

TASMANIA

ELECTORAL DISCLOSURE AND FUNDING (DONATION DISCLOSURE) AMENDMENT BILL 2024

CONTENTS

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 5 amended (Interpretation)
5. Section 13 amended (Meaning of *reportable political donation*)
6. Section 40 amended (Registered parties and their Members and candidates)
7. Section 41 amended (Independent Assembly Members, Council Members, independent candidates and Council candidates)
8. Section 42 amended (Associated entities)
9. Section 43 amended (Third-party campaigners)
10. Section 44 amended (Significant political donors)
11. Section 47 amended (Donation disclosure by significant political donor also to include disclosure of certain gifts received)
12. Section 50 amended (Extension of date for making disclosures)
13. Section 53 amended (Publication on Commission website of disclosures)
14. Section 71 amended (Assembly election campaign returns)
15. Repeal of Act

**ELECTORAL DISCLOSURE AND FUNDING (DONATION
DISCLOSURE) AMENDMENT BILL 2024**

(Brought in by Dr Rosalie Ellen Woodruff 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 (Donation Disclosure) Amendment Act 2024*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent, or 1 July 2025, whichever is the later.

3. Principal Act

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

4. Section 5 amended (Interpretation)

Section 5 of the Principal Act is amended as follows:

- (a) By inserting after the definition of *minor*

*No. 37 of 2023

*Electoral Disclosure and Funding (Donation Disclosure) Amendment
Act 2024
Act No. of 2024*

s. 4

payment the following definition:

monthly period means the period beginning on the first day of a calendar month and ending on the last day of that calendar month;

- (b) by omitting the definition of **party subscription** and substituting the following definition:

party subscription means –

- (a) an annual subscription of less than \$1 000, or other subscription of less than \$1 000 in total during a financial year, that is paid to a registered party for membership, or continuing membership, of the registered party; or
- (b) an annual subscription of less than \$1 000, or other subscription of less than \$1 000 in total during a financial year, that is paid to a registered party by a person (including an industrial organisation) for affiliation with the party;

*Electoral Disclosure and Funding (Donation Disclosure) Amendment
Act 2024
Act No. of 2024*

s. 5

- (c) by omitting from paragraph (b) of the definition of *relevant disclosure period* “six-month period” and substituting “monthly period”;
- (d) by omitting the definition of *six-month period*.

5. Section 13 amended (Meaning of *reportable political donation*)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “\$5 000” and substituting “\$1 000”;
- (b) by omitting from subsection (2)(a) “\$5 000” and substituting “\$1 000”;
- (c) by omitting from subsection (2)(b) “\$5 000” and substituting “\$1 000”;
- (d) by omitting from subsection (2)(c) “\$5 000” and substituting “\$1 000”;
- (e) by omitting from subsection (2) “\$5 000” and substituting “\$1 000”;
- (f) by omitting from subsection (3)(a) “\$5 000” and substituting “\$1 000”;
- (g) by omitting from subsection (3)(b) “\$5 000” and substituting “\$1 000”;
- (h) by omitting from subsection (3)(c) “\$5 000” and substituting “\$1 000”;

*Electoral Disclosure and Funding (Donation Disclosure) Amendment
Act 2024
Act No. of 2024*

s. 5

- (i) by omitting from subsection (3) “\$5 000” and substituting “\$1 000”;
- (j) by omitting from subsection (4)(a) “\$5 000” and substituting “\$1 000”;
- (k) by omitting from subsection (4)(b) “\$5 000” and substituting “\$1 000”;
- (l) by omitting from subsection (4)(c) “\$5 000” and substituting “\$1 000”;
- (m) by omitting from subsection (4) “\$5 000” and substituting “\$1 000”;
- (n) by omitting from subsection (5)(a) “\$5 000” and substituting “\$1 000”;
- (o) by omitting from subsection (5)(b) “\$5 000” and substituting “\$1 000”;
- (p) by omitting from subsection (5)(c) “\$5 000” and substituting “\$1 000”;
- (q) by omitting from subsection (5) “\$5 000” and substituting “\$1 000”;
- (r) by omitting from subsection (6)(a) “\$5 000” and substituting “\$1 000”;
- (s) by omitting from subsection (6)(c) “\$5 000” and substituting “\$1 000”;
- (t) by omitting from subsection (6)(d) “\$5 000” and substituting “\$1 000”;
- (u) by omitting from subsection (6)(e) “\$5 000” and substituting “\$1 000”;

*Electoral Disclosure and Funding (Donation Disclosure) Amendment
Act 2024
Act No. of 2024*

s. 6

- (v) by omitting from subsection (7)(a) “\$5 000” and substituting “\$1 000”;
- (w) by omitting from subsection (7)(c) “\$5 000” and substituting “\$1 000”;
- (x) by omitting from subsection (7)(d) “\$5 000” and substituting “\$1 000”;
- (y) by omitting from subsection (7)(e) “\$5 000” and substituting “\$1 000”;

6. Section 40 amended (Registered parties and their Members and candidates)

Section 40 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) If a reportable political donation –
 - (a) is, within a monthly period, received, or made, by or on behalf of –
 - (i) a registered party; or
 - (ii) an Assembly Member who is, at the time at which the donation is received or made, endorsed by a registered party; or
 - (iii) an Assembly candidate who is, at the time at which the donation is received or made, endorsed by a registered party; and

*Electoral Disclosure and Funding (Donation Disclosure) Amendment
Act 2024
Act No. of 2024*

s. 7

- (b) is not received, or made, within an election campaign period, in relation to an election, all or part of which is within that monthly period

–

the party agent in relation to the registered party is required to disclose the donation in a donation declaration that is lodged under section 49 within the monthly period after the monthly period in which the political donation is received or made.

7. Section 41 amended (Independent Assembly Members, Council Members, independent candidates and Council candidates)

Section 41 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) If a reportable political donation –

- (a) is, within a monthly period, received or made by or on behalf of –

- (i) an Assembly Member who is an independent Assembly Member at the time at which the donation is received or made; or

- (ii) an Assembly candidate who is an independent

*Electoral Disclosure and Funding (Donation Disclosure) Amendment
Act 2024
Act No. of 2024*

s. 8

Assembly candidate at the
time at which the
donation is received or
made; or

(iii) a Council Member; or

(iv) a Council candidate; and

(b) is not received, or made, within an
election campaign period –

(i) in relation to an election
in respect of the division
in relation to which the
Member or candidate is a
Member or candidate; and

(ii) all or part of which is
within that monthly
period –

the official agent in relation to the Member or
candidate is required to disclose the donation in
a donation declaration that is lodged
under section 49 within the monthly period after
the monthly period in which the political
donation is received or made.

8. Section 42 amended (Associated entities)

Section 42 of the Principal Act is amended by omitting
subsection (2) and substituting the following subsection:

(2) If a reportable political donation –

*Electoral Disclosure and Funding (Donation Disclosure) Amendment
Act 2024
Act No. of 2024*

s. 9

- (a) is, within a monthly period, received, or made, by or on behalf of an associated entity; and
- (b) is not received, or made, within an election campaign period, in relation to an election, all or part of which is within that monthly period –

the official agent in relation to the associated entity is required to disclose the donation in a donation declaration that is lodged under section 49 within the monthly period after the monthly period in which the political donation is received or made.

9. Section 44 amended (Significant political donors)

Section 44 of the Principal Act is amended as follows:

- (a) by omitting subsection (3) and substituting the following subsection:
 - (3) If a reportable political donation –
 - (a) is, within a monthly period, made, by a significant political donor, to or for the benefit of a Member for a division or a candidate in relation to an election in respect of a division; and

*Electoral Disclosure and Funding (Donation Disclosure) Amendment
Act 2024
Act No. of 2024*

s. 9

- (b) is not made within an election campaign period, in relation to an election in respect of the division, all or part of which is within that monthly period –

the official agent in relation to the significant political donor is required to disclose the donation in a donation declaration that is lodged under section 49 within the monthly period after the monthly period in which the political donation is received or made.

- (a) by omitting subsection (5) and substituting the following subsection:

(5) If a reportable political donation –

- (a) is, within a monthly period, made by or on behalf of a significant political donor to or for the benefit of –

- (i) a registered party;
or

- (ii) an associated entity; and

- (b) is not made within an election campaign period, in relation to an election, all or part of

*Electoral Disclosure and Funding (Donation Disclosure) Amendment
Act 2024
Act No. of 2024*

s. 10

which is within that monthly
period –

the official agent in relation to the
significant political donor is required
to disclose the donation in a donation
declaration that is lodged
under section 49 within the monthly
period after the monthly period in
which the political donation is
received or made.

10. Section 47 amended (Donation disclosure by significant political donor also to include disclosure of certain gifts received)

Section 47(1) (a) of the Principal Act is amended by omitting “\$5 000” and substituting “\$1 000”.

11. Section 50 amended (Extension of date for making disclosures)

Section 50 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “six-month period” and substituting “monthly period”;
- (b) by omitting from subsection (1)(b) “21 days after the end of that period” and substituting “the final day of the subsequent monthly period”;

*Electoral Disclosure and Funding (Donation Disclosure) Amendment
Act 2024
Act No. of 2024*

s. 12

- (c) by omitting from subsection (2) “six-month period” and substituting “monthly period”.

12. Section 53 amended (Publication on Commission website of disclosures)

Section 53 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “21 days after the end of a six-month period” and substituting “the monthly period following the monthly period”;
- (b) by omitting from subsection(2)(a) “within 21” and substituting “within 7”.

13. Section 71 amended (Assembly election campaign returns)

Section 71(4) (b) of the Principal Act is amended by omitting “\$5 000” and substituting “\$1 000”.

14. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.