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SPECIAL SUPPLEMENT



New South Wales

Commencement Proclamation

under the

Election Funding Amendment (Political Donations and Expenditure) Act 2008

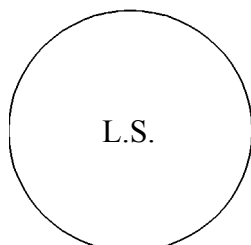
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Election Funding Amendment (Political Donations and Expenditure) Act 2008*, do, by this my Proclamation, appoint 10 July 2008 as the day on which that Act commences.

Signed and sealed at Sydney, this 9th day of July 2008.

By Her Excellency's Command,

MORRIS IEMMA, M.P.,
Premier



GOD SAVE THE QUEEN!



New South Wales

Election Funding Amendment (Political Donations and Expenditure) Regulation 2008

under the

Election Funding Act 1981

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

MORRIS IEMMA, M.P.,
Premier

Explanatory note

The object of this Regulation is to amend the *Election Funding Regulation 2004*, as a consequence of the commencement of the *Election Funding (Political Donations and Expenditure) Act 2008*. The amendments made by the Regulation:

- (a) change the name of the Principal Regulation as a result of the change of name of the Act, and
- (b) provide for requirements relating to declarations of disclosures that must be made by parties, elected members, groups and candidates, including requirements for vouching for political donations and electoral expenditure relating to advertising and accounting records that must be kept relating to such donations and expenditure, and
- (c) prohibit persons convicted of offences involving fraud or dishonesty, and other specified offences, from being appointed by official agents of elected members, groups or candidates to receive political donations or incur electoral expenditure, and
- (d) make provision with respect to the campaign accounts of elected members, groups or candidates, and
- (e) exempt elected members from the requirement to provide an audit certificate with declarations of disclosures, if the Authority approves the exemption, and
- (f) enable the Authority to conduct audits of compliance with the requirements relating to disclosures of political donations and electoral expenditure, and
- (g) specify that a person who completes training provided for that purpose by the Authority will be qualified to be appointed as a party agent or an official agent and provide for a related interim exemption, and

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Explanatory note

- (h) prescribe the information statement to be included in receipts given for reportable political donations, and
- (i) require the party or official agent of a party, elected member, group or candidate to retain certain advertising material for a period of 3 years after the date of presentation of the advertisement concerned, and
- (j) update terminology and make other minor consequential amendments as a result of the changes made by the amending Act.

This Regulation is made under the *Election Funding Act 1981*, including sections 27 (1) (e), 84 (4) (b), 91 (6), 96A (4), 96B (7), 96C (1) (b), 96I (2) (b) and 117 (the general regulation-making power).

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Clause 1

Election Funding Amendment (Political Donations and Expenditure) Regulation 2008

under the

Election Funding Act 1981

1 Name of Regulation

This Regulation is the *Election Funding Amendment (Political Donations and Expenditure) Regulation 2008*.

2 Commencement

This Regulation commences on 10 July 2008.

3 Amendment of Election Funding Regulation 2004

The *Election Funding Regulation 2004* is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 1 Name of Regulation

Omit “*Election Funding Regulation 2004*”.

Insert instead “*Election Funding and Disclosures Regulation 2004*”.

[2] Clause 3 Definitions

Omit the definition of **Part 6 declaration** from clause 3 (1). Insert instead:

Part 6 declaration means a declaration of disclosures under Part 6 of the Act.

[3] Clause 3 (1), definition of “registered agent”

Omit the definition.

[4] Clause 6 Vouching of election campaign expenditure in claim for Part 5 payment

Omit “registered agent” from clause 6 (1) wherever occurring.

Insert instead “party or official agent”.

[5] Clause 7 Part 5 payments generally

Omit “registered agent” from clause 7 (1) and (2) wherever occurring.

Insert instead “party or official agent”.

[6] Clause 8 Part 5 payments to joint party group

Omit “registered agent” from clause 8 (1). Insert instead “party agent”.

[7] Part 3

Omit the Part. Insert instead:

Part 3 Political donations and electoral expenditure

Division 1 Vouching

9 Vouching for political contributions

For the purposes of section 91 (6) of the Act, the prescribed manner of vouching for political donations received by a party,

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an elected member, a group or a candidate is by lodging with the relevant Part 6 declaration:

- (a) the receipt book, containing the triplicate forms of each receipt issued and the original, duplicate and triplicate of each unused receipt, and
- (b) the acknowledgment book, containing the triplicate forms of each acknowledgment issued and the original, duplicate and triplicate of each unused acknowledgment.

10 Vouching for electoral expenditure relating to advertising

- (1) For the purposes of section 91 (6) of the Act, the prescribed manner of vouching for electoral expenditure incurred on election campaign advertising by radio or television or in cinemas, newspapers or periodicals, or incurred on other printed election campaign material, is by attaching to the relevant Part 6 declaration copies of either the accounts or receipts (or a mixture of both) issued in respect of the expenditure.
- (2) An account or receipt is to be disregarded for the purposes of this clause if it does not set out such particulars as are sufficient to identify clearly the nature of the expenditure to which it relates.

Division 2 Accounting records of party

11 Party records

- (1) A party must keep at its party headquarters in New South Wales, or at some other address approved by the Authority, the following accounting records:
 - (a) a receipt book,
 - (b) an acknowledgment book,
 - (c) a deposit book,
 - (d) a cash book, or a receipts cash book and payments cash book,
 - (e) a cheque book,
 - (f) a journal,
 - (g) a ledger.Maximum penalty: 20 penalty units.
- (2) The party records must be kept in accordance with the requirements of this Division.

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12 Party records may be maintained by computer

- (1) Despite clauses 14–19, a party may maintain its party records by means of a computer system.
- (2) If a party maintains its party records by means of a computer system, the party must ensure that:
 - (a) the records comply with the requirements of clauses 14–19 to the extent that those requirements may reasonably be expected to be complied with in relation to computer records, and
 - (b) any entry produced in visible form appears in chronological sequence, and
 - (c) all entries are numbered sequentially under program control in a manner that enables the completeness of the party records to be conveniently verified, and
 - (d) no amendment to the particulars of a transaction already recorded can be made otherwise than by a separate transaction effecting the amendment, and
 - (e) a back-up copy of all records that are less than 6 years old is made at least once a month, and
 - (f) the most recent back-up copy is kept in a separate location so that any incident that might adversely affect the records would not affect the back-up copy.

13 Maintenance of party records other than by computer

Except in the case where a party maintains its party records by means of a computer system, the party records concerned must be kept either in book or loose-leaf form or in a system of cards.

14 Receipt book

- (1) The receipt book must contain forms of receipt in duplicate.
- (2) Each copy must be machine numbered serially.
- (3) Provision must be made for the following to be entered on each form:
 - (a) the date of the receipt,
 - (b) the amount of money received by the party,
 - (c) the form (cash, cheque or postal order) in which the money was received,

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- (d) the name and address, or ABN (if any), of the person, body or organisation by whom or on whose behalf the amount was paid,
 - (e) the purpose of the payment.
 - (4) If a reportable political donation is received by the party, the party must issue from the receipt book a receipt for the amount received.
 - (5) The particulars referred to in subclause (3) must be entered on each receipt in ink or indelible pencil and the receipt must be signed by a person authorised by the party agent of the party.
 - (6) A carbon impression of the receipt must be made on the duplicate form, which must be retained by the party.
 - (7) If the cash book or receipts cash book is used by the party for the purpose of issuing receipts and a carbon impression of the receipt is recorded as a cash book entry, subclause (2) does not require that carbon impression to be machine numbered if the machine number on the original is recorded as part of the cash book entry by some other process.
 - (8) A receipt must be cancelled by writing the word "CANCELLED" across the face of the original and copy of the form.
 - (9) The party must retain in the receipt book the original form of a cancelled receipt and the copy.
 - (10) Despite any other provision of this clause, receipts comply with this clause if they contain the information set out in subclause (3) and are generated by an electronic accounting system approved by the Authority.

15 Acknowledgment book

- (1) The acknowledgment book must contain forms of acknowledgment in duplicate.
- (2) Each copy must be machine numbered serially.
- (3) Provision must be made for the following to be entered on each form:
 - (a) the date of the acknowledgment,
 - (b) the value of any gift that is a reportable political donation that is donated to the party,
 - (c) a description of the gift,

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- (d) the name and address, or ABN (if any), of the person, body or organisation by whom or which or on whose behalf the donation was made,
 - (e) the purpose for which the donation was made.
- (4) If a reportable political donation that is a gift is received by the party, the party must issue from the acknowledgment book an acknowledgment of the donation.
 - (5) The particulars referred to in subclause (3) must be entered on each acknowledgment in ink or indelible pencil and the acknowledgment must be signed by a person authorised by the party.
 - (6) A carbon impression of the acknowledgment must be made on the duplicate form, which must be retained by the party.
 - (7) An acknowledgment must be cancelled by writing the word "CANCELLED" across the face of the original and copy of the form.
 - (8) The party must retain in the acknowledgment book the original form of a cancelled acknowledgment and the copy.
 - (9) In this clause, *gift* does not include a gift in the form of money.
 - (10) Despite any other provision of this clause, acknowledgments comply with this clause if they contain the information set out in subclause (3) and are generated by an electronic accounting system approved by the Authority.

16 Deposit book

- (1) The deposit book must contain deposit forms in duplicate for each bank, credit union or building society at which the party keeps accounts.
- (2) Provision must be made for the following to be entered on each form:
 - (a) the date of the deposit,
 - (b) the amount of the deposit,
 - (c) the form (cash, cheque or postal order) of the deposit,
 - (d) in the case of a deposit by cheque, the name of the drawer of the cheque.
- (3) A carbon impression of the deposit must be made on the duplicate form which must be retained by the party.

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- (4) The party must ensure that:
- (a) the deposit book is produced to the bank, credit union or building society at the time of making a deposit of a political donation, and
 - (b) the particulars referred to in subclause (2) are entered on each deposit form at the time of making such a deposit, and
 - (c) the carbon impression of each complete deposit entry is initialled by an officer of the bank, credit union or building society at which the deposit is being made and is stamped with the stamp of that authorised deposit-taking institution.

17 Cash book

- (1) The cash book must be a book or books, the sheets of which are consecutively numbered.
- (2) The consecutive numbers of receipts issued or cheques drawn must be shown on the respective sheets.
- (3) If the loose-leaf principle is used, separate sheets may be kept for the receipts cash book and the payments cash book, and it is not necessary to number the sheets consecutively.
- (4) As soon as practicable after a transaction is effected, the party must enter:
 - (a) on the receipts side of the cash book, on the receipts cash sheets or in the receipts cash book—particulars of all money received by the party by way of political donations, and
 - (b) on the disbursements side of the cash book, on the payments cash sheets or in the payments cash book—particulars of all money disbursed by the party by way of electoral expenditure.
- (5) At the end of each month, the cash book or books must be balanced and the balance carried forward to the commencement of the next month and to a ledger account provided for that purpose.
- (6) At the end of each month:
 - (a) the entries in the cash book or books must be compared with the pass book or statement of the bank, credit union or building society, and
 - (b) amounts credited to the bank, credit union or building society account and appearing in the relevant pass book or

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statement for which no receipt had been written and amounts debited to the bank, credit union or building society account and appearing in the relevant pass book or statement for which no cheque had been drawn must be entered in the cash book or books.

- (7) Any necessary reconciliation (showing the balance in the bank, credit union or building society account as indicated in the relevant pass book or statement, and adding any money received but not banked and deducting any cheques drawn but not presented for payment) must be entered in the cash book at the end of the entries for the month.

18 Journal

- (1) As soon as practicable after a transaction is effected, the party must enter in the journal particulars of:
- (a) the value of any interest in property donated to the party, and
 - (b) particulars of any interest in property disposed of by the party otherwise than for money, and
 - (c) all adjustments to be made to accounts in the ledger, and
 - (d) all transfers to be effected from one ledger account to another, and
 - (e) all other transactions affecting any ledger account which are not posted or to be posted from the cash book to the ledger,
- being transactions relating to political donations received or electoral expenditure incurred.
- (2) The particulars of each entry in the journal must be sufficient to identify the transaction in respect of which the entry is made and the reason for that entry.

19 Ledger

- (1) The ledger must contain particulars of all political donations received and electoral expenditure incurred.
- (2) The particulars must, if taken in conjunction with other particulars in the receipt book, cash book or books and journal, be sufficient to identify the transaction in respect of which the political donation was received or the electoral expenditure incurred.

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- (3) Each entry in the cash book or books relating to a political donation received or an electoral expenditure incurred must be posted as soon as practicable to the appropriate account in the ledger.
 - (4) Against each entry in the ledger account there must be recorded:
 - (a) a reference to the folio of the cash book from which the entry is posted, or
 - (b) if the cash book is kept on the loose-leaf principle, a reference to the receipt number or cheque number.
 - (5) Each entry in the journal relating to a political donation received or an electoral expenditure incurred must be posted as soon as practicable to the appropriate account in the ledger.
 - (6) There must be recorded against each entry in the ledger account a reference to the folio of the journal from which the entry is posted, preceded by the letter "J".
 - (7) At the end of each month, each account in the ledger must be balanced and the balance (if any) must be carried forward to the commencement of the next month.

20 Party records to be retained

A party must retain its party records for at least 3 years.

Note. It is an offence under section 96I of the Act not to keep the records for 3 years.

21 Alternative system of accounts

- (1) The party agent for a party may apply to the Authority for approval for the party to keep a system of accounting records other than that described in this Division.
- (2) Such an application must be accompanied by a statement of an auditor indicating that, in his or her opinion, the information to be included in a Part 6 declaration is ascertainable from the proposed system.
- (3) The Authority may approve an application, either unconditionally or subject to such conditions as it thinks proper to impose at the time of giving the approval, if it is satisfied:
 - (a) that the proposed system will accurately record and explain the transactions in respect of which the party agent is to lodge a Part 6 declaration, and
 - (b) that the information to be included in such a declaration is ascertainable from the proposed system.

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- (4) The Authority may, for any reason, and on giving at least one month's notice, cancel an approval.
- (5) While an approval is in force, the party to which the approval relates must keep a system of accounting records that complies with the terms of the application and any condition subject to which the approval was given.
Maximum penalty: 20 penalty units.
- (6) In the event of an inconsistency between the terms of an application for approval and a condition subject to which the approval was given, the condition prevails to the extent of the inconsistency.

**Division 3 Accounting records of elected member,
group or candidate**

22 Records of elected member, group or candidate

- (1) An official agent of an elected member or a group or candidate must keep the following accounting records in respect of an election campaign:
 - (a) a receipt book,
 - (b) an acknowledgment book,
 - (c) a cheque book,
 - (d) a petty cash book,
 - (e) a cash book, or a receipts cash book and payments cash book.Maximum penalty: 20 penalty units.
- (2) The accounting records must be kept in accordance with the requirements of this Division.

23 Accounting records may be maintained by computer

- (1) Despite clauses 24–27, the accounting records referred to in clause 22 may be maintained by means of a computer system.
- (2) If an official agent of an elected member or a group or candidate maintains the accounting records by means of a computer system, the official agent must ensure that:
 - (a) the records comply with the requirements of clauses 24–27 to the extent that those requirements may reasonably be expected to be complied with in relation to computer records, and

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- (b) any entry produced in visible form appears in chronological sequence, and
 - (c) all entries are numbered sequentially under program control in a manner that enables the completeness of the records to be conveniently verified, and
 - (d) no amendment to the particulars of a transaction already recorded can be made otherwise than by a separate transaction effecting the amendment, and
 - (e) a back-up copy of all records that are less than 3 years old is made at least once a month, and
 - (f) the most recent back-up copy is kept in a separate location so that any incident that might adversely affect the records would not affect the back-up copy.

24 Receipt book

- (1) The receipt book must be one issued by the Authority containing forms of receipt in triplicate.
- (2) If a reportable political donation in the form of money is received by the official agent of an elected member or a group or candidate, or a person authorised by the official agent under section 96A (4) of the Act, the official agent or person must issue from the receipt book a receipt for the amount received.
- (3) The following particulars must be entered on each receipt in ink or indelible pencil:
 - (a) the date of the receipt,
 - (b) the amount of money received,
 - (c) the form (cash, cheque or postal order) in which the money was received,
 - (d) the name and address, or ABN (if any), of the person, body or organisation by whom or which or on whose behalf the amount was paid,
 - (e) the purpose of the payment.
- (4) The receipt must be signed by the official agent or person authorised under section 96A (4) of the Act.
- (5) Carbon impressions of the receipt must be made on the duplicate and triplicate forms.
- (6) The duplicate form must be retained by the official agent for his or her records.
- (7) The triplicate form must be retained in the receipt book.

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- (8) A receipt must be cancelled by writing the word "CANCELLED" across the face of the original and the 2 copies of the form.
- (9) The official agent must retain in the receipt book the original form of a cancelled receipt and the 2 copies until the book is lodged with the relevant Part 6 declaration.
- (10) Despite any other provision of this clause, receipts comply with this clause if they contain the information set out in subclause (3) and are generated by an electronic accounting system approved by the Authority.

25 Acknowledgment book

- (1) The acknowledgment book must be one issued by the Authority containing forms of acknowledgment in triplicate.
- (2) If a reportable political donation that is a gift is received by the official agent of an elected member or a group or candidate, or a person authorised by the official agent under section 96A (4) of the Act, the official agent or person must issue from the acknowledgment book an acknowledgment of the donation.
- (3) The following particulars must be entered on each acknowledgment in ink or indelible pencil:
 - (a) the date of the acknowledgment,
 - (b) the value of any gift donated,
 - (c) a description of the gift,
 - (d) the name and address, or ABN (if any), of the person, body or organisation by whom or which or on whose behalf the donation was made,
 - (e) the purpose for which the donation was made.
- (4) The acknowledgment must be signed by the official agent or person authorised under section 96A (4) of the Act.
- (5) Carbon impressions of the acknowledgment must be made on the duplicate and triplicate forms.
- (6) The duplicate form must be retained by the official agent for his or her records.
- (7) The triplicate form must be retained in the acknowledgment book.
- (8) An acknowledgment must be cancelled by writing the word "CANCELLED" across the face of the original and the 2 copies of the form.

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- (9) The official agent must retain in the acknowledgment book the original form of a cancelled acknowledgment and the 2 copies until the book is lodged with the relevant Part 6 declaration.
 - (10) In this clause, *gift* does not include a gift in the form of money.
 - (11) Despite any other provision of this clause, acknowledgments comply with this clause if they contain the information set out in subclause (3) and are generated by an electronic accounting system approved by the Authority.

26 Petty cash book

The petty cash book must be a book for recording cash payments for items of expenditure of \$50 or less.

27 Cash book

- (1) The cash book must be a book or books, the sheets of which are consecutively numbered.
- (2) The consecutive numbers of receipts issued or cheques drawn must be shown on the respective sheets.
- (3) If the loose-leaf principle is used, separate sheets may be kept for the receipts cash book and the payments cash book, and it is not necessary to number the sheets consecutively.
- (4) As soon as practicable after a transaction is effected, the official agent must enter:
 - (a) on the receipts side of the cash book, on the receipts cash sheets or in the receipts cash book—particulars of all money received by the official agent of the elected member, group or candidate, or a person authorised by the official agent under section 96A (4) of the Act, by way of political donations, and
 - (b) on the disbursements side of the cash book, on the payments cash sheets or in the payments cash book—particulars of all money disbursed by the official agent of the elected member, group or candidate, or any person so authorised, by way of electoral expenditure.
- (5) At the end of each month, the cash book or books must be balanced and the balance carried forward to the commencement of the next month.

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- (6) At the end of each month:
- (a) the entries in the cash book or books must be compared with the pass book or statement of the relevant bank, credit union or building society, and
 - (b) amounts credited to the bank, credit union or building society account and appearing in the relevant pass book or statement for which no receipt had been written and amounts debited to the bank, credit union or building society account and appearing in the relevant pass book or statement for which no cheque had been drawn must be entered in the cash book or books.
- (7) Any necessary reconciliation (showing the balance in the bank, credit union or building society account as indicated in the relevant pass book or statement, and adding any money received but not banked and deducting any cheques drawn but not presented for payment) must be entered in the cash book at the end of the entries for the month.

28 Records of group or candidate to be retained

The official agent of an elected member or a group or candidate must retain the accounting records for an election campaign for at least 3 years.

Note. It is an offence under section 96I of the Act not to keep the records for 3 years.

Division 4 Other matters relating to political donations and political expenditure

28A Receipt statement for reportable political donations

A receipt issued for a reportable political donation must include a statement in the following form:

If you make a political donation or incur electoral expenditure of \$1,000 or more, you must complete and lodge a declaration with the Election Funding Authority in accordance with the *Election Funding and Disclosures Act 1981*. A political donation includes a contribution or entry fee or an annual or other subscription. You must also disclose a political donation of less than \$1,000 if the total amount of political donations made by you in respect of the same party (or associated parties), elected member, group, candidate or person in the same financial year is \$1,000 or more. Penalties apply for failing to lodge a declaration.

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28B Persons who may not be appointed to accept political donations or make payments for electoral expenditure

For the purposes of section 96A (4) of the Act, a person may not be appointed by an official agent to accept political donations to be made to the agent or to make payments for electoral expenditure from a campaign account by the agent if the person has been convicted of an offence referred to in section 27 of the Act that would disqualify the person from being appointed as a party agent or an official agent.

28C Campaign accounts

- (1) An elected member, candidate or group is exempted from section 96B (2) of the Act if the Authority has approved the operation of the campaign account by the elected member, candidate or group for a period, or for a purpose, specified by the Authority and the approval has not been revoked or otherwise ceased to have effect.
- (2) The Authority may only give an approval if it is satisfied that there are exceptional circumstances that warrant the giving of the approval.

28D Exemption from audit requirements

- (1) An elected member is exempted from section 96K of the Act if the Authority has given an approval that is in force under this clause.
- (2) The Authority may give an approval in either of the following cases:
 - (a) where a Part 6 declaration contains a statement to the effect that no political donations were received and no electoral expenditure was incurred,
 - (b) where the elected member to whom the declaration relates is not eligible to receive a payment under Part 5 of the Act.
- (3) The Authority may give an approval before or after the declaration is made and may revoke the approval at any time.

28E Compliance audits

The Authority may conduct a compliance audit of compliance with the requirements of Part 6 of the Act by a party, an elected member or a group or candidate.

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[8] Clause 29A

Insert after clause 29:

29A Training requirements for party agents or official agents

- (1) For the purposes of section 27 (1) (e) of the Act, a person is not qualified for appointment as a party agent or an official agent unless the person has completed an authorised training program provided by or on behalf of the Authority for that purpose.
- (2) A person is taken to have completed a training program for the purposes of this clause if the person has been notified in writing by the Authority that the person has successfully completed the program.
- (3) The following persons are eligible for appointment as a party agent or an official agent without further training:
 - (a) a Certified Practising Accountant member of CPA Australia, New South Wales Division,
 - (b) a member of the Institute of Chartered Accountants in Australia, New South Wales Branch, who holds a Certificate of Public Practice issued by that Institute,
 - (c) a member of the National Institute of Accountants who holds Public Practice Certificate issued by that Institute.
- (4) A person is exempted from section 27 (1) (e) of the Act if the person is approved by the Authority for the purposes of this subclause on or before 29 August 2008. Any such exemption ceases to have effect if the person does not complete the requisite training program within 14 days after the person's approval under this subclause (or within such shorter period as the Authority may direct when giving that approval).
- (5) The Authority may approve a person for the purposes of subclause (4) only if it is satisfied that, in all the circumstances of the case, it is not practicable to require completion of the training course before the appointment of the agent.

[9] Clause 30 Determination of value of property disposed of

Omit "employ" from clause 30 (1) and (2) wherever occurring.

Insert instead "appoint or approve".

[10] Clause 30 (2) (b)

Omit "registered agents". Insert instead "party or official agents".

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- [11] **Clause 30 (3)**
Omit “employed”. Insert instead “appointed or approved”.
- [12] **Clause 31 Accounts and records to be kept to facilitate audit**
Omit “agent”. Insert instead “official agent”.
- [13] **Clause 31 (b)**
Omit “93”. Insert instead “96K”.
- [14] **Clause 32 Direction by Authority to lodge certain records**
Insert “elected member,” before “party” in clause 32 (1) (a).
- [15] **Clause 32 (1) (b)**
Insert “an elected member or” before “a party”.
- [16] **Clause 32 (1)**
Omit “political contributions given”.
Insert instead “political donations made”.
- [17] **Clause 33 Video tapes or films**
Insert “an elected member or” before “a group” in clause 33 (1) (b).
- [18] **Clause 33 (2) and (3)**
Insert “elected member,” before “group” wherever occurring.
- [19] **Clause 33 (4)**
Insert “an elected member or” before “a party”.
- [20] **Clause 34**
Omit the clause. Insert instead:
- 34 Other advertising**
- (1) This clause applies to any advertising material in respect of which electoral expenditure is incurred by an elected member or a party, group or candidate (other than material required to be retained under clause 33).
 - (2) The party or the official agent of the party, elected member, group or candidate (as the case requires) must keep the following advertising material for a period of 3 years after the date of the last presentation of the advertisement concerned as a record of electoral expenditure incurred in respect of that advertisement:

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- (a) a copy of the text of any radio or internet advertisement,
- (b) if the expenditure is incurred in respect of an advertisement in one or more newspapers or periodicals:
 - (i) a full page of a newspaper or periodical in which the advertisement is displayed, and
 - (ii) a statement identifying the advertisement and listing the name of each newspaper and periodical in which the advertisement was published, the size of the advertisement and the date of each publication,
- (c) if the expenditure is incurred in respect of other printed election campaign material, a copy of each printed item.

Note. It is an offence under section 96I of the Act to fail to keep the material for 3 years.

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