Electoral Disclosure and Funding Amendment (Spending Limits) Bill 2026

Clause Notes

Clause 1	**Short title** Specifies the title of the proposed Act
Clause 2	**Commencement** Provides for the Bill to commence by proclamation, allowing appropriate implementation time
Clause 3	**Principal Act** Provides that the principal Act to be amended is the *Electoral Disclosure and Funding Act 2023*
Clause 4	**Sections 55A, 55B, 55C and 55D inserted** **S55A** Provides the definitions for certain terms: - Election campaign funding period - Electoral advertisement - GST **S55B** Provides the definition of Assembly electoral expenditure and provides a mechanism for regulations to prescribe additional matters that may or may not be included at a later time, including how any conflicts are to be resolved. **55C** Ensures gifts in kind are counted towards the cap as if they had been assembly expenditure. The section provides that if the gift in kind is from a person already permitted to incur expenditure on behalf of the recipient under 68B or 68D, it is not to be double counted. **55D** Provides the mechanism for how items of electoral expenditure are to be valued including if they are 'gifts in kind' or are used in more than one electoral period.

Clause 5	**Section 56 amended (Electoral expenditure of endorsed Assembly candidate or Member where incurred by party, &c.)** This section makes a minor drafting amendment to the Principal Act, to reflect the new definitions of 'Assembly electoral expenditure' and 'electoral campaign funding period' provided in this Bill.
Clause 6	**Section 57 amended (Registered parties and endorsed Members or candidates)** This section makes a minor drafting amendment to the Principal Act, to reflect the new definitions of 'Assembly electoral expenditure' and 'electoral campaign funding period' provided in this Bill.
Clause 7	**Section 58 amended (Independent Assembly Members and independent Assembly candidates)** This section makes minor drafting amendments to the Principal Act to reflect new definitions provided in this Bill
Clause 8	**Section 59 amended (Associated entities)** This section makes a minor drafting amendment to the Principal Act to reflect new definitions provided in this Bill.
Clause 9	**Section 60 amended (Third-party campaigners)** This section makes a minor drafting amendment to the Principal Act to reflect new definitions provided in this Bill.
Clause 10	**Section 61 amended (Election expenditure disclosure requirements where person or entity ceases to be type of person or entity)** This section makes a minor drafting amendment to the Principal Act to reflect new definitions provided in this Bill.
Clause 11	**Section 62 amended (Details required in disclosure of electoral expenditure)** This section makes a minor drafting amendment to the Principal Act to reflect new definitions provided in this Bill
Clause 12	**Section 64 amended (Payments of electoral expenditure to be made from party campaign account)** This section makes a minor drafting amendment to the Principal Act to reflect new definitions provided in this Bill
Clause 13	**Section 65 amended (Requirements if party agent responsible for disclosure of Assembly electoral expenditure)** This section makes a minor drafting amendment to the Principal Act to reflect new definitions provided in this Bill

Clause 14	**Section 66 amended (Requirements in relation to independent Assembly Members and independent Assembly candidates)** This section makes a minor drafting amendment to the Principal Act to reflect new definitions provided in this Bill
Clause 15	**Section 67 amended (Requirements for associated entity in relation to expenditure)** This section makes a minor drafting amendment to the Principal Act to reflect new definitions provided in this Bill
Clause 16	**Section 68 amended (Requirements for payment of electoral expenditure by third-party campaigner)** This section makes a minor drafting amendment to the Principal Act to reflect new definitions provided in this Bill
Clause 17	**Part 6, Division 4A inserted** Part 6 inserts a new Division 4A into Part 6 of the Principal Act **68A Interpretation of Division** Provides definitions relevant to this new proposed part: - Campaign entity - Expenditure cap: $50,000 increasing by CPI - Expenditure limit - Related entity **68B Limit on electoral expenditure for registered party** Provides how the proposed expenditure limits are to be applied to registered parties of 1x the expenditure cap per endorsed candidate up to number of vacancies that are to be filled. This provides a global cap which is to encompass all spending by a registered party *and* all of their endorsed candidates. The section also provides a ceiling on how much of a Party's global cap can be spent in any one of Tasmania's five lower house divisions. The section also provides a mechanism by which a party that breaches the expenditure limit is liable to pay a penalty equal to twice the amount they spent above the applicable limit **68C Limit on electoral expenditure for independent members and candidates**

	Provides an expenditure limit of 1.2 x the expenditure cap for independents. It also provides a mechanism by which an independent who breaches the expenditure limit is liable to pay a penalty equal to twice the amount they spent above the applicable limit **68D Limit on electoral expenditure for other entities** Provides an expenditure limit of 1.5 x the expenditure cap for campaign entities including third party campaigners and associated entities. It also provides a mechanism by which a campaign entity that breaches the expenditure limit is liable to pay a penalty equal to twice the amount they spent above the applicable limit The section provides that where campaign entities are related to one another such as part of a single corporate group, they are treated as one entity attracting just one cap (i.e. subsidiaries won't attract a separate cap). **68E Offence relating to Assembly electoral expenditure** Provides offences for exceeding the expenditure limit comprising 200 penalty units or a term of imprisonment not exceeding 2 years, or both.
Clause 18	**Section 71 amended (Assembly election campaign returns)** This section provides for the return of Assembly election campaign returns to the Tasmanian Electoral Commission. It includes the ability for the Commission to request further information and for penalties for non compliance.
Clause 19	**Section 161 amended (Offence relating to schemes to circumvent expenditure limits or other prohibitions or restrictions)** This section provides that acting in a way intended to circumvent the provisions of the Act of itself constitutes an offence
Clause 20	**Schedule 1 amended (Adjustment of Amounts)** This section amends Schedule 1 to the Principal Act by inserting a new clause **1A. Adjustment of expenditure cap in Assembly election** Provides the mechanism by which the expenditure cap is to be annually adjusted for inflation, namely in line with the Consumer Price Index (CPI). It also provides that notice of the amount is to be published in the Gazette and on the Tasmanian Electoral Commission website each year.
Clause 21	**Repeal of Act**

	This section provides the Act is to be repealed on the first anniversary of the day on which it commences.