

TASMANIA

ELECTORAL DISCLOSURE AND FUNDING AMENDMENT (SPENDING LIMITS) BILL 2026

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ELECTORAL DISCLOSURE AND FUNDING AMENDMENT (SPENDING LIMITS) BILL 2026

(Brought in by Eloise Rafia Haddad, MP)

A BILL FOR

An Act to amend the *Electoral Disclosure and Funding Act 2023*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Electoral Disclosure and Funding Amendment (Spending Limits) Act 2026*.

2. Commencement

This Act commences on a day to be proclaimed, but if this Act has not been commenced by 1 July 2027 it commences on 1 July 2027.

3. Principal Act

In this Act, the *Electoral Disclosure and Funding Act 2023** is referred to as the Principal Act.

*No. 37 of 2023

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4. Sections 55A, 55B, 55C and 55D inserted

Before section 56 of the Principal Act, the following sections are inserted in Division 1:

55A. Interpretation of Part

In this Part –

Assembly electoral expenditure – see section 55B;

election campaign funding period
means –

- (a) in relation to an Assembly general election – the period beginning on whichever is the earlier of the following days:
 - (i) the day that is 9 months before the last day by which, in accordance with the *Constitution Act 1934*, such an election must be held;
 - (ii) the day on which the dissolution of the Assembly, by virtue of which the Assembly general election is

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required to be
held, occurs –

and ending on the
disclosure period end day
in relation to the election;
and

- (b) in relation to an Assembly
by-election – the period
beginning on the day on
which a writ for the
holding of the by-election
is issued and ending on
the disclosure period end
day in relation to the by-
election;

electoral advertisement means an
advertisement that contains
electoral matter, regardless of
whether or not consideration was
paid for the publication,
broadcast or display of the
advertisement;

GST has the same meaning as in the *A
New Tax System (Goods and
Services Tax) Act 1999* of the
Commonwealth.

55B. Meaning of *Assembly electoral expenditure*

- (1) In this Part, unless otherwise prescribed,
expenditure is Assembly electoral

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expenditure if the expenditure is incurred on –

- (a) broadcasting, or publishing, an electoral advertisement in relation to an Assembly election; or
- (b) displaying an electoral advertisement at a theatre, or other place of entertainment, or during a live show; or
- (c) producing an electoral advertisement that is broadcast, published, or displayed, in accordance with paragraph (a) or (b); or
- (d) broadcasting, publishing, displaying, producing, or distributing, any electoral matter which –
 - (i) is required, under section 191 of the *Electoral Act 2004*, to be authorised; or
 - (ii) is specified in section 192 of the *Electoral Act 2004*; or
- (e) fees paid for the purpose of consulting services, or advertising services, for the purpose of producing –

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- (i) an electoral advertisement to which paragraph (a), (b) or (c) applies; or
 - (ii) an electoral matter to which paragraph (d) applies; or
- (f) carrying out an opinion poll, or other research, to support the production of –
 - (i) an electoral advertisement to which paragraph (a), (b) or (c) applies; or
 - (ii) an electoral matter to which paragraph (d) applies.
- (2) In this Part, unless otherwise prescribed, Assembly electoral expenditure –
 - (a) includes gifts, to which this Part applies, within the meaning of section 55C; and
 - (b) does not include Assembly administrative expenditure.
- (3) The regulations may prescribe, for the purposes of this Part –
 - (a) that certain classes of expenditure are not Assembly electoral expenditure; and

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- (b) that certain classes of expenditure are Assembly electoral expenditure.
- (4) Before the commencement of the election campaign period for an Assembly election or as soon as practicable after the start of such a period, the Commission is to publish guidelines including, but not limited to –
 - (a) guidelines on what is electoral expenditure in respect of the Assembly election; and
 - (b) how the value of electoral expenditure is to be calculated in respect of the Assembly election.
- (5) In the case of a dispute as to whether expenditure is Assembly electoral expenditure –
 - (a) the Commission may determine whether the expenditure is, or is not, Assembly electoral expenditure; and
 - (b) that determination is final; and
- (6) The Auditor-General or an auditor is, for the purposes of this Act, entitled to rely on any determination of the Commission referred to in subsection (5).

55C. Application of Part to gifts

- (1) Subject to subsection (2), this Part applies to an item of Assembly electoral expenditure that is a gift if –
 - (a) the gift is made to, or for the benefit of a registered party, an Assembly member, an Assembly candidate or a campaign entity (the *gift recipient*); and
 - (b) the gift is made during the election campaign funding period for an Assembly election; and
 - (c) the gift recipient has accepted the gift; and
 - (d) the gift consists of items that, if the expenditure for the items were incurred by the gift recipient, would be Assembly electoral expenditure under this Part.
- (2) This Part does not apply to the following items of Assembly electoral expenditure that is a gift:
 - (a) a gift that was given to a registered party, or an Assembly member or Assembly candidate who is a member of a registered party –

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- (i) during the election campaign funding period for an Assembly election where the Assembly member, Assembly candidate or a member of the registered party is a candidate; and
 - (ii) by a person who, for that Assembly election, may incur Assembly electoral expenditure for that registered party under section 68B;
- (b) a gift that was given to an independent Assembly member or independent Assembly candidate –
 - (i) during the election campaign funding period for an Assembly election where the independent Assembly member, or independent Assembly candidate, is a candidate; and
 - (ii) by a person who, for that Assembly election, may incur Assembly electoral expenditure for that independent Assembly

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member, or independent
Assembly candidate,
under section 68C;

(c) a gift that was given to a
campaign entity for an Assembly
election –

(i) during the election
campaign funding period
for the Assembly election;
and

(ii) by a person who, for that
Assembly election, may
incur Assembly electoral
expenditure for that
campaign entity under
section 68D;

(d) a gift within a class of gifts that is
prescribed in the regulations as
being a class of gifts to which this
Part does not apply.

(3) For the avoidance of doubt –

(a) section 55D applies to an item of
Assembly electoral expenditure,
which is a gift to which this Part
applies, as if the gift recipient
incurred the expenditure in
respect of the gift; and

(b) nothing in this section removes
any obligation under this Act, in

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respect of the gift, that may apply to the gift recipient, or the person who gave the gift, in respect of the gift.

55D. Calculation of amounts generally

- (1) For the purposes of calculating an amount of expenditure in respect of an item of Assembly electoral expenditure under this Part, the person required to disclose the expenditure may use one of the following values in respect of the item:
 - (a) the value of the item at the time at which it was purchased by the person;
 - (b) the value of the item at the time at which it was distributed by, or in respect of, the person;
 - (c) the value of the item as specified in an invoice issued to, and paid or payable by, the person.
- (2) An amount of expenditure to be disclosed under this Part, in respect of an item of Assembly electoral expenditure, is to be disclosed exclusive of any GST paid or payable in respect of the item.
- (3) If an item of expenditure under this Part relates to 2 or more candidates, the value of an item of expenditure may be –

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- (a) apportioned between each candidate to which the expenditure relates; or
 - (b) solely attributed to one of the candidates to which the expenditure relates.
- (4) If an item of expenditure under this Part is used for 2 or more Assembly elections, a value for the item, or expenditure, must be calculated under this Part for each Assembly election.
- (5) The Commission may request such information, and evidence, as the Commission may require in respect of the value of an item that is disclosed under this Part as Assembly electoral expenditure.

5. Section 56 amended (Electoral expenditure of endorsed Assembly candidate or Member where incurred by party, &c.)

Section 56 of the Principal Act is amended as follows:

- (a) by omitting “electoral expenditure” twice occurring and substituting “Assembly electoral expenditure”;
- (b) by omitting “election campaign period” and substituting “election campaign funding period”.

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6. Section 57 amended (Registered parties and endorsed Members or candidates)

Section 57 of the Principal Act is amended as follows:

- (a) by omitting “electoral expenditure” and substituting “Assembly electoral expenditure”;
- (b) by omitting “election campaign period” twice occurring and substituting “election campaign funding period”.

7. Section 58 amended (Independent Assembly Members and independent Assembly candidates)

Section 58 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “electoral expenditure” and substituting “Assembly electoral expenditure”;
- (b) by omitting from subsection (1) “election campaign period in relation to” and substituting “election campaign funding period for”;
- (c) by omitting from subsection (1) “election campaign period” second occurring and substituting “election campaign funding period”;

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- (d) by omitting from subsection (2) “electoral expenditure” and substituting “Assembly electoral expenditure”;
- (e) by omitting from subsection (2) “election campaign period in relation to” and substituting “election campaign funding period for”;
- (f) by omitting from subsection (2) “election campaign period” second occurring and substituting “election campaign funding period”.

8. Section 59 amended (Associated entities)

Section 59 of the Principal Act is amended as follows:

- (a) by omitting “electoral expenditure” and substituting “Assembly electoral expenditure”;
- (b) by omitting “election campaign period” twice occurring and substituting “election campaign funding period”.

9. Section 60 amended (Third-party campaigners)

Section 60 of the Principal Act is amended as follows:

- (a) by omitting “electoral expenditure” and substituting “Assembly electoral expenditure”;

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- (b) by omitting “election campaign period” twice occurring and substituting “election campaign funding period”.

10. Section 61 amended (Election expenditure disclosure requirements where person or entity ceases to be type of person or entity)

Section 61(a) of the Principal Act is amended as follows:

- (a) by omitting “electoral expenditure” and substituting “Assembly electoral expenditure”;
- (b) by omitting “election campaign period” and substituting “election campaign funding period”.

11. Section 62 amended (Details required in disclosure of electoral expenditure)

Section 62 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “electoral expenditure” twice occurring and substituting “Assembly electoral expenditure”;
- (b) by omitting from subsection (2) “electoral expenditure” and substituting “Assembly electoral expenditure”.

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12. Section 64 amended (Payments of electoral expenditure to be made from party campaign account)

Section 64 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “electoral expenditure” and substituting “Assembly electoral expenditure”;
- (b) by omitting from subsection (1)(b) “electoral expenditure” and substituting “Assembly electoral expenditure”;
- (c) by omitting from subsection (2) “electoral expenditure” and substituting “Assembly electoral expenditure”.

13. Section 65 amended (Requirements if party agent responsible for disclosure of Assembly electoral expenditure)

Section 65 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “electoral expenditure” twice occurring and substituting “Assembly electoral expenditure”;
- (b) by omitting from subsection (1)(b) “electoral expenditure” twice occurring and substituting “Assembly electoral expenditure”;

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- (c) by omitting from subsection (2)(a) “electoral expenditure” twice occurring and substituting “Assembly electoral expenditure”;
- (d) by omitting from subsection (2)(b) “electoral expenditure” twice occurring and substituting “Assembly electoral expenditure”;
- (e) by omitting from subsection (5) “electoral expenditure” and substituting “Assembly electoral expenditure”.

14. Section 66 amended (Requirements in relation to independent Assembly Members and independent Assembly candidates)

Section 66(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “electoral expenditure” and substituting “Assembly electoral expenditure”;
- (b) by omitting from paragraph (b) “electoral expenditure” and substituting “Assembly electoral expenditure”.

15. Section 67 amended (Requirements for associated entity in relation to expenditure)

Section 67(1) of the Principal Act is amended as follows:

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- (a) by omitting from paragraph (a) “electoral expenditure” and substituting “Assembly electoral expenditure”;
- (b) by omitting from paragraph (b) “electoral expenditure” and substituting “Assembly electoral expenditure”.

16. Section 68 amended (Requirements for payment of electoral expenditure by third-party campaigner)

Section 68(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “electoral expenditure” and substituting “Assembly electoral expenditure”;
- (b) by omitting from paragraph (b) “electoral expenditure” and substituting “Assembly electoral expenditure”.

17. Part 6, Division 4A inserted

After section 68 of the Principal Act, the following Division is inserted in Part 6:

Division 4A – Expenditure limit for Assembly election

68A. Interpretation of Division

- (1) In this Division –

campaign entity includes –

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(a) an associated entity that is not also a related entity; and

(b) a third-party campaigner;

expenditure cap means –

(a) for an Assembly election where the polling day for the election is on or before 31 December 2026 – \$50 000; or

(b) for an Assembly election where the polling day for the election is in a subsequent calendar year – the expenditure cap for the previous calendar year, adjusted for inflation as provided in Schedule 1;

expenditure limit means the expenditure limit –

(a) in relation to a registered party – the expenditure limit that applies to the party under section 68B(2); and

(b) in relation to an independent Assembly candidate for an

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Assembly election – the expenditure limit that applies for that election under section 68C(2); and

- (c) in relation to a campaign entity during an Assembly election – the expenditure limit that applies for that election under section 68D(2);

related entity, in relation to a political party, candidate, associated entity or third-party campaigner, means an entity that is –

- (a) owned, wholly or substantially, by the political party, candidate, associated entity or third-party campaigner; or
- (b) was created or established, wholly or substantially –
 - (i) at the direction of the political party, candidate, associated entity or third-party campaigner; or
 - (ii) for the benefit of, the political party,

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candidate,
associated entity
or third-party
campaigner.

- (2) For the purposes of this Division, if a related entity in relation to a registered party is also an associated entity in relation to that party, this Division applies to that entity as if it were a related entity of the registered party.

68B. Limit on electoral expenditure for registered party

- (1) This section applies to Assembly electoral expenditure in relation to an Assembly election that is incurred by or on behalf of a registered party during the election campaign funding period for the election.
- (2) The Assembly electoral expenditure for a registered party, in respect of an Assembly election, must not exceed the expenditure limit for that registered party in that election, being the least of the following amounts:
- (a) the expenditure cap for that Assembly election multiplied by the number of vacancies that are to be filled by that election;

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- (b) the expenditure cap for that Assembly election multiplied by the number of candidates for that party in that election;
 - (c) the expenditure cap for that Assembly election multiplied by 7 and then multiplied by the number of Assembly divisions to which that Assembly election relates.
- (3) In addition to subsection (2), if an Assembly election is being held in respect of more than one Assembly division, a registered party must not spend, in any one Assembly division (the ***relevant Division***) during that election, more than 150% of the lesser of the following amounts:
 - (a) the expenditure cap for that Assembly election multiplied by the number of vacancies that are to be filled in the relevant Division during that election;
 - (b) the expenditure cap for that Assembly election multiplied by the number of candidates for that party in the relevant Division during that election.
- (4) If a registered party exceeds the expenditure limit for the party in respect

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of an Assembly election, the registered party is liable to pay to the State an amount that is equal to twice the amount by which the registered party exceeded the expenditure limit for the party in respect of the election.

- (5) An amount payable by a registered party under subsection (4) –
- (a) is in addition to any other penalty that may be payable by the registered party under this Division in respect of exceeding the expenditure limit; and
 - (b) may be recovered by the Commission as a debt due and payable to the State.
- (6) For the purposes of this section, each of the following persons may incur Assembly electoral expenditure in respect of a registered party for an Assembly election:
- (a) the registered party;
 - (b) each party agent in relation to the registered party;
 - (c) each person authorised under section 65(6) to operate the campaign account of the registered party;

- (d) each Assembly Member, and each Assembly candidate, who is endorsed by the registered party in respect of the election;
- (e) each official agent in relation to an Assembly Member, or Assembly candidate, who is endorsed by the registered party in respect of the election;
- (f) each related entity in relation to the registered party.

68C. Limit on electoral expenditure for independent members and candidates

- (1) This section applies to Assembly electoral expenditure in relation to an Assembly election that is incurred by or on behalf of an independent Assembly Member or independent Assembly candidate, for that election, during the election campaign funding period for the election.
- (2) The Assembly electoral expenditure for an independent Assembly Member or independent Assembly candidate, in respect of an Assembly election, must not exceed the expenditure limit for the election, being the expenditure cap for that Assembly election multiplied by 1.2.

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- (3) If an independent Assembly Member or independent Assembly candidate exceeds the expenditure limit in respect of an Assembly election, that Member or candidate is liable to pay to the State an amount that is equal to twice the amount by which the Member or candidate exceeded the relevant expenditure limit in respect of the election.
- (4) An amount payable by an independent Assembly Member, or independent Assembly candidate, under subsection (3) –
 - (a) is in addition to any other penalty that may be payable by the Member or candidate, under this Division, in respect of exceeding the relevant expenditure limit; and
 - (b) may be recovered by the Commission as a debt due and payable to the State.
- (5) For the purposes of this section, each of the following persons may incur Assembly electoral expenditure:
 - (a) in respect of an independent Assembly Member for an Assembly election –
 - (i) the independent Assembly Member; and

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- (ii) each official agent in relation to the independent Assembly Member; and
 - (iii) each related entity of the independent Assembly Member; and
 - (iv) each person authorised under section 66(5) to operate the campaign account of the independent Assembly Member;
- (b) in respect of an independent Assembly candidate for an Assembly election –
 - (i) the independent Assembly candidate; and
 - (ii) each official agent in relation to the independent Assembly candidate; and
 - (iii) each related entity of the independent Assembly candidate; and
 - (iv) each person authorised under section 66(5) to operate the campaign account of the

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independent Assembly
candidate.

68D. Limit on electoral expenditure for other entities

- (1) This section applies to Assembly electoral expenditure in relation to an Assembly election that is incurred by or on behalf of a campaign entity, for that election, during the election campaign funding period for the election.
- (2) The Assembly electoral expenditure for a campaign entity, in respect of an Assembly election, must not exceed the expenditure limit for the election, being the expenditure cap for that Assembly election multiplied by 1.5.
- (3) If a campaign entity exceeds the expenditure limit in respect of an Assembly election, the campaign entity is liable to pay to the State an amount that is equal to twice the amount by which the campaign entity exceeded the relevant expenditure limit in respect of the election.
- (4) An amount payable by a campaign entity under subsection (3) –
 - (a) is in addition to any other penalty that may be payable by the campaign entity under this Part in

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respect of exceeding the relevant expenditure limit; and

(b) may be recovered by the Commission as a debt due and payable to the State.

(5) For the purposes of this section, each of the following persons may incur Assembly electoral expenditure in respect of a campaign entity for an Assembly election:

(a) if the campaign entity is an associated entity –

(i) the associated entity; and

(ii) each official agent in relation to the associated entity; and

(iii) each related entity of the associated entity; and

(iv) each person authorised under section 94(2) to make payments for Assembly electoral expenditure on behalf of the associated entity;

(b) if the campaign entity is a third-party campaigner –

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- (i) the third-party campaigner; and
 - (ii) each official agent in relation to the third-party campaigner; and
 - (iii) each related entity of the third-party campaigner; and
 - (iv) each person authorised under section 94(1) to make payments for Assembly electoral expenditure on behalf of the third-party campaigner.
- (6) If an associated entity or third-party campaigner is part of a corporate group, within the meaning of section 226B of the *Duties Act 2001*, that corporate group is a single associated entity or single third-party campaigner for the purposes of this section.

68E. Offence relating to Assembly electoral expenditure

If an expenditure limit applies to a person under this Division in respect of an Assembly election, the person must not, during the election campaign funding period for the election, exceed the

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expenditure limit that applies to the person in respect of the election.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

18. Section 71 amended (Assembly election campaign returns)

Section 71 of the Principal Act is amended as follows:

- (a) by omitting from subsection (8) “An Assembly election campaign return” and substituting “Subject to subsection (9), an Assembly election campaign return”;
- (b) by inserting the following subsections after subsection (8):
 - (9) Despite subsection (8), the vouching for an Assembly election campaign return is not required to include copies of electoral advertising, or electoral matters, that are publicly available, unless specifically requested by the Commission.
 - (10) A person must comply with a request of the Commission, under subsection (9), to provide copies of electoral advertising, or

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electoral matters, that are publicly available.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

19. Section 161 amended (Offence relating to schemes to circumvent expenditure limits or other prohibitions or restrictions)

Section 161(2) of the Principal Act is amended by omitting “or 9” and substituting “or 9, or exceeding or circumventing an expenditure limit that applies under Part 4,”.

20. Schedule 1 amended (Adjustment of Amounts)

Schedule 1 to the Principal Act is amended by inserting after clause 1 the following clause:

1A. Adjustment of expenditure cap in Assembly election

- (1) The expenditure cap that applies in respect of Division 4A of Part 6 is to be adjusted for inflation as provided by this clause.
- (2) The adjustment of the expenditure cap that applies in respect of Division 4A of Part 6 in respect of an Assembly election after the 2026 calendar year is to be

determined, on 1 January in each year (the *relevant year*), by multiplying the expenditure cap on the immediately preceding 31 December by the increase in the Consumer Price Index for the relevant year as calculated in accordance with subclause (3).

- (3) The increase in the Consumer Price Index for a relevant year is to be calculated as B/A where –

A is the Consumer Price Index number for the last quarter for which such a number was published in the calendar year that is 2 years before the relevant year;

B is the Consumer Price Index number for the last quarter for which such a number was published in the calendar year immediately preceding the relevant year.

- (4) If B/A is less than 1 (as a result of deflation), B/A is taken to be 1.
- (5) Before the beginning of an election campaign period in relation to an Assembly election, the Commission –
- (a) is to publish in the *Gazette*; and
 - (b) is to publish, and is to continue to publish for a period of not less

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than 12 months, on a Commission
website –

notice of the amount of the expenditure
cap that applies, under Division 4A of
Part 6, in respect of the Assembly
election (as adjusted under this clause).

21. Repeal of Act

This Act is repealed on the first anniversary of
the day on which this Act commenced.