendment of Election Funding, Expenditure and Disclosures Act 1981 No 78

Schedule 1 gives effect to the objects of this Bill as set out in the Overview above.

The Schedule also inserts a transitional provision to ensure that the amendments made by this Bill operate, as far as possible, from 18 December 2013 (being the date of the High Court's decision).