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ELECTION FUNDING AUTHORITY - PRACTICE OF PROVIDING COPIES OF DISCLOSURE DECLARATION SUPERSEDED

Following recent amendments to the *Election Funding and Disclosures Act 1981*, copies of political donation and electoral expenditure disclosure declarations are now required to be published on the Election Funding Authority (EFA) website at www.efa.nsw.gov.au.

The Election Funding and Disclosures Act now also requires councillors to lodge disclosure declarations every six months. Previously, disclosures were required to be lodged only once every 4 years after ordinary elections (or after an intervening by-election where one should occur).

Prior to the amendments, it was the EFA's practice to assist councils in meeting their obligations under section 12(1) of the *Local Government Act 1993* by providing them with copies of disclosure declarations (then known as "returns") following elections.

This practice has now been superseded by the new requirements for increased frequency of disclosure declaration lodgement and with copies of disclosures now readily available to councils for downloading and printing from the EFA website.

For more information on election funding and disclosure matters, contact EFA enquiries on telephone 1300 135 736 or email to enquiries@efa.nsw.gov.au.

Councils are also reminded that with the commencement of the *Local Government and Planning Legislation Amendment (Political Donations) Act 2008*, the *Local Government Act 1993* and the *Environment Planning and Assessment Act 1979* were amended in relation to political donations.

The amending Act inserted Part 8A into the Local Government Act, requiring the general manager of each local council to keep a public register of all current donations and expenditure declarations lodged by councillors with the EFA (section 328A).

In addition, where a general manager reasonably suspects that a councillor has failed to comply with his or her obligation to disclose and manage a conflict of interests arising from a political donation, the general manager must refer the matter to the Deputy Director General, Division of Local Government, Department of Premier and Cabinet.

For details of general managers' responsibilities in relation to disclosure declarations and other changes introduced by the amending Act to the Local Government Act, councils should review Circular to Councils 08-45, issued on 11 August 2008. That Circular provides guidance with meeting councils' obligations under the new legislation.



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