



New South Wales

Electoral Funding Amendment Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Electoral Funding Act 2018* (the **EF Act**) to deal further with the relationship between—

- (a) the EF Act, Part 5, which deals with payments to members of Parliament and parties from the Administration Fund, and
- (b) provisions of the *Parliamentary Remuneration Act 1989* which deals with additional entitlements of members of Parliament.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Electoral Funding Act 2018 No 20

Schedule 1[1] defines **additional entitlement** as an additional entitlement, other than the electoral allowance, of the kind referred to in the *Parliamentary Remuneration Act 1989*, section 10(3).

Schedule 1[2] omits section 84(1)(b)(ii) from the EF Act. The subparagraph provides that for the purpose of payments from the Administration Fund, administrative expenditure does not include expenditure for which a member of Parliament may claim a parliamentary allowance as a member, other than expenditure for which an electoral allowance is payable under the *Parliamentary Remuneration Act 1989*, Part 3.

Schedule 1[3] and [4] make amendments to the EF Act to make it clear that a party and an elected member are not eligible for a payment from the Administration Fund for an item of administrative expenditure for which an elected member of the party, or the elected member, has also made a claim for an additional entitlement.

Schedule 1[5] inserts proposed section 94(2)(b1) into the EF Act to provide that a claim for payment from the Administration Fund for an elected member of Parliament must be accompanied by a declaration that the member has not made and will not make, for the same item of administrative expenditure, a claim under Part 5 and a claim for an additional entitlement.

Schedule 1[6] provides that, when dealing with a claim for payment under the EF Act, Part 5, the Electoral Commission may, but need not, rely on a declaration made under proposed section 94(2)(b1) or 96A.

Schedule 1[7] provides that 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 the EF Act, Part 5, received a payment of an additional entitlement for the same item of administrative expenditure.

Schedule 1[8] inserts proposed section 96(3) and (4) into the EF Act to provide that—

- (a) a party is not eligible for a quarterly payment from the Administration Fund while a failure by an elected member of the party to give the Electoral Commission a required declaration under proposed section 96A in relation to the claim for the quarterly payment continues, and
- (b) an elected member is not eligible for a quarterly payment from the Administration Fund 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.

Schedule 1[9] inserts proposed section 96A into the EF Act to provide that the Electoral Commission may require an elected member of Parliament who is a member of a party to make a declaration if the party agent of the party has made a claim for payment from the Administration Fund for an item of administrative expenditure. 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.

Schedule 1[10] makes provision about the determination and issue of guidelines by the Electoral Commission about administrative expenditure under the EF Act, Part 5.

Schedule 1[11] inserts savings and transitional provisions into the EF Act, which—

- (a) provide that the amendments made by the proposed Act, other than Schedule 1[10], are taken to have commenced on 1 April 2023, and
- (b) deal with claims for payment from the Administration Fund for administrative expenditure incurred on or after 1 April 2023 and before the commencement of the proposed Act that have already been made, whether or not the claim has been determined, including the repayment of excess amounts.