



New South Wales

# Election Funding and Disclosures Amendment Regulation 2011

under the

Election Funding, Expenditure and Disclosures Act 1981

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Election Funding, Expenditure and Disclosures Act 1981*.

KRISTINA KENEALLY, MP  
Premier

## Explanatory note

The object of this Regulation is to amend the *Election Funding and Disclosures Regulation 2009* (the **Principal Regulation**) as follows:

- (a) to make further consequential amendments following the commencement of the *Election Funding and Disclosures Amendment Act 2010*,
- (b) to provide that certain financial information that is required to accompany political donation and electoral expenditure disclosure declarations under the *Election Funding, Expenditure and Disclosures Act 1981* (the **Principal Act**) is to be lodged in the form and manner approved by the Election Funding Authority,
- (c) to prescribe certain offences under the Principal Act and the Principal Regulation as penalty notice offences and prescribe penalty notice amounts for those offences.

This Regulation is made under the *Election Funding, Expenditure and Disclosures Act 1981*, including section 117 (the general regulation-making power).

## **2011 No 129**

Clause 1 Election Funding and Disclosures Amendment Regulation 2011

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# **Election Funding and Disclosures Amendment Regulation 2011**

under the

Election Funding, Expenditure and Disclosures Act 1981

### **1 Name of Regulation**

This Regulation is the *Election Funding and Disclosures Amendment Regulation 2011*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1      Amendment of Election Funding and Disclosures Regulation 2009

- [1]    **Clauses 1, 3 (1) (definition of “the Act”) and 29 and Schedule 1**  
Omit “*Election Funding and Disclosures*” wherever occurring.  
Insert instead “*Election Funding, Expenditure and Disclosures*”.
- [2]    **Clause 8B Information to accompany Part 6 declaration by party**  
Insert at the end of the clause:  
        (2)    Such accompanying information is to be lodged in the form and manner approved by the Authority.
- [3]    **Clause 9 Vouching for political donations**  
Omit “or a candidate”.  
Insert instead “, a candidate or a third-party campaigner”.
- [4]    **Clause 10 Vouching for electoral communication expenditure**  
Omit “on advertising” from clause 10 (1).
- [5]    **Clause 10 (1) (b)**  
Omit the paragraph. Insert instead:  
        (b)    copies of any advertising material to which any portion of the expenditure relates.
- [6]    **Clause 10 (3)**  
Omit the definition of *electoral communication expenditure on advertising*.
- [7]    **Clauses 14 (3) (d), 15 (3) (d), 24 (3) (d) and 25 (3) (d)**  
Omit “the name and address, or ABN (if any), of the person, body or organisation” wherever occurring.  
Insert instead “the name and address of the individual, or the name and relevant business number of the entity (as referred to in section 96D of the Act),”.

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**[8] Part 3, Division 3, heading and clause 22, heading**

Omit “or candidate” wherever occurring.

Insert instead “, candidate or third-party campaigner”.

**[9] Clauses 22 (1), 23 (2), 24 (2), 25 (2), 27 (4) (a) and (b) and 28**

Omit “or candidate” wherever occurring.

Insert instead “, candidate or third-party campaigner”.

**[10] Clause 28, heading**

Omit “and candidates”.

Insert instead “, candidates and third-party campaigners”.

**[11] Clause 48**

Insert after clause 47:

**48 Penalty notice offences and penalties**

(1) For the purposes of section 111A of the Act:

(a) each offence created by a provision specified in Column 1 of Schedule 2 is an offence for which a penalty notice may be served, and

(b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.

(2) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

**[12] Schedule 1**

Omit “Election Funding and Disclosures Act 1981”.

Insert instead “Election Funding, Expenditure and Disclosures Act 1981”.

**[13] Schedule 2**

Insert after Schedule 1:

**Schedule 2 Penalty notice offences**

(Clause 48)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Act</b>	
Section 38 (1)	\$55
Section 38F (1)	\$55
Section 41—if the offence was committed by a party	\$2,750
Section 41—if the offence was committed by an officer of a party under section 41 (10) (a)	\$1,100
Section 46	\$2,750
Section 68 (7)	\$2,750
Section 96H (1)—if the offence was committed by a party agent	\$2,750
Section 96H (1)—in any other case	\$1,100
Section 96I (2)—if the offence was committed by a party	\$2,750
Section 96I (2)—if the offence was committed by a person other than a party	\$1,100
Section 110A (6)	\$2,750
<b>Offences under this Regulation</b>	
Clauses 11, 21, 22, 38, 39, 40	\$220