

FIRST PRINT

ELECTION FUNDING (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Parliamentary Electorates and Elections (Amendment) Bill 1987.

The object of this Bill is to amend the Election Funding Act 1981—

(a) in relation to the registration of political parties—

- (i) to enable the Register of Parties (which is currently kept for each general election) to be used for the purposes of the Act and of sections 151A and 151G of the Parliamentary Electorates and Elections Act 1912 by providing for the Register to be kept on an on-going basis (Schedule 1 (2), (3) (a), (b), (5) (b) and (6));
- (ii) to enable the Authority to refuse to register a party if its name (or a form of its name) is the same as, or similar to that of a registered party or a party currently represented in Parliament or uses the word “independent” in conjunction with the name (or form of a name) of such a party (Schedule 1 (1), (4) and (5) (a)); and
- (iii) to provide that the particulars of 200 (instead of 100) members of a party which is not represented in Parliament must be set out on an application to register the party (Schedule 1 (3) (c));

(b) in relation to declarations of political contributions—

- (i) to increase the maximum amount of political contributions made to parties or groups (\$1,000 to \$2,500) and candidates (\$200 to \$500) exempted from the disclosure requirements of Part VI of the Act (Schedule 1 (7) (a)–(c)); and

Election Funding (Amendment) 1987

- (ii) to provide that a party, group or candidate need not disclose contributions made to the party, group or candidate if the money paid is to be or is used for a purpose other than electoral expenditure relating to an election (Schedule 1 (7) (d)); and
 - (c) to make provisions of a transitional nature (Schedule 1 (8)).
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ELECTION FUNDING (AMENDMENT) BILL 1987

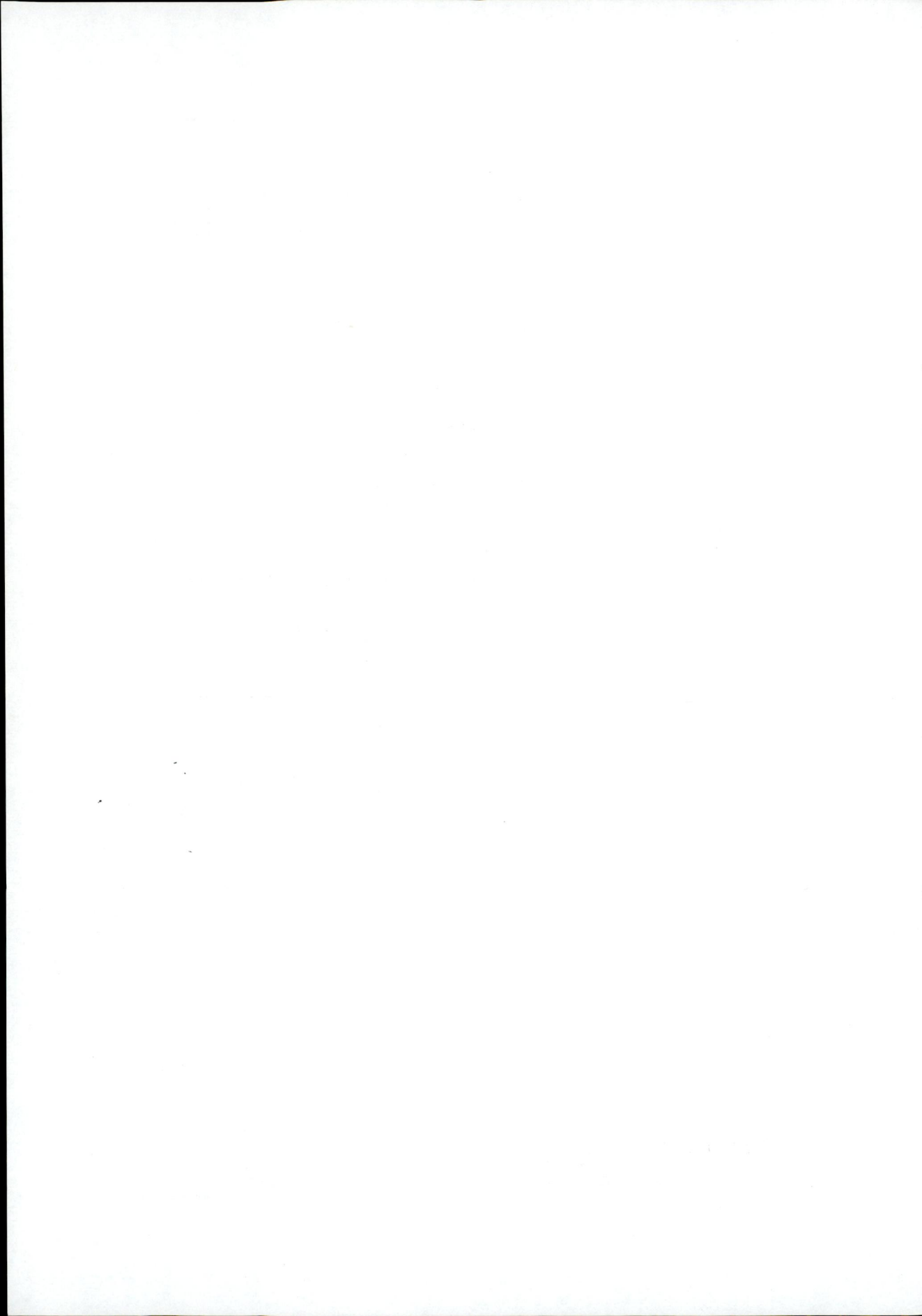
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 78, 1981

SCHEDULE 1—AMENDMENTS TO THE ELECTION FUNDING ACT 1981



ELECTION FUNDING (AMENDMENT) BILL 1987

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Election Funding Act 1981 with respect to the registration of parties and declarations of political contributions.

Election Funding (Amendment) 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Election Funding (Amendment) Act 1987".

Amendment of Act No. 78, 1981

2. The Election Funding Act 1981 is amended in the manner set forth
10 in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE ELECTION FUNDING ACT 1981

(1) Section 4 (**Interpretation**)—

15 (a) Section 4 (1), definition of "abbreviation"—

Before the definition of "agent", insert:

"abbreviation", in relation to the name of a party, includes an alternate name of the party;

(b) Section 4 (1), definition of "electoral matter"—

20 After the definition of "electoral district", insert:

"electoral matter" means matter which is intended or likely to affect voting in an election;

(2) Section 26 (**Register of Parties to be kept**)—

(a) Section 26 (1)—

25 Omit " , for each general election".

(b) Section 26 (2)—

Omit the subsection.

Election Funding (Amendment) 1987

SCHEDULE 1—*continued*
 AMENDMENTS TO THE ELECTION FUNDING ACT 1981—
continued

(3) Section 28 (**Application for registration**)—

(a) Section 28 (1)–(1B)—

Omit section 28 (1), insert instead:

5 (1) Subject to this Act, the Authority shall register a party in the Register of Parties if application for registration is made by the party agent on behalf of the party in the form and manner approved by the Authority.

10 (1A) If the application for registration of a party was received by the Authority within the period commencing on the day that is 8 days before polling day for a general election and ending on and including the day that is 60 days before the day on which the writs for the election were issued—

(a) the Commissioner may register the party in the Register of Parties; and

15 (b) any such registration shall be deemed—

(i) to have effect only for the purposes of sections 151A and 151G of the Parliamentary Electorates and Elections Act 1912; and

(ii) to have been effected by the Authority,

20 but shall cease to be in force when the application is dealt with by the Authority itself.

(1B) A party shall not be registered in the period commencing 8 days before the polling day for an election and ending on and including the polling day.

25 (b) Section 28 (2) (b)—

After “documents”, insert “and electoral matter”.

(c) Section 28 (2) (f)—

Omit “100”, insert instead “200”.

*Election Funding (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE ELECTION FUNDING ACT 1981—
continued(4) Section 29 (**Refusal to register**)—

(a) Section 29 (1)—

Omit the subsection.

(b) Section 29 (4)—

5 Omit the subsection, insert instead:

(4) The Authority may refuse to register a party if, in the opinion of the Authority, the name of the party or abbreviation to be used by the party in election documents and electoral matter, as set out in the application for registration of the party—

- 10 (a) is obscene or offensive;
- (b) is the name, is an abbreviation or acronym of the name, or is a derivative of the name of a registered party or a party currently represented in Parliament;
- 15 (c) so nearly resembles the name, or an abbreviation or acronym of the name, of a registered party or a party currently represented in Parliament that it is likely to be confused with or mistaken for that name or that abbreviation or acronym; or
- 20 (d) comprises the words “Independent Party” or comprises or contains the word “Independent” and—
- (i) the name, or an abbreviation or acronym of the name, of a registered party or a party currently represented in Parliament; or
- 25 (ii) matter that so nearly resembles the name, or an abbreviation or acronym of the name, 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.

*Election Funding (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE ELECTION FUNDING ACT 1981—
continued(5) Section 30 (**Amendment of Register**)—

(a) Section 30 (4A)—

After section 30 (4), insert:

5 (4A) If an alteration of particulars stated in the Register of Parties in relation to a party is sought—

(a) to change the name of a party to a specified name;

(b) to change the abbreviation of the name of the party entered in the Register of Parties to a specified abbreviation; or

10 (c) to enter in the Register a specified abbreviation,

section 29 applies in relation to the statement setting out the details of the alteration as if it were an application for the registration of a party.

(b) Section 30 (10)—

15 After section 30 (9), insert:

(10) If the Authority is satisfied on reasonable grounds that—

(a) a registered party has ceased to exist (whether by amalgamation with another party or otherwise);

20 (b) a registered party not represented in Parliament has ceased to have 200 members;

(c) the candidates at a general election held after the registration of a party did not include at least one candidate endorsed by the party; or

25 (d) the registration of a party was obtained by fraud or misrepresentation,

the Authority may, subject to and in accordance with the regulations, cancel the registration of the party.

Election Funding (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE ELECTION FUNDING ACT 1981—
continued

(6) Section 59 (**General entitlements of parties**)—

Section 59 (2) (a1)—

After section 59 (2) (a), insert:

- 5 (a1) the application for registration was received by the Authority before the period commencing on and including polling day for the general election and ending on and including the day that is 60 days before the day on which the writs for the general election were issued;

(7) Section 87 (**Political contributions that are to be disclosed**)—

10 (a) Section 87 (3)—

Omit “\$1,000”, insert instead “\$2,500”.

(b) Section 87 (4)—

Omit “\$200”, insert instead “\$500”.

(c) Section 87 (5)—

15 Omit “\$1,000 or \$200”, insert instead “\$2,500 or \$500”.

(d) Section 87 (7) (c)—

Omit the paragraph, insert instead:

- (c) a payment made under the condition that the money not be used for electoral expenditure in relation to an election,

20 (8) Schedule 2 (**Transitional Provisions**)—

Clauses 5, 6—

After clause 4, insert:

Declarations of political contributions

- 25 5. Section 87 as amended by the Election Funding (Amendment) Act 1987 applies to and in respect of declarations of political contributions required to be made after the commencement of that Act.

Election Funding (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE ELECTION FUNDING ACT 1981—
continued

Register of Parties

5 6. (1) The Register of Parties kept as from the polling day for
the general election held in 1984 shall be the Register of Parties
required to be kept under this Act after the commencement of the
Election Funding (Amendment) Act 1987.

10 (2) The amendments made to sections 28 and 29 by the
Election Funding (Amendment) Act 1987 do not apply to the
registration of a party effected, or an application to register a party
made, before the period of 60 days before the commencement of
that Act.

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ELECTION FUNDING (AMENDMENT) ACT 1987 No. 133

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 78, 1981

SCHEDULE 1—AMENDMENTS TO THE ELECTION FUNDING ACT 1981

1987-1988

THE ELECTION FUNDING (AMENDMENTS) ACT 1987

Enacted by the House of Commons in pursuance of a resolution of the House of Commons passed on 18th November 1987

TABLE OF PROVISIONS



BY APPOINTMENT TO HER MAJESTY'S MOST EXCELLENT COUNCIL

ELECTION FUNDING (AMENDMENTS) ACT 1987 No. 131

ELECTION FUNDING (AMENDMENT) ACT 1987 No. 133

NEW SOUTH WALES



Act No. 133, 1987

An Act to amend the Election Funding Act 1981 with respect to the registration of parties and declarations of political contributions. [Assented to 16 June 1987]

Election Funding (Amendment) 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Election Funding (Amendment) Act 1987".

Amendment of Act No. 78, 1981

2. The Election Funding Act 1981 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE ELECTION FUNDING ACT 1981

(1) Section 4 (Interpretation)—

(a) Section 4 (1), definition of "abbreviation"—

Before the definition of "agent", insert:

"abbreviation", in relation to the name of a party, includes an alternate name of the party;

(b) Section 4 (1), definition of "electoral matter"—

After the definition of "electoral district", insert:

"electoral matter" means matter which is intended or likely to affect voting in an election;

(2) Section 26 (Register of Parties to be kept)—

(a) Section 26 (1)—

Omit ", for each general election".

(b) Section 26 (2)—

Omit the subsection.

Election Funding (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE ELECTION FUNDING ACT 1981—
continued

(3) Section 28 (**Application for registration**)—

(a) Section 28 (1)–(1B)—

Omit section 28 (1), insert instead:

(1) Subject to this Act, the Authority shall register a party in the Register of Parties if application for registration is made by the party agent on behalf of the party in the form and manner approved by the Authority.

(1A) If the application for registration of a party was received by the Authority within the period commencing on the day that is 8 days before polling day for a general election and ending on and including the day that is 60 days before the day on which the writs for the election were issued—

(a) the Commissioner may register the party in the Register of Parties; and

(b) any such registration shall be deemed—

(i) to have effect only for the purposes of sections 151A and 151G of the Parliamentary Electorates and Elections Act 1912; and

(ii) to have been effected by the Authority,

but shall cease to be in force when the application is dealt with by the Authority itself.

(1B) A party shall not be registered in the period commencing 8 days before the polling day for an election and ending on and including the polling day.

(b) Section 28 (2) (b)—

After “documents”, insert “and electoral matter”.

(c) Section 28 (2) (f)—

Omit “100”, insert instead “200”.

Election Funding (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE ELECTION FUNDING ACT 1981—
continued

(4) Section 29 (**Refusal to register**)—

(a) Section 29 (1)—

Omit the subsection.

(b) Section 29 (4)—

Omit the subsection, insert instead:

(4) The Authority may refuse to register a party if, in the opinion of the Authority, the name of the party or abbreviation to be used by the party in election documents and electoral matter, as set out in the application for registration of the party—

- (a) is obscene or offensive;
- (b) is the name, is an abbreviation or acronym of the name, or is a derivative of the name of a registered party or a party currently represented in Parliament;
- (c) so nearly resembles the name, or an abbreviation or acronym of the name, of a registered party or a party currently represented in Parliament that it is likely to be confused with or mistaken for that name or that abbreviation or acronym; or
- (d) comprises the words “Independent Party” or comprises or contains the word “Independent” and—
 - (i) the name, or an abbreviation or acronym of the name, of a registered party or a party currently represented in Parliament; or
 - (ii) matter that so nearly resembles the name, or an abbreviation or acronym of the name, 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.

Election Funding (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE ELECTION FUNDING ACT 1981—
continued

(5) Section 30 (**Amendment of Register**)—

(a) Section 30 (4A)—

After section 30 (4), insert:

(4A) If an alteration of particulars stated in the Register of Parties in relation to a party is sought—

- (a) to change the name of a party to a specified name;
- (b) to change the abbreviation of the name of the party entered in the Register of Parties to a specified abbreviation; or
- (c) to enter in the Register a specified abbreviation,

section 29 applies in relation to the statement setting out the details of the alteration as if it were an application for the registration of a party.

(b) Section 30 (10)—

After section 30 (9), insert:

- (10) If the Authority is satisfied on reasonable grounds that—
 - (a) a registered party has ceased to exist (whether by amalgamation with another party or otherwise);
 - (b) a registered party not represented in Parliament has ceased to have 200 members;
 - (c) the candidates at a general election held after the registration of a party did not include at least one candidate endorsed by the party; or
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the Authority may, subject to and in accordance with the regulations, cancel the registration of the party.

Election Funding (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE ELECTION FUNDING ACT 1981—
continued

(6) Section 59 (**General entitlements of parties**)—

Section 59 (2) (a1)—

After section 59 (2) (a), insert:

- (a1) the application for registration was received by the Authority before the period commencing on and including polling day for the general election and ending on and including the day that is 60 days before the day on which the writs for the general election were issued;

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(a) Section 87 (3)—

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(c) Section 87 (5)—

Omit “\$1,000 or \$200”, insert instead “\$2,500 or \$500”.

(d) Section 87 (7) (c)—

Omit the paragraph, insert instead:

- (c) a payment made under the condition that the money not be used for electoral expenditure in relation to an election,

(8) Schedule 2 (**Transitional Provisions**)—

Clauses 5, 6—

After clause 4, insert:

Declarations of political contributions

5. Section 87 as amended by the Election Funding (Amendment) Act 1987 applies to and in respect of declarations of political contributions required to be made after the commencement of that Act.

Election Funding (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE ELECTION FUNDING ACT 1981—
continued

Register of Parties

6. (1) The Register of Parties kept as from the polling day for the general election held in 1984 shall be the Register of Parties required to be kept under this Act after the commencement of the Election Funding (Amendment) Act 1987.

(2) The amendments made to sections 28 and 29 by the Election Funding (Amendment) Act 1987 do not apply to the registration of a party effected, or an application to register a party made, before the period of 60 days before the commencement of that Act.

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