

**Submission  
No 4**

**ADMINISTRATION OF THE 2023 NSW STATE ELECTION AND OTHER  
MATTERS**

**Name:** Independent members of the Legislative Assembly

**Date Received:** 7 February 2024



6th February 2024

The Hon. Peter Primrose MLC  
Chairperson  
Joint Standing Committee on Electoral Matters  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

**Joint submission to the inquiry into the administration of the 2023 NSW state election  
and other matters**

Dear Chair,

Thank you for the opportunity to make a submission to the Joint Standing Committee on Electoral Matters inquiry into the Administration of the 2023 NSW state election and other matters.

Our joint submission relates specifically to clause 72 of the Electoral Funding Act. This section substantially and unfairly disadvantages incumbent independent NSW parliamentarians with regards to the funding of electoral expenditure.

Currently, sitting independent members seeking re-election can receive no advance payment from the Election Campaigns Fund, whereas registered parties can receive advance payments up to 75% of their previous State general election claim.

Clause 72 Entitlements to advance payments reads:

A registered party is, subject to and in accordance with this Act, eligible for an advance payment from the Election Campaigns Fund for electoral expenditure incurred in connection with a general election of an amount determined in accordance with subsection (2).

(2) A party may receive the following amounts by way of advance payment under this section at the following times -

(a) 50% of the total amount to which the party was entitled under this Part in respect of the previous general election, after the commencement of the capped State expenditure period for the general election and before the issue of the writs for the general election,

(b) a further 25% of the total amount to which the party was entitled under this Part in respect of the previous general election, after the issue of the writs for the general election.

(3) The amount payable by way of an advance payment under this section may be paid as a lump sum or in installments.

(4) Any amount paid to a party by way of advance payment under this section in respect of a general election is to be deducted from the amount payable under this Part to the party from the Election Campaigns Fund in respect of that general election.

(5) If a party receives amounts by way of advance payment under this section in respect of a general election in excess of the amount (if any) to which it becomes entitled under this Part from the Election Campaigns Fund in respect of that general election, the amount of the excess must be repaid to the Electoral Commission within 60 days after the day for the return of the writs for that general election.

(6) Any amount received by a party by way of advance payment under this section in respect of a general election must be repaid, on demand by the Electoral Commission, to the Electoral Commission if—

(a) the party does not contest the general election, or

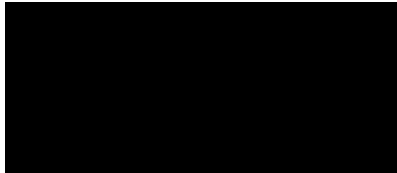
(b) before the election day for the general election, the party ceases to operate or be registered or it has been, or is being, dissolved or wound up.

(7) Any amount required to be repaid under this section may be recovered by the Electoral Commission as a debt in any court of competent jurisdiction.

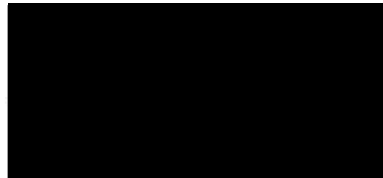
We seek an amendment of the Electoral Funding Act 2018 to enable all sitting members equal and fair access to advance payments from the Elections Campaign Fund.

Thank you for considering this submission.

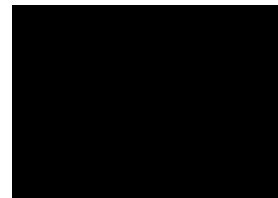
Kind regards,



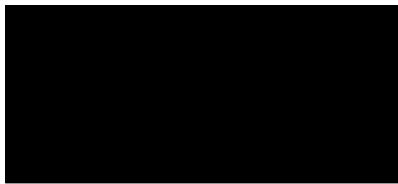
**Alex Greenwich, MP**  
**Member for Sydney**



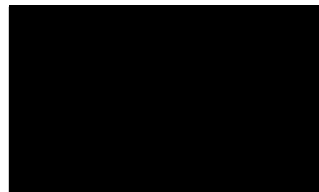
**Michael Regan, MP**  
**Member for Wakehurst**



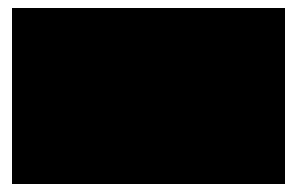
**Judy Hannan, MP**  
**Member for Wollondilly**



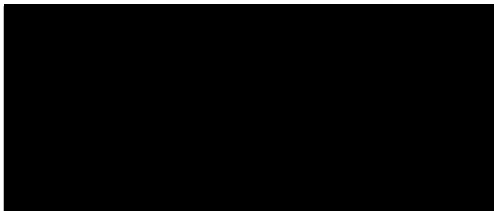
**Greg Piper, MP**  
**Member for Lake Macquarie**



**Dr Joe McGirr, MP**  
**Member for Wagga Wagga**



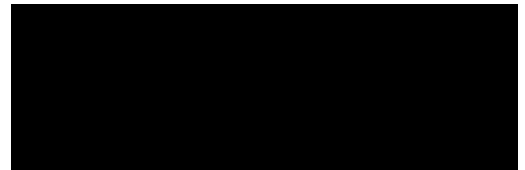
**Helen Dalton, MP**  
**Member for Murray**



**Phil Donato, MP**  
**Member for Orange**



**Roy Butler, MP**  
**Member for Barwon**



**Gareth Ward, MP**  
**Member for Kiama**