TASMANIA

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ELECTORAL DISCLOSURE AND FUNDING AMENDMENT BILL 2026

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ELECTORAL DISCLOSURE AND FUNDING AMENDMENT BILL 2026

(Brought in by the Treasurer, the Honourable Eric Abetz)

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 Act 2026*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

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

*No. 37 of 2023

4. Section 3 amended (Objects of Act)

Section 3 of the Principal Act is amended by omitting paragraph (d) and substituting the following paragraphs:

(d) to establish a scheme for the fair and transparent public funding of participation in Assembly elections; and

(da) to provide for funding of administrative expenditure for registered parties and independent Members, recognising the importance of the appropriate use of public revenue for those purposes; and

5. Section 5 amended (Interpretation)

Section 5(1) of the Principal Act is amended as follows:

(a) by inserting the following definition after the definition of *Administration Fund*:

administrative expenditure – see section 14;

(b) by omitting the definition of *Assembly administrative expenditure*;

(c) by inserting the following definition after the definition of *independent Assembly Member*:

independent Member means an Assembly member, or a Council

member, who is not endorsed by a registered party;

(d) by inserting the following definition after the definition of *Register of Candidates*:

Register of Council Members means the Register of Council Members established under Division 2 of Part 10;

6. Section 10 amended (Endorsement by registered party)

Section 10 of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (2):

(2A) For the purposes of this Act, a Council Member is endorsed by a registered party if the Council Member is registered, on the Register of Council Members, as being endorsed by the registered party.

(b) by omitting from subsection (9) "Register of Assembly Members" and substituting "relevant Register kept under Division 2 of Part 10".

7. Section 11 amended (Meaning of gift and gift in kind)

Section 11 of the Principal Act is amended as follows:

(a) by omitting paragraph (c) from subsection (5);

(b) by omitting subsection (6).

8. Section 14 amended (Meaning of administrative expenditure)

Section 14 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "Assembly" first occurring and substituting "independent";

(b) by omitting from subsection (1) "Assembly" second occurring;

(c) by inserting the following subparagraph after subparagraph (i) in subsection (1)(b):

(ia) expenditure for the formulation, development or review of the policies of the party or Member;

(d) by omitting from subsection (1)(b)(vi) "Assembly Members, or Assembly candidates," and substituting "Members or candidates";

(e) by omitting from subsection (2) "Assembly";

(f) by omitting from subsection (3) "Assembly".

9. Part 10, Division 2: Heading amended

Division 2 of Part 10 of the Principal Act is amended by omitting "***Register of Assembly Members***" from the heading to that Division and substituting "***Registers of Members***".

10. Section 102 amended (Register of Assembly Members)

Section 102 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

(4) The Register of Assembly Members –

(a) is to be kept in the approved manner and approved form; and

(b) may be kept in combination with the Register of Council Members.

11. Section 103 substituted

Section 103 of the Principal Act is repealed and the following sections are substituted:

102A. Register of Council Members

(1) The Commission is to keep a register, of Council Members, called the Register of Council Members.

(2) The Register of Council Members is to be kept on a continuous basis.

(3) The Register of Council Members is to include the following particulars in relation to each person who is, at a time after the commencement of this section, a Council Member:

(a) the name of the person;

(b) whether the person is, or is not, a Council Member who is endorsed by a registered party;

(c) if the person is a Council Member endorsed by a registered party, the name of the registered party;

(d) other particulars that the Commission thinks fit.

(4) The Register of Council Members –

(a) is to be kept in the approved manner and approved form; and

(b) may be kept in combination with the Register of Assembly Members.

(5) A Council Member is to be registered by the Commission as soon as practicable after becoming a Council Member.

103. Registration of Member as endorsed by registered party

A Member is to be registered, on a Register kept under this Division, as being endorsed by a registered party, if –

(a) for the election at which the candidate became a Member, the Member was a candidate who was endorsed by the registered party; or

(b) the Commission has received a notice under section 10(3) that the registered party intends the Member to be registered as endorsed by the registered party –

and the person has not ceased under section 10 to be endorsed by the registered party.

12. Section 104 amended (Amendment of Register)

Section 104 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "the Register of Assembly Members" and substituting "a Register kept under this Division";

(b) by omitting from subsection (1)(a) "an Assembly Member" and substituting "a Member";

(c) by omitting from subsection (1)(b) "an Assembly Member" and substituting "a Member";

(d) by omitting from subsection (1)(c) "an Assembly Member" and substituting "a Member";

(e) by omitting from subsection (1)(e) "Assembly";

(f) by omitting from subsection (2) "particulars set out in the Register of Assembly Members in relation to an Assembly Member or former Assembly Member" and substituting "particulars, set out in a Register kept under this Division, in relation to a Member or former Member".

13. Section 107 amended (Appointment of party agents)

Section 107 of the Principal Act is amended as follows:

(a) by omitting from subsection (2)(b) "is enrolled to vote at elections or";

(b) by omitting paragraph (a) from subsection (3).

14. Section 114 amended (Appointment of official agents)

Section 114 of the Principal Act is amended as follows:

(a) by omitting from subsection (2)(b) "is enrolled to vote at elections or";

(b) by omitting paragraph (a) from subsection (3).

15. Section 141 amended (Prepayment on lodgment of claims)

Section 141(1) of the Principal Act is amended by omitting "60 days" and substituting "14 days".

16. Part 12 substituted

Part 12 of the Principal Act is repealed and the following Part is substituted:

PART 12 – ADMINISTRATIVE FUNDING

Division 1 – Preliminary

146. Establishment of Administration Fund

(1) There is to be an Administration Fund to be kept by the Commission in respect of registered parties and independent Members.

(2) Payments from the Administration Fund are to be distributed in accordance with this Part.

Division 2 – Public funding of administrative expenditure

147. Administrative funding of eligible parties for administrative expenditure

(1) A registered party is, subject to and in accordance with this Act, eligible for a quarterly payment from the Administration Fund if –

(a) it was a registered party for the entire quarter to which the payment relates; and

(b) the Commission is satisfied that –

(i) at least one Member was endorsed by the registered party for the entire quarter to which the payment relates; and

(ii) at least one Member continues to be endorsed by the registered party on the date on which the entitlement for a quarterly payment is determined under this Part.

(2) The quarterly amount to be distributed from the Administration Fund in respect

of a quarter, to any registered party that is eligible under subsection (1) for that quarter, is the amount of administrative expenditure incurred by or on behalf of the party during the quarter to which the payment relates, but is not to exceed –

(a) $157 600 if there are 6 or more Members to whom subsection (1) applies in relation to the party; or

(b) unless paragraph (c) applies, $92 400 if there are 5 or fewer Members to whom subsection (1) applies in relation to the party; or

(c) $46 400, if there is only one Member to whom subsection (1) applies in relation to the party.

(3) The number of Members to whom subsection (1) applies in relation to the party in relation to any quarterly payment is to be determined –

(a) as at the date on which the entitlement for a quarterly payment is determined under this Part; and

(b) on the total number of Assembly Members and Council Members in relation to the party on that date.

(4) Each of the amounts referred to in a paragraph of subsection (2) is an

adjustable amount that is to be adjusted for inflation as provided by Schedule 1.

(5) For the avoidance of doubt, any increase in each amount specified in subsection (2), effected by the *Electoral Disclosure and Funding Amendment Act 2026*, applies from the quarter during which this section, as amended by that Act, commences.

148. Administrative funding of independent Members for administrative expenditure

(1) An independent Member is, subject to and in accordance with this Act, eligible for quarterly payments from the Administration Fund if –

(a) the Member was not, on the polling day in relation to the election at which the Member was elected, a candidate endorsed by a registered party; and

(b) the Commission is satisfied that the Member is not endorsed by a registered party on the date on which the entitlement for a quarterly payment is determined under this Part.

(2) An independent Member is, subject to and in accordance with this Act, eligible for quarterly payments from the Administration Fund if –

(a) the Member was, on the polling day in relation to the election at which the Member was elected, a candidate endorsed by a registered party; and

(b) the Commission is satisfied that the Member –

(i) is not endorsed by a registered party on the date on which the entitlement for a quarterly payment is determined under this Part; and

(ii) was not so endorsed during all of the quarter to which the quarterly payment relates.

(3) The quarterly amount to be distributed from the Administration Fund to any independent Member who is eligible for payments from the Administration Fund is the amount of administrative expenditure incurred by or on behalf of the Member during the quarter to which the payment relates, but is not to exceed $46 400.

(4) The amount referred to in subsection (3) is an adjustable amount that is to be adjusted for inflation as provided by Schedule 1.

(5) For the avoidance of doubt, any increase in the amount specified in subsection (3), effected by the *Electoral Disclosure and Funding Amendment Act 2026*, applies from the quarter during which this section, as amended by that Act, commences.

149. Provisions relating to quarterly payments

(1) For the purposes of this Part, if administrative expenditure is incurred, in a quarter, by or on behalf of a registered party or independent Member in excess of the amount, if any, to which the registered party or Member is eligible under section 147 or 148 in respect of that quarter, the amount of the excess –

(a) may be carried over to a subsequent quarter in the same calendar year; and

(b) is to be taken to be administrative expenditure incurred in that subsequent quarter.

(2) If a registered party or independent Member receives an amount by way of quarterly payment in excess of the amount, if any, to which the party or Member becomes eligible under section 147 or 148 in respect of that quarter, the amount of the excess must be repaid to the Commission within 60 days after the party or Member (or agent in

relation to the party or Member) receives notice in writing from the Commission of the amount of the excess payment.

(3) All amounts received by a registered party or independent Member by way of quarterly payments must be repaid to the Commission on demand by the Commission, if the party or Member is not eligible under section 147 or 148 for a quarterly payment from the Administration Fund in relation to that quarter.

150. Quarterly advance payments

(1) A registered party or independent Member is, subject to and in accordance with this Act, eligible, in respect of each quarter (a ***relevant quarter***), for a quarterly advance payment, from the Administration Fund, of an amount determined in accordance with this section.

(2) The amount payable, by way of a quarterly advance payment in respect of a relevant quarter –

(a) is payable at the beginning of the relevant quarter; and

(b) is an amount equal to 100% of the total amount to which the registered party or independent Member would be eligible under

section 147 or 148 in respect of that relevant quarter.

(3) The amount is to be determined on the assumption that –

(a) in the case of –

(i) a registered party – the number of Members endorsed by the party at the end of the quarter will be the same as the number of Members endorsed by the party at the date on which the claim for the quarterly advance payment is determined; or

(ii) a person who is an independent Member – the person will continue to be an independent Member at the end of the quarter; and

(b) in the quarter, the registered party or independent Member will incur expenditure to the maximum amount that can be payable to the party or Member from the Administration Fund for the quarter, based on the applicable assumption referred to in paragraph (a).

(4) Any amount paid to a registered party or independent Member by way of a quarterly advance payment under this section in respect of a relevant quarter is to be deducted from any amount payable under section 152 to the party or independent Member from the Administration Fund in respect of that quarter.

(5) If a registered party or independent Member receives amounts by way of a quarterly advance payment under this section in respect of a relevant quarter in excess of the amount (if any) to which the party or Member becomes entitled under section 152 from the Administration Fund in respect of that quarter, the amount of the excess must be deducted from any amount payable in respect of the next quarter under section 152.

(6) Any quarterly advance payment that is in excess of the amount payable to the registered party or independent Member under this Part in respect of the quarter is to be repaid within 60 days after the Commission notifies the party or Member that the amount is repayable.

(7) A claim for a quarterly advance payment under this section is to be made –

(a) at least 2 weeks before the beginning of the relevant quarter; and

(b) in the approved manner and approved form.

(8) Section 151 does not apply to a quarterly advance payment under subsection (7).

Division 3 – General

151. Claims for payment

(1) A registered party or independent Member who is eligible to receive a quarterly payment under this Part is entitled to receive a quarterly payment under this Part only if the party agent in relation to the party or Member concerned makes a claim for the payment in accordance with this Division.

(2) A claim must –

(a) be in writing and lodged with the Commission; and

(b) be accompanied by a statutory declaration and such information or evidence as the Commission may require under this Division, including (but not limited to) information or evidence that the Commission requires to establish the eligibility of the registered

party or independent Member to make the claim; and

(c) be made within 3 months after the end of the quarter for which payment is to be made.

(3) A party agent in relation to a registered party, or an independent Member, who makes a claim under this section for a payment under this Part is required to make the declaration referred to in subsection (2)(b) and provide –

(a) the information, if any, in connection with the claim, that is required by the regulations; and

(b) other information, if any, that the Commission requires in connection with the payment.

(4) A claim under this section is not validly lodged with the Commission unless all expenditure specified in the claim is vouched for in the approved manner and approved form and by a statutory declaration.

152. Payment of claims under this Part

(1) Entitlement to a quarterly payment under this Part is to be determined as at the end of the quarter for which the payment is to be made.

(2) Payments under this Part are to be made to the party agent in relation to the registered party or the independent Member concerned.

(3) A payment under this Part to which a registered party or independent Member is entitled is required to be made within the period of 30 days after the Commission receives –

(a) a claim for the payment that complies with this Division; and

(b) all other documentation that is required to be provided under this Division in connection with the claim; and

(c) information or evidence required by the Commission under this Division in connection with the claim.

(4) Any amount required to be repaid to the Commission under this Part or to which the recipient is not entitled may be recovered by the Commission as a debt in any court of competent jurisdiction.

(5) The Commission may deduct from any payment due under this Part in respect of a registered party or independent Member any amount that the Commission is authorised by this Part to recover as a debt from the party or independent Member or party agent, or

official agent, in relation to the party or independent Member.

153. Commission may audit claims

(1) The Commission may audit claims under this Part.

(2) A person who is or was a party agent, registered party or independent Member must assist the Commission by –

(a) giving the Commission full and free access at all reasonable times to all accounts, records, documents and papers of the agent by whom the claim is to be lodged, and of the party or independent Member, as the case may require, relating directly or indirectly to the expenditure referred to in the claim; and

(b) giving the Commission all information and explanations that the Commission reasonably requests in respect of the expenditure referred to in the claim.

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

(3) The Commission may appoint an auditor to audit claims under this Part.

(4) For the purposes of subsection (3), the auditor has and may exercise the same functions as the Commission has under this section in relation to an audit of claims under this Part.

(5) An audit under this section is to be conducted in the manner, if any, prescribed in the regulations.

154. Payments conditional on compliance with other obligations under this Act

(1) A registered party or independent Member is not eligible for any payment under this Part while any failure –

(a) to lodge a donation declaration under section 49; or

(b) to lodge an Assembly election campaign return under section 71; or

(c) to lodge under section 84 any Council election campaign return –

for a past period continues in respect of the party or Member.

(2) If an amount is due and payable to the State under section 30 by a registered party (or party agent in relation to the party) or an independent Member, the

Commission may deduct the amount from any payment under this Part.

155. Public access to claims and related documents

(1) The Commission must keep a copy of each claim made for a payment under this Part lodged with the Commission, together with any documents relating to the assessment of the claim by the Commission, for a period of at least 6 years after the claim is made.

(2) The Commission, within 21 days after any claim referred to in subsection (1) is lodged with the Commission, is to, for a period of at least 6 years, publish a copy of the claim on a Commission website.

(3) A copy of each claim, referred to in subsection (1), that is lodged with the Commission is to be available, during the period for which the claim is required under this section to be available for public inspection, at the offices of the Commission, during the ordinary office hours of the Commission.

17. Section 180 amended (Appropriation of Public Account for electoral funding)

Section 180 of the Principal Act is amended by inserting "or section 180A" after "12".

18. Section 180A inserted

After section 180 of the Principal Act, the following section is inserted in Division 2:

180A. Implementation funding payable in certain circumstances

(1) In this section –

administrative expenditure, in relation to a Member, means expenditure for administrative and operating expenses that –

(a) if the Member is an Assembly Member – falls within the definition of *Assembly administrative expenditure* as in force immediately before the commencement of this section; and

(b) if the Member is a Council Member – would fall within the definition of *Assembly administrative expenditure* as in force

immediately before the commencement of this section if the Member were an Assembly Member on that commencement;

relevant period means the period commencing on 1 July 2024 and ending on 30 June 2026.

(2) Each of the following persons may apply for a payment of an amount under this section, being an amount that does not exceed $100 000, in respect of administrative expenditure that was incurred by, or on behalf of, the person during the relevant period as a result of the commencement of this Act:

(a) a registered party that, at the time the expenditure was incurred, had one or more Members;

(b) a person who, at the time the expenditure was incurred, was an independent Member.

(3) An application under subsection (2) –

(a) is to be in writing and lodged with the Commission within 3 months after this section commences; and

(b) is to specify the amount of administrative expenditure

incurred by the applicant to which the application relates; and

(c) is to be accompanied by evidence, in the approved form, in respect of –

(i) the expenditure so incurred by the applicant; and

(ii) the date on which the expenditure was so incurred.

(4) The Commission may refuse to approve all, or any part, of an application under this section if the Commission is satisfied on reasonable grounds that –

(a) the applicant is not entitled to make an application under this section; or

(b) the expenditure specified in the application is not administrative expenditure; or

(c) an application has already been made, by the applicant under this section, in respect of the expenditure; or

(d) the administrative expenditure specified in the application was not incurred –

(i) by the applicant; or

(ii) during the relevant period; or

(e) the administrative expenditure specified in the application has been claimed as administrative expenditure under Part 12; or

(f) the amount claimed by the applicant under this section exceeds $100 000.

(5) A payment under this section –

(a) is to be paid –

(i) if the applicant is a registered party, to the party agent for the party; or

(ii) if the applicant is an independent Member, to the official agent for the applicant; or

(iii) if the applicant is no longer a member, to the applicant; and

(b) must not be paid into a campaign account.

(6) If a payment is made as a result of an application under this section, the Commission may recover from an

applicant, as a debt in any court of competent jurisdiction –

(a) any amount paid to the applicant under this section that the Commission is satisfied on reasonable grounds was not used in respect of administrative expenditure incurred during the relevant period; and

(b) any amount paid to the applicant under this section that the Commission is satisfied on reasonable grounds has been claimed as administrative expenditure under Part 12; and

(c) any amount paid to the applicant under this section that is in excess of –

(i) the amount of administrative expenditure incurred, by the applicant during the relevant period, as a result of the commencement of this Act; or

(ii) $100 000.

19. Repeal of Act

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