



New South Wales

# Electoral Legislation Amendment Bill 2022

## Explanatory note

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

## Overview of Bill

The object of this Bill is to make miscellaneous amendments to the *Electoral Act 2017* (the *Electoral Act*) and the *Electoral Funding Act 2018* (the *Funding Act*).

## 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 Act 2017 No 66— miscellaneous**

**Schedule 1[1]** reduces the maximum period of early voting to 7 days preceding the election day.

**Schedule 1[2]** allows preliminary scrutiny of postal voting envelopes to begin 14 days before election day, instead of 5 days before election day.

**Schedule 1[3]** allows postal voting envelopes to be accepted in the scrutiny if received by the Electoral Commissioner before the expiry of the period prescribed by the regulations following the close of voting, being a period not exceeding 13 days, rather than the current 4 day period.

**Schedule 1[4]** makes it clear that the postal voting procedure must take place before the close of voting.

**Schedule 1[5]** inserts a provision to provide that, where the Electoral Commissioner has delivered or posted 2 envelopes to electors, ballot papers are not to be rejected for further scrutiny merely because the ballot papers were not inside the envelope on which the postal vote certificate is printed.

**Schedule 1[6]** makes a law revision correction to a provision about applications for the registration of electoral matter to remove the redundant reference to an official agent.

The Electoral Act, section 186(1) provides that a person must not, during the regulated period, print, publish, distribute or publicly display electoral material without legibly showing on the material the name and address of an individual on whose instructions the material was printed, published or distributed. **Schedule 1[7]** provides that, for electoral material that is a social media post, the name and address of the individual on whose instructions the material was published or distributed must be published or distributed in a way, if any, prescribed by the regulations under the Act. **Schedule 1[8]** makes a consequential amendment.

**Schedule 1[9]** makes a law revision correction to replace “councillor” with “member”.

**Schedule 1[10]** inserts a new provision to provide that a voting centre manager or an election official must not exercise certain functions in relation to contravention of specified offences within 6 metres of an early voting centre or a voting centre, such as giving directions or removing or confiscating posters and electoral material, unless the manager or official has considered the guidelines, if any, issued by the Electoral Commissioner.

**Schedule 1[11]** inserts further exceptions to the general obligation not to disclose information obtained in connection with the administration or execution of the Electoral Act or any other Act conferring or imposing functions on the Electoral Commission or Electoral Commissioner.

The Electoral Commission or the Electoral Commissioner may disclose information if—

- (a) the information is disclosed to a person who has given information to the Electoral Commission or Electoral Commissioner about a possible contravention of the Electoral Act or the Funding Act or a regulation under 1 of the Acts, and
- (b) the disclosure is reasonably necessary for the purpose of—
  - (i) reporting the progress of an investigation into the possible contravention, or
  - (ii) providing the person who gave the information with advice as to the outcome of the investigation or any action taken as a result of the investigation, and
- (c) the Electoral Commission or the Electoral Commissioner, as the case requires, is satisfied the disclosure is in the public interest.

Also, the Electoral Commission or the Electoral Commissioner may disclose information if—

- (a) the information concerns a possible contravention of the Electoral Act or the Funding Act or a regulation under 1 of the Acts, and
- (b) the disclosure is for the purpose of reporting to the public about the progress or outcome of an investigation into the possible contravention, and
- (c) the Electoral Commission or the Electoral Commissioner, as the case requires, is satisfied the disclosure is in the public interest.

The amendment also provides that the Electoral Commission and the Electoral Commissioner have qualified privilege in proceedings for defamation arising out of a permitted disclosure made under the Electoral Act, section 268.

**Schedule 1[12]** makes a law revision amendment to correct a cross-reference.

**Schedule 1[13]** provides that technology assisted voting, other than telephone voting for vision impaired or blind electors, is not to be used at—

- (a) the 2023 general election, or
- (b) a by-election held during the period after 30 June 2022 and before the 2023 general election.

## **Schedule 2      Amendment of Electoral Act 2017 No 66—                          regarding party logos on ballot papers**

**Schedule 2** makes a number of amendments to provide for the inclusion of registered party logos on ballot papers in elections.

The amendments do not apply in relation to a local government election until a date prescribed by the regulations.

**Clause 2(a)** of this Bill provides that these amendments do not commence until 1 October 2024.

## **Schedule 3      Amendment of Electoral Funding Act 2018 No 20**

**Schedule 3[1], [14] and [17]** enable disclosures and claims under the Funding Act to be audited by persons the Electoral Commission is satisfied has sufficient skills and experience, rather than only registered company auditors.

**Schedule 3[2]** removes expenditure incurred in auditing campaign accounts from the meaning of *electoral expenditure* for the purposes of the Funding Act. **Schedule 3[10]** makes a consequential amendment.

**Schedule 3[3]** removes expenditure incurred on travel and travel accommodation for candidates and staff engaged in electoral campaigning from the meaning of *electoral expenditure* for the purposes of the Funding Act, Part 3, Division 4 (Caps on electoral expenditure for election campaigns).

**Schedule 3[4]** insert a provision to deal with the making of disclosures where a candidate in a State election has been dis-endorsed. A party agent of the registered party may notify the Electoral Commission that the party has dis-endorsed a candidate. On and from the receipt of the notice by the Electoral Commission, the person responsible for making a disclosure required under the Funding Act, Part 3 for the candidate is the candidate and not the party agent of the registered party.

**Schedule 3[5] and [6]** increase certain periods within which disclosures of political donations must be made from 4 weeks to 6 weeks after the half-year or disclosure period concerned.

**Schedule 3[7]** removes a redundant provision. The Funding Act, section 14(1)(f)–(h) already deal with disclosures for groups of candidates.

**Schedule 3[8]** makes an amendment regarding the information about the date of a donation to be disclosed in a disclosure. **Schedule 3[9]** makes a consequential amendment.

**Schedule 3[11]** replaces the amounts of the applicable cap for a State election campaign for a third-party campaigner. The new amounts are—

- (a) \$1,288,500—if the third-party campaigner was registered before the commencement of the capped State expenditure period for the election, or
- (b) \$644,300—in other cases.

**Schedule 3[12]** corrects a typographical error.

**Schedule 3[13]** provides that small donations of \$100 or less, rather than \$50 or less, do not have to be aggregated with other donations for disclosure purposes if made by a person at a fundraising venture or function.

**Schedule 3[15]** allows a person to make a request to the Electoral Commission for an extension on the due date of a declaration of disclosures, in addition to before the due date.

**Schedule 3[16]** corrects a reference to a defined term.

**Schedule 3[18]** corrects an internal cross-reference.

**Schedule 3[19]** makes an amendment to deal with the calculation of quarterly payments from the Administration Fund. For that purpose, the number of endorsed elected members of a party in relation to any quarterly payment for a quarter during which a dissolution or expiry of the Legislative Assembly occurs is to be determined as at the date that is immediately before the date of the dissolution or expiry.

**Schedule 3[20] and [29]** make law revision amendments as independent elected members no longer have agents.

**Schedule 3[21]** allows a party or elected member to carry over, to the next quarter in the same calendar year, unspent eligible amounts of administrative funding payments.

**Schedule 3[22]** allows a party or elected member eligible for a quarterly advance payment from the Administration Fund in respect of a quarter of 100% (rather 50%) of the total amount to which the party or elected member would be entitled to for the quarter.

**Schedule 3[23]** corrects cross-reference errors.

**Schedule 3[25] and [28]** change the funding year for policy development funding for parties not entitled to administrative funding from calendar year to financial year. **Schedule 3[26] and [27]** reset amounts for the new funding years. **Schedule 3[24] and [31]–[33]** make consequential amendments relating to the indexation of those amounts.

**Schedule 3[30]** inserts a provision to enable the registered officer of a party under the Electoral Act or the *Local Government Act 1993*, if the party agent for a party is absent or otherwise unavailable, to lodge the following on behalf of the party agent—

- (a) a declaration under the Funding Act, Part 3, Division 2,
- (b) a claim for a payment under the Funding Act, Part 4 or Part 5.

A registered officer may lodge a declaration or claim or both on behalf of a party agent only if—

- (a) the registered officer has completed the training prescribed by the regulations for appointment as a party agent, unless the person is of a class of persons recognised by the regulations as a person eligible for appointment as a party agent without further training, and
- (b) the party agent or the registered officer has given the Electoral Commission written notice of the party agent's absence or unavailability and the registered officer's intention to lodge declarations or claims or both during the absence or unavailability.

**Schedule 3[34]** inserts savings and transitional provisions.



New South Wales

# Electoral Legislation Amendment Bill 2022

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New South Wales

# Electoral Legislation Amendment Bill 2022

No. , 2022

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## **A Bill for**

An Act to amend electoral legislation to make further provision about the election of members of Parliament, the regulation of political donations and electoral expenditure and the public funding of election campaigns and other activities; and for other purposes.

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

1

**1 Name of Act**

2

This Act is the *Electoral Legislation Amendment Act 2022*.

3

**2 Commencement**

4

(1) Subject to subsections (2) and (3), this Act commences on a day or days to be appointed by proclamation.

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(2) Schedule 2 commences on 1 October 2024.

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(3) Schedule 3[24]–[28] and [31]–[33] is taken to have commenced on 1 July 2022.

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<b>Schedule 1</b>	<b>Amendment of Electoral Act 2017 No 66— miscellaneous</b>	1 2
<b>[1]</b>	<b>Section 114 Hours of operation of early voting centres</b>	3
	Omit section 114(2)(a). Insert instead—	4
	(a) any day before the Saturday preceding the election day, and	5
<b>[2]</b>	<b>Section 149 Preliminary scrutiny of postal ballot papers</b>	6
	Omit “5 days” from section 149(1)(a). Insert instead “14 days”.	7
<b>[3]</b>	<b>Section 149(1)(b)(i)</b>	8
	Omit the subparagraph. Insert instead—	9
	(i) received by the Electoral Commissioner following the close of voting before the expiry of the period prescribed by the regulations, being a period of not more than 13 days, or	10 11 12
<b>[4]</b>	<b>Section 149(2)(a1) and (a2)</b>	13
	Insert after section 149(2)(a)—	14
	(a1) for a postal vote certificate posted to the Electoral Commissioner—the certificate was completed before the close of voting, and	15 16
	(a2) for a postal vote certificate delivered to an election official—the certificate was delivered before the close of voting, and	17 18
<b>[5]</b>	<b>Section 149A</b>	19
	Insert after section 149—	20
<b>149A</b>	<b>Saving of certain postal ballot papers</b>	21
(1)	This section applies if, for an election, the Electoral Commissioner has delivered or posted 2 envelopes to electors under this Division, being—	22 23
	(a) an envelope on which a postal vote certificate is printed, and	24
	(b) an envelope addressed to the Electoral Commissioner.	25
	<b>Note—</b> See sections 144(a1) and 145(2)(a1).	26
(2)	Despite sections 148 and 149, a ballot paper is not to be rejected for further scrutiny because the ballot paper was not inside the envelope on which the postal vote certificate is printed if—	27 28 29
	(a) the ballot paper was sealed inside the envelope addressed to the Electoral Commissioner, and	30 31
	(b) the ballot paper was accompanied by the envelope on which the postal vote certificate is printed, and	32 33
	(c) the Electoral Commissioner is satisfied the postal vote certificate has been properly signed and witnessed and relates to the ballot paper.	34 35
<b>[6]</b>	<b>Section 182 Electoral matter involving joint voting directions</b>	36
	Omit “the registered officer or official agent” from section 182(3)(c).	37
	Insert instead “the registered officer or the first candidate of the group of candidates”.	38
<b>[7]</b>	<b>Section 186 Name and address on electoral material</b>	39
	Insert after section 186(1)—	40



(1A)	For electoral material that is a social media post, the name and address of the individual on whose instructions the material was published or distributed must be published or distributed in a way, if any, prescribed by the regulations.	1 2 3
	<b>Example—</b> For a 3-minute TikTok video, the regulations may prescribe that the name and address be displayed for a specified number of seconds or with a specified size as a percentage of the video display.	4 5 6
[8]	<b>Section 186(2)(d)</b> Insert “or thing” after “article”.	7 8
[9]	<b>Section 190 Defences and exceptions</b> Omit “councillor” from section 190(2)(d). Insert instead “member”.	9 10
[10]	<b>Section 206A</b> Insert after section 206—	11 12
<b>206A</b>	<b>Voting centre managers and election officials to consider guidelines before enforcing “6-metre” rules</b>	13 14
(1)	A voting centre manager or an election official must not exercise a function under this Division in relation to contravention of a 6-metre offence unless the manager or official has considered the guidelines, if any, issued under subsection (2).	15 16 17 18
(2)	The Electoral Commissioner may, from time to time, determine and issue guidelines, not inconsistent with this Act, about the exercise, by voting centre managers and election officials, of functions under this Division in relation to a contravention of a 6-metre offence.	19 20 21 22
(3)	In this section— <b>6-metre offence</b> means an offence against the following—	23 24
(a)	section 191(b),	25
(b)	section 192(1), but not in relation to an activity within an early voting centre,	26 27
(c)	section 196(b),	28
(d)	section 198(1), but not in relation to an activity within a voting centre.	29
[11]	<b>Section 268 Disclosure of information</b> Insert at the end of the section after the penalty provision—	30 31
(2)	Despite subsection (1), the Electoral Commission or the Electoral Commissioner may disclose information if—	32 33
(a)	the information is disclosed to a person who has given information to the Electoral Commission or Electoral Commissioner about a possible contravention of this Act or the <i>Electoral Funding Act 2018</i> or a regulation under either of the Acts, and	34 35 36 37
(b)	the disclosure is reasonably necessary for the purpose of—	38
(i)	reporting the progress of an investigation into the possible contravention, or	39 40
(ii)	providing the person who gave the information with advice as to the outcome of the investigation or any action taken as a result of the investigation, and	41 42 43
(c)	the Electoral Commission or the Electoral Commissioner, as the case requires, is satisfied the disclosure is in the public interest.	44 45

(3)	Despite subsection (1), the Electoral Commission or the Electoral Commissioner may disclose information if—	1 2
(a)	the information concerns a possible contravention of this Act or the <i>Electoral Funding Act 2018</i> or a regulation under either of the Acts, and	3 4
(b)	the disclosure is for the purpose of reporting to the public about the progress or outcome of an investigation into the possible contravention, and	5 6 7
(c)	the Electoral Commission or the Electoral Commissioner, as the case requires, is satisfied the disclosure is in the public interest.	8 9
(4)	The Electoral Commission and the Electoral Commissioner have qualified privilege in proceedings for defamation arising out of a disclosure made under this section.	10 11 12
<b>[12]</b>	<b>Schedule 6 Special provisions relating to multiple voters</b>	13
	Omit “section 212(b)” from clause 1(1)(a) and (b).	14
	Insert instead “section 212(1)(b)”.	15
<b>[13]</b>	<b>Schedule 7 Savings, transitional and other provisions</b>	16
	Insert at the end of the Schedule, with appropriate Part and clause numbering—	17
<b>Part</b>	<b>Special provision for 2023 general election and certain 2022 by-elections</b>	18 19
	<b>Technology assisted voting other than telephone voting not to be used</b>	20
(1)	Technology assisted voting, other than telephone voting for vision impaired or blind electors, is not to be used at—	21 22
(a)	the 2023 general election, or	23
(b)	a by-election held during the period after 30 June 2022 and before the 2023 general election.	24 25
(2)	Subclause (1) does not prevent the Electoral Commissioner determining under section 162 that technology assisted voting comprising telephone voting for vision impaired or blind electors is not to be used at the 2023 general election.	26 27 28

<b>Schedule 2</b>	<b>Amendment of Electoral Act 2017 No 66—</b>	1
	<b>regarding party logos on ballot papers</b>	2
<b>[1] Section 4 Definitions</b>		3
	Insert in alphabetical order in section 4(1)—	4
	<i>registered abbreviation</i> , of the name of a party, means the abbreviation of the name of the party included in the Register of Parties.	5
	<i>registered logo</i> , of a party, means the logo of the party included in the Register of Parties.	6
	<i>registered name</i> , of a party, means the name of the party included in the Register of Parties.	7
		8
		9
		10
<b>[2] Section 59 Application for registration</b>		11
	Insert after section 59(2)(b)—	12
	(b1) if the party wishes to be able to use a logo on ballot papers or electoral material—include the following—	13
		14
	(i) a copy of the logo as a black and white image in a format determined by the Electoral Commissioner,	15
		16
	(ii) a declaration that the use of the logo will not infringe the intellectual property rights of any person,	17
		18
	(iii) other requirements relating to the logo as determined by the Electoral Commissioner, and	19
		20
<b>[3] Section 62, heading</b>		21
	Omit “Party”. Insert instead “Parties and logos”.	22
<b>[4] Section 62(1)</b>		23
	Insert “or logo” after “party”.	24
<b>[5] Section 64 Refusal to register</b>		25
	Insert after section 64(5)—	26
	(5A) The Electoral Commissioner must refuse to register a party if, in the opinion of the Electoral Commissioner, the logo of the party, if any, as set out in the application for registration of the party—	27
		28
		29
	(a) is obscene or offensive, or	30
	(b) is the logo of a registered party or a party currently represented in Parliament or another person, or	31
		32
	(c) so nearly resembles the logo of a registered party or a party currently represented in Parliament or another person it is likely to be confused with or mistaken for the logo, or	33
		34
		35
	(d) is one a reasonable person would think suggests a connection or relationship exists between the party and another registered party if that connection or relationship does not in fact exist, or	36
		37
		38
	(e) comprises or contains the words “Independent Party” or comprises or contains the word “Independent” and—	39
		40
	(i) the name, or an abbreviation or acronym of the name, or logo of a registered party or a party currently represented in Parliament, or	41
		42
		43

(ii)	matter that so nearly resembles the name, or an abbreviation or acronym of the name, or logo of a registered party or a party currently represented in Parliament that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym.	1 2 3 4 5
(5B)	The Electoral Commissioner may refuse to register a party if, in the opinion of the Electoral Commissioner, the logo of the party, if any, as set out in the application for registration of the party—	6 7 8
(a)	is the logo of a party registered under this Part at any time during the previous 2 years (a <i>recently deregistered party</i> ), or	9 10
(b)	so nearly resembles the logo of a recently deregistered party it is likely to be confused with or mistaken for the logo, or	11 12
(c)	is one a reasonable person would think suggests a connection or relationship exists between the party and a recently deregistered party if that connection or relationship does not in fact exist, or	13 14 15
(d)	comprises or contains the words “Independent Party” or comprises or contains the word “Independent” and—	16 17
(i)	the name, or an abbreviation or acronym of the name, or logo of a recently deregistered party, or	18 19
(ii)	matter that so nearly resembles the name, or an abbreviation or acronym of the name, or logo of a recently deregistered party that the matter is likely to be confused with or mistaken for that name, abbreviation, acronym or logo.	20 21 22 23
<b>[6]</b>	<b>Section 64(8)</b>	24
	Insert after section 64(7)—	25
(8)	Despite subsection (5A), if a party is registered under the Commonwealth Act (a <i>Commonwealth registered party</i> ), the Electoral Commissioner must not refuse to register the Commonwealth registered party, under this Act, or another party if the Commonwealth registered party has given its consent in writing to the registration, with the same logo as the Commonwealth registered party is registered under the Commonwealth Act by reason only of a ground set out in the following—	26 27 28 29 30 31 32
(a)	subsection (5A)(a),	33
(b)	subsection (5A)(b) or (c), unless the registered party or party currently represented in Parliament referred to in subsection (5A)(c) or (d) is not registered under the Commonwealth Act.	34 35 36
<b>[7]</b>	<b>Section 70 Public access to Register</b>	37
	Insert after section 70(3)(b)—	38
(b1)	the registered logo of the party, if any,	39
<b>[8]</b>	<b>Section 101 Assembly election ballot papers</b>	40
	Insert “and logos” after “names” in section 101(3)(f).	41
<b>[9]</b>	<b>Section 102 Periodic Council election ballot papers</b>	42
	Insert “and logos” after “names” in section 102(5)(f).	43
<b>[10]</b>	<b>Section 104 Notification of party nomination</b>	44
	Insert after section 104(1)—	45

(1A)	The registered officer of a registered party may request that the registered logo of the party be appropriately printed on the ballot papers for an election for a candidate who has been nominated by that registered officer.	1 2 3
<b>[11] Section 104(5)</b>	Omit the subsection.	4 5
<b>[12] Section 106 Printing of party name etc on ballot papers</b>	Omit “under this Subdivision” from section 106(1)(b). Insert instead “under section 104(1)”.	6 7 8
<b>[13] Section 106A</b>	Insert after section 106—	9 10
<b>106A Printing of party logo on ballot papers</b>		11
(1) <b>Assembly elections</b>		12
	The registered logo of a registered party must be printed on the ballot papers adjacent to the name of a candidate in an Assembly election if—	13 14
(a)	the candidate has been nominated by the registered officer of the registered party as a candidate in the election, and	15 16
(b)	a request has been made for the candidate under section 104(1A).	17
(2) <b>Periodic Council elections</b>		18
	This subsection applies if—	19
(a)	2 or more persons have been nominated as candidates in a periodic Council election by 1 or more registered officers of registered parties, and	20 21 22
(b)	the candidates have duly requested under Division 3 a group voting square for the purposes of the election, and	23 24
(c)	a request has been made for the candidates under section 104(1A).	25
(3)	If subsection (2) applies, the following requirements apply to the printing of the ballot papers in the periodic Council election—	26 27
(a)	if all the candidates were endorsed by the same party and a group voting square is printed on the ballot papers in relation to the candidates—the registered logo of the registered party must be printed on the ballot papers adjacent to that square,	28 29 30 31
(b)	if the request under this Subdivision included a request that a composite name be printed adjacent to the group voting square on the ballot papers in relation to the candidates—the registered logos of the registered parties must be printed on the ballot papers adjacent to that square.	32 33 34 35
<b>[14] Section 165 Informal ballot papers</b>		36
	Insert after section 165(3)(g)—	37
(h)	in relation to any ballot paper written by hand—by reason of the failure of the ballot paper having printed on it—	38 39
(i)	the registered logo of a registered party, or	40
(ii)	if a composite name was required to be printed on the ballot paper for a periodic Council election—the registered logo of each registered party to which the composite name relates.	41 42 43

**[15] Schedule 4 Legislative Assembly ballot paper**

Insert after ‘the word “Independent”.’—

Insert the registered party logo of the candidate’s registered party adjacent to the name of the candidate, if appropriate.

**[16] Schedule 5**

Omit the Schedule. Insert instead—

**Schedule 5 Legislative Council ballot paper**

Sections 100(3), 103(2) and 155(3)

**1 Form of ballot paper for periodic Council election with 33 groups or fewer**

NEW SOUTH WALES Election of 21 Members of Legislative Council

<p>You may vote either <b>ABOVE</b> or <b>BELOW</b> the line:</p> <div style="border: 1px solid black; padding: 2px; text-align: center;"> <p><i>If you vote ABOVE the line:</i></p> </div> <p>Write the number <b>1</b> in the square for the group of your choice.                  You can show more choices, if you want to, by writing numbers in the other squares, starting with the number <b>2</b>.                  Do not write any numbers below the line.                  Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).</p>	<p>GROUP A *</p> <div style="border: 1px solid black; width: 30px; height: 30px; margin: 0 auto;"></div> <p>**</p>		<p>GROUP C *</p> <div style="border: 1px solid black; width: 30px; height: 30px; margin: 0 auto;"></div> <p>**</p>		<p>GROUP Q *</p> <div style="border: 1px solid black; width: 30px; height: 30px; margin: 0 auto;"></div> <p>**</p>	
<p><b>OR</b></p> <div style="border: 1px solid black; padding: 2px; text-align: center;"> <p><i>If you vote BELOW the line:</i></p> </div> <p>Write the numbers <b>1 to 15</b> in the squares for candidates in the order of your choice. You must number at least <b>15</b> squares for your vote to be counted.                  You can show more choices, if you want to, by writing numbers in the other squares, starting with the number <b>16</b>.                  Do not write any numbers above the line.                  Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).</p>	<p>GROUP A **</p> <p><input type="checkbox"/> PARKER Allan ***</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>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>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 Petar ***</p> <p><input type="checkbox"/> HAYES Graham ***</p>	<p>.....</p>	<p>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><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 logo of registered party or logos of registered parties forming composite name if to be printed \*\* 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

**2 Form of ballot paper for periodic Council election with more than 33 groups**

1

BALLOT PAPER

You may vote either ABOVE or BELOW the line:

NEW SOUTH WALES Election of 21 Members of Legislative Council

<p style="border: 1px solid black; padding: 2px; text-align: center;"><b>If you vote ABOVE the line:</b></p> <p>Write the number 1 in the square for the group of your choice.                  You can show more choices, if you want to, by writing numbers in the other squares, starting with the number 2.                  Do not write any numbers below the line.                  Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).</p>	GROUP A *  <input type="checkbox"/> **	GROUP L *  <input type="checkbox"/> **	GROUP M *  <input type="checkbox"/> **	GROUP K *  <input type="checkbox"/> **	GROUP V *  <input type="checkbox"/> **		
<p><b>OR</b></p> <p style="border: 1px solid black; padding: 2px; text-align: center;"><b>If you vote BELOW the line:</b></p> <p>Write the numbers 1 to 15 in the squares for candidates in the order of your choice. You must number at least 15 squares for your vote to be counted.                  You can show more choices, if you want to, by writing numbers in the other squares, starting with the number 16.                  Do not write any numbers above the line.                  Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).</p>	GROUP A ** <input type="checkbox"/> PARKER Alan *** <input type="checkbox"/> MILLER John *** ..... <input type="checkbox"/> LUMSDAINE Elaine ***	GROUP B ** <input type="checkbox"/> WILLIAMS Gregory *** <input type="checkbox"/> HANSON Richard *** <input type="checkbox"/> HAMMOND Maureen ***	GROUP L ** <input type="checkbox"/> JONES Frederick *** ..... <input type="checkbox"/> JOHNSON Alice *** <input type="checkbox"/> WATSON Reginald ***	GROUP M ** <input type="checkbox"/> YOUNG David *** ..... <input type="checkbox"/> TAYLOR George *** <input type="checkbox"/> ASSAF Joseph ***	GROUP K ** <input type="checkbox"/> BROOKMAN John *** <input type="checkbox"/> CRANE June *** ..... <input type="checkbox"/> ILIC Petar ***	GROUP V ** <input type="checkbox"/> O'KEEFE John *** ..... <input type="checkbox"/> McAULIFFE Paul *** <input type="checkbox"/> WHITE Veronica ***	<input type="checkbox"/> RODGERS Jodie **** <input type="checkbox"/> PASCALIS Sasha **** <input type="checkbox"/> REID Lisa **** <input type="checkbox"/> ADLER Greg ****

\* Here insert logo of registered party or logos of registered parties forming composite name if to be printed \*\* 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

**[17] Schedule 7 Savings, transitional and other provisions**

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Insert at the end of the Schedule, with appropriate Part and clause numbering—

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**Part Provision consequent on enactment of Electoral Legislation Amendment Act 2022**

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**Registered party logo provisions not to extend to local government elections**

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- (1) The amendments made by the *Electoral Legislation Amendment Act 2022*, Schedule 2 do not apply in relation to a local government election until a date prescribed by the regulations for the purposes of this clause.
- (2) To avoid doubt, the reference in the *Local Government Act 1993*, section 320(2) to the “procedure applicable under Part 6 of the *Electoral Act 2017*” does not include a procedure relating to a registered logo of a party until the prescribed date.

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<b>Schedule 3</b>	<b>Amendment of Electoral Funding Act 2018 No 20</b>	1
<b>[1] Section 4 Definitions</b>		2
	Omit the definition of <i>auditor</i> . Insert instead—	3
	<i>auditor</i> includes a person appointed to conduct an audit under section 59(3) or 74(3).	4 5
<b>[2] Section 7 Meaning of “electoral expenditure”</b>		6
	Omit “or in auditing campaign accounts” wherever occurring in section 7(1)(h) and (4).	7
<b>[3] Section 7(4A)</b>		8
	Insert after section 7(4)—	9
	(4A) For the purposes of Part 3 (Political donations and electoral expenditure), Division 4 (Caps on electoral expenditure for election campaigns), electoral expenditure does not include expenditure incurred on travel and travel accommodation for candidates and staff engaged in electoral campaigning.	10 11 12 13
<b>[4] Section 14A</b>		14
	Insert after section 14—	15
<b>14A Person responsible for making disclosures for dis-endorsed candidates</b>		16
	(1) This section applies to State elections.	17
	(2) A party agent of the registered party may, by written notice given in an approved way, notify the Electoral Commission the party has dis-endorsed a candidate.	18 19 20
	(3) Despite subsection 14(1)(d), on and from the receipt of the notice by the Electoral Commission, the person responsible for making a disclosure required under this Part for the candidate is the candidate and not the party agent of the registered party.	21 22 23 24
	(4) The party agent of the registered party must give a copy of the notice to the candidate.	25 26
	(5) A written notice given under subsection (2) is not invalid because of a failure to comply with subsection (4).	27 28
	(6) The regulations may make further provision dealing with the consequences of the giving of notices under this section.	29 30
<b>[5] Section 15 When disclosures of political donations to be made</b>		31
	Omit “4 weeks” wherever occurring in section 15(1)(b) and (2)(b).	32
	Insert instead “6 weeks”.	33
<b>[6] Section 15(2)(a)</b>		34
	Omit “4 weeks”. Insert instead “6 weeks”.	35
<b>[7] Section 17 How are disclosures to be made</b>		36
	Omit section 17(3).	37
<b>[8] Section 19 Political donations required to be disclosed</b>		38
	Insert “received or” before “made during” in section 19(2).	39



<b>[9] Section 19(2)(b)</b>	1
Insert “received or” before “made”.	2
<b>[10] Part 3, Division 4, note</b>	3
Omit the note. Insert instead—	4
<b>Note—</b> Under section 7(4)–(5) certain types of expenditure are taken not to be electoral expenditure for the purposes of this Division (for example, expenditure incurred in raising funds for an election or expenditure on travel and travel accommodation for candidates and staff engaged in electoral campaigning).	5 6 7 8
<b>[11] Section 29 Applicable caps on electoral expenditure for State election campaigns</b>	9
Omit section 29(10). Insert instead—	10
(10) <b>Third-party campaigners</b>	11
For a State general election, the applicable cap for a third-party campaigner is—	12 13
(a) \$1,288,500—if the third-party campaigner was registered under this Act before the commencement of the capped State expenditure period for the election, or	14 15 16
(b) \$644,300—in other cases.	17
<b>[12] Section 37 Campaign accounts of parties</b>	18
Insert “a” before “party agent” in section 37(8).	19
<b>[13] Section 57 Exception to aggregation for small donations at fundraising ventures and functions</b>	20 21
Omit “\$50” from section 57(1)(a). Insert instead “\$100”.	22
<b>[14] Section 59 Electoral Commission may audit disclosures</b>	23
Omit “an auditor” from section 59(3).	24
Insert instead “a person, who the Electoral Commission is satisfied has sufficient skills and experience,”.	25 26
<b>[15] Section 60 Extension of due date for making disclosures</b>	27
Insert “on or” before “before” in section 60(1).	28
<b>[16] Section 63 Definition</b>	29
Omit “State election” from the definition of <i>actual campaign expenditure</i> , paragraph (a).	30
Insert instead “State general election”.	31
<b>[17] Section 74 Electoral Commission may audit claims</b>	32
Omit “an auditor” from section 74(3).	33
Insert instead “a person, who the Electoral Commission is satisfied has sufficient skills and experience,”.	34 35
<b>[18] Section 87 Public funding of eligible parties for administrative expenditure</b>	36
Omit “Division” from section 87(4). Insert instead “Part”.	37
<b>[19] Section 87(4A)</b>	38
Insert after section 87(4)—	39

(4A)	Despite subsection (4), the number of endorsed elected members of a party in relation to any quarterly payment for a quarter during which a dissolution or expiry of the Assembly occurs is to be determined as at the date immediately before the date of the dissolution or expiry.	1 2 3 4
<b>[20]</b>	<b>Section 90 Provisions relating to quarterly payments</b>	5
	Omit “party or elected member (or agent of the party or elected member)” from section 90(2).	6 7
	Insert instead “party or party agent of the party or elected member”.	8
<b>[21]</b>	<b>Section 90(2A)</b>	9
	Insert after section 90(2)—	10
(2A)	If actual administrative expenditure incurred by or on behalf of a party or elected member in a quarter was less than the maximum amount, if any, the party or elected member would have been eligible to receive under section 87 or 88 for the quarter, had the actual administrative expenditure been incurred, the difference may be carried over to a subsequent quarter in the same calendar year and added to the maximum amount the party or elected member is eligible to receive under section 87 or 88 in the subsequent quarter.	11 12 13 14 15 16 17
<b>[22]</b>	<b>Section 91 Quarterly advance payments</b>	18
	Omit “50%” from section 91(2). insert instead “100%”.	19
<b>[23]</b>	<b>Sections 91(2), (4) and (5)</b>	20
	Omit “section 90” wherever occurring. Insert instead “section 87 or 88”	21
<b>[24]</b>	<b>Part 5, Division 3, note</b>	22
	Omit the note.	23
<b>[25]</b>	<b>Part 5, Division 3</b>	24
	Omit “calendar year” wherever occurring.	25
	Insert instead “financial year”.	26
<b>[26]</b>	<b>Section 93 Public funding of eligible parties for policy development expenditure— payment from New Parties Fund</b>	27 28
	Omit “63 cents” from section 93(4). Insert instead “70 cents”.	29
<b>[27]</b>	<b>Section 93(5)</b>	30
	Omit “\$12,300” wherever occurring. Insert instead “\$13,300”.	31
<b>[28]</b>	<b>Section 94 Claims for payment</b>	32
	Insert “or financial year” after “calendar year” wherever occurring.	33
<b>[29]</b>	<b>Section 94(7)</b>	34
	Omit “party or elected member or agent of the party or elected member”.	35
	Insert instead “party or party agent of the party or elected member”.	36
<b>[30]</b>	<b>Section 157</b>	37
	Insert after section 156—	38

<b>157</b>	<b>Registered officer may act when party agent is absent</b>	1
(1)	If at any time a party agent for a party is absent or otherwise unavailable, the registered officer of the party under the <i>Electoral Act 2017</i> or under the <i>Local Government Act 1993</i> , as the case requires, may lodge the following on behalf of the party agent—	2 3 4 5
(a)	a declaration under Part 3, Division 2,	6
(b)	a claim for a payment under Part 4 or Part 5.	7
(2)	Despite subsection (1), a registered officer may lodge a declaration or claim or both on behalf of a party agent only if—	8 9
(a)	the registered officer has completed the training prescribed by the regulations for appointment as a party agent, unless the person is of a class of persons recognised by the regulations as a person eligible for appointment as a party agent without further training, and	10 11 12 13
(b)	the party agent or the registered officer has given the Electoral Commission written notice of the party agent’s absence or unavailability and the registered officer’s intention to lodge declarations or claims or both under this section during the absence or unavailability.	14 15 16 17 18
(3)	To avoid doubt, a party agent for a party remains the person responsible for making a disclosure required under Part 3, Division 2 even if the registered officer of the party has lodged a declaration under this section.	19 20 21
(4)	A reference in section 142 to a party agent is taken to include a reference to a registered officer of a party under the <i>Electoral Act 2017</i> or under the <i>Local Government Act 1993</i> exercising functions under this section.	22 23 24
<b>[31]</b>	<b>Schedule 1 Adjustment for inflation of monetary amounts</b>	25
	Omit “and new party policy development” from the heading to clause 5.	26
<b>[32]</b>	<b>Schedule 1, clause 5(1) and (2)</b>	27
	Omit “Divisions 2 and 3 of Part 5” wherever occurring.	28
	Insert instead “Part 5, Division 2”.	29
<b>[33]</b>	<b>Schedule 1, clause 5A</b>	30
	Insert after clause 5—	31
<b>5A</b>	<b>Adjustment of new party policy development amounts</b>	32
(1)	Each of the adjustable amounts specified in section 93 must be adjusted for inflation for the 2023–24 financial year and each subsequent financial year as provided by this clause.	33 34 35
(2)	The adjustable amounts that are to apply for the 2023–24 financial year are to be determined by multiplying the adjustable amounts specified in section 93 by the annual increase in the Consumer Price Index during the previous financial year.	36 37 38 39
(3)	The adjustable amounts that are to apply for a subsequent financial year are to be determined by multiplying the adjustable amounts that applied for the previous financial year by the annual increase in the Consumer Price Index during that previous financial year.	40 41 42 43
(4)	The annual increase in the Consumer Price Index during a financial year must to be calculated as $B/A$ where—	44 45

<i>A</i> is the Consumer Price Index number for the last quarter for which that number was published before the start of the financial year.	1 2
<i>B</i> is the Consumer Price Index number for the last quarter for which that number was published before the end of the financial year.	3 4
(5) If $B/A$ is less than 1 (as a result of deflation), $B/A$ is deemed to be 1.	5
(6) The Electoral Commission must publish notice on the NSW legislation website and its website of the amount of each adjustable amount for a financial year, as adjusted under this Schedule, before the start of the financial year.	6 7 8
<b>[34] Schedule 2 Savings, transitional and other provisions</b>	9
Insert at the end of the Schedule, with appropriate Part and clause numbering—	10
<b>Part Provision consequent on enactment of Electoral Legislation Amendment Act 2022</b>	11 12
<b>Disclosures of political donations—section 15</b>	13
Section 15, as in force immediately before the <i>Electoral Legislation Amendment Act 2022</i> , Schedule 3[5] and [6] commenced, applies to a half-year or a relevant disclosure period ending on 30 June 2022.	14 15 16
<b>New Parties Fund—change to financial year</b>	17
Part 5, Division 3, as in force immediately before the <i>Electoral Legislation Amendment Act 2022</i> , Schedule 3[24]–[28] and [31]–[33] commenced, applies, for the period beginning on 1 January 2022 and ending on 30 June 2022, as if—	18 19 20 21
(a) the period were a calendar year, and	22
(b) the reference in section 93(4) to 63 cents was a reference to 35 cents, and	23 24
(c) the reference in section 93(5) to \$12,300 was a reference to \$6,650.	25