



New South Wales

# Electoral Funding Amendment Bill 2025

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2025*



New South Wales

## **Electoral Funding Amendment Bill 2025**

Act No , 2025

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An Act to amend the *Electoral Funding Act 2018* to make further provision in relation to payments from the Administration Fund; and for related matters.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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

**1 Name of Act**

This Act is the *Electoral Funding Amendment Act 2025*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## **Schedule 1      Amendment of Electoral Funding Act 2018 No 20**

### **[1]    Section 4 Definitions**

Insert in alphabetical order—

***additional entitlement*** means an additional entitlement, other than the electoral allowance, of the kind referred to in the *Parliamentary Remuneration Act 1989*, section 10(3).

### **[2]    Section 84 Administrative expenditure—payments from Administration Fund**

Omit section 84(1)(b)(ii).

### **[3]    Section 87 Public funding of eligible parties for administrative expenditure**

Insert after section 87(5)—

- (6) A party is not eligible for a payment from the Administration Fund for an item of administrative expenditure for which an elected member of the party has also made a claim for an additional entitlement.

### **[4]    Section 88 Public funding of independent members for administrative expenditure**

Insert after section 88(4)—

- (5) An elected member is not eligible for a payment from the Administration Fund for an item of administrative expenditure for which the elected member has also made a claim for an additional entitlement.

### **[5]    Section 94 Claims for payment**

Insert after section 94(2)(b)—

- (b1) for an elected member—be accompanied by a further declaration that the member has not made and will not make, for the same item of administrative expenditure, a claim under this part and a claim for an additional entitlement, and

### **[6]    Section 94(3A)**

Insert after section 94(3)—

- (3A) In dealing with a claim for payment, the Electoral Commission may, but need not, rely on a declaration made under section 94(2)(b1) or 96A.

### **[7]    Section 94(6A)**

Insert after section 94(6)—

- (6A) The Electoral Commission may recover, as a debt in a court of competent jurisdiction, an amount a party, or an elected member, has received as part of a quarterly payment for an item of administrative expenditure if an elected member of the party, or the elected member, has, after making a claim for payment under this part, received a payment of an additional entitlement for the same item of administrative expenditure.

### **[8]    Section 96 Payments conditional on compliance with other obligations under this Act**

Insert after section 96(2)—

- (3) A party is not eligible for a quarterly payment from the Administration Fund under this part while a failure by an elected member of the party to give the

Electoral Commission a required declaration under section 96A in relation to the claim for the quarterly payment continues.

- (4) An elected member is not eligible for a quarterly payment from the Administration Fund under this part while a failure by the elected member to give the Electoral Commission a declaration under section 94(2)(b1) in relation to the claim for the quarterly payment continues.

**[9] Section 96A**

Insert after section 96—

**96A Declarations about public funding of eligible parties for administrative expenditure**

- (1) The Electoral Commission may, by written notice, require an elected member of a party to make a declaration under this section if the party agent of the party has made a claim for payment from the Administration Fund for an item of administrative expenditure.
- (2) The elected member must state in the declaration that the member has not made and will not make a claim for an additional entitlement for the item of administrative expenditure.
- (3) The declaration must be—
  - (a) made in writing, and
  - (b) given to the Electoral Commission within the reasonable period specified by the Electoral Commission.

**[10] Section 152 Guidelines**

Insert after section 152(2)—

- (3) The Electoral Commission must, if practicable, before a guideline relating to administrative expenditure under Part 5 is determined and issued—
  - (a) make a draft of the guideline publicly available by—
    - (i) publishing the draft guideline on the Electoral Commission's website, and
    - (ii) giving the draft guideline to the President of the Council and the Speaker of the Assembly, and
  - (b) invite written submissions about the draft guideline to be made within a specified period after the date the draft guideline was made publicly available, being a period of at least 4 weeks (the *submission period*), and
  - (c) consider the written submissions made about the draft guideline received by the Electoral Commission within the submission period.
- (4) The Electoral Commission may, but need not, make publicly available the written submissions made about the draft guideline or a summary of or report on the written submissions.
- (5) A failure to comply with a requirement under subsection (3) in relation to a guideline does not affect the validity of the guideline or a decision made by the Electoral Commission having regard to the guideline under subsection (2).
- (6) The Electoral Commission may dispense with compliance with subsection (3) if it is satisfied that compliance should be dispensed with because of the minor nature or urgency of the matter.

- (7) To avoid doubt—
  - (a) the Electoral Commission is not prevented from making decisions about administrative expenditure during the submission period for a draft guideline, and
  - (b) the determination and issue of a guideline under subsection (1) does not affect the validity of a decision made by the Electoral Commission before the guideline was determined and issued.

**[11] Schedule 2 Savings, transitional and other provisions**

Insert at the end of the schedule—

**Part 8 Provisions consequent on enactment of Electoral Funding Amendment Act 2025**

**27 Definition**

In this part—

*amending Act* means the *Electoral Funding Amendment Act 2025*.

**28 Retrospective commencement of amendments**

- (1) The amendments to this Act made by the amending Act, other than by Schedule 1[10], are taken to have commenced on 1 April 2023.
- (2) For a claim for payment under this Act, Part 5 for administrative expenditure incurred on or after 1 April 2023 and before the commencement of the amending Act that has been made, whether or not the claim has been determined—
  - (a) the party agent of the party or an elected member who made the claim may, within 12 months after the commencement, make a supplementary claim for payment, and
  - (b) for a supplementary claim for an elected member—the claim must comply with this Act, section 94(2)(b1), and
  - (c) for a supplementary claim for a party—this Act, section 96A extends to the supplementary claim.
- (3) The Electoral Commission must determine the supplementary claim as if it was a claim made under this Act, Part 5.
- (4) For a claim for payment under this Act, Part 5 for administrative expenditure incurred on or after 1 April 2023 and before the commencement of the amending Act, the making of a supplementary claim is, for this Act, section 153, a proper reason justifying an extension of the time required under section 90(2) or 91(6) to repay an excess amount to the Electoral Commission.
- (5) Despite subclause (4), the time must not be extended to a date later than 31 December 2026.