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Electoral Disclosure and Funding Bill 2021

Thank you for providing the Tasmanian Electoral Commission (TEC) with the opportunity to participate in the consultation in relation to the *Electoral Disclosure and Funding Bill 2021* and the *Electoral Matters (Miscellaneous Amendments) Bill 2021*.

These draft Bills are part of the final stage of an important process that commenced in May 2018 with the Government's announcement of a review into Tasmania's Electoral Act and associated election laws, to ensure Tasmania's "democratic processes are contemporary and in line with changing community expectations".

The Final Report of the Electoral Act Review was released by the Premier on 16 February 2021, with the Government accepting in principle all recommendations in the Review. Following the 2021 State election the Government made a commitment to releasing draft legislation to introduce a State-based political donations scheme for public consultation as part of its "First 100 Days".

As noted in its first submission to the Review on 18 July 2018, the TEC supports and values the importance of the Review given the rapid changes in and around the electoral environment over the last 15 years, which have had an impact on the conduct and regulation of elections as well as the public's expectations. The TEC also wishes to place on record that its role in this process is to raise administrative, technical and/or educational matters, and not to comment on matters of policy.

The *Electoral Matters (Miscellaneous Amendments) Bill 2021* includes a number of amendments to the *Electoral Act 2004* to regulate modern election campaigning, and address a number of administrative and technical issues that had been identified in the Act. The TEC has already provided comments in relation to these issues in its earlier submission to the Review and also provided some technical input during the drafting process. The TEC therefore has no further comments in relation to this draft Bill.

The attached submission contains the TEC's comments in relation to the *Electoral Disclosure and Funding Bill 2021*. In line with the TEC's function to provide information and advice on electoral issues¹, the aim of the submission is to provide broader information about the scheme that may be helpful for public understanding and debate, as well as to raise some technical and administrative concerns of the TEC. The submission contains the following parts:

- a summary of the main elements of the proposed scheme,
- a practical study: considering what would have occurred if the proposed scheme was in place on 1 July 2020,
- an overview of the new roles for the TEC and the timeline for implementing the proposed scheme, and
- a list of administrative and technical issues identified in the draft Bill and associated recommendations.

¹ Section 9(1)(d) of the *Electoral Act 2004*.

The TEC recognises that the establishment of any disclosure and funding scheme is a complex process — even more so when combined with Tasmania’s bespoke democratic landscape.

As the TEC was not involved in the drafting of the Bill and, along with other stakeholders, had access to it upon its release on 24 August 2021, the submission represents the TEC’s understanding and interpretation of the Draft Bill ascertained over the last five weeks. The TEC is happy to be corrected on any errors within the submission and is happy to be contacted for further information regarding the submission.

Mike Blake
Chair

Karen Frost
Member

Andrew Hawkey
Electoral Commissioner

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Electoral Disclosure and Funding Bill 2021

Objectives of the draft Bill

The *Electoral Disclosure and Funding Bill 2021* implements Recommendations 3 through 11 from the Final Report into the Electoral Act Review, which related to the second and third Terms of Reference of the Review, namely:

- whether state-based disclosure rules should be introduced, and, if so, what they should include, and
- the level of regulation of third parties, including unions, during election campaigns.

The objectives of the draft Bill are set out in clause 3:

- Establish a scheme for the fair and transparent disclosure of political donations and electoral expenditure
- Facilitate public awareness of political donations, and electoral expenditure
- Help prevent undue influence, by significant political donors and foreign donors, in the government of the State and to help prevent corruption
- Establish a scheme for the fair and transparent public funding of participation in Assembly elections, and for funding of Assembly administrative expenditure
- Promote compliance by political participants and donors.

Structure of the submission

This submission contains the following parts:

- a summary of the main elements of the proposed scheme,
- a practical study: considering what would have occurred if the proposed scheme was in place on 1 July 2020,
- an overview of the new roles for the TEC and the timeline for implementing the proposed scheme, and
- a list of administrative and technical issues identified in the draft Bill and associated recommendations.

Current Tasmanian disclosure and funding arrangements

Unlike all other State and Territory Parliaments or the Commonwealth Parliament, Tasmania's democratic system has Upper and Lower House elections conducted separately on different timetables and with some different rules:

- House of Assembly terms are a maximum of four years with no fixed date for elections, and
- Legislative Council elections are spread across a 6-year periodic cycle, with elections held on the first Saturday in May each year for either two or three of the 15 divisions.

Some disclosure obligations and expenditure limits already exist under Tasmanian legislation. For House of Assembly election participants:

- there are no donation disclosure requirements for any participants, and
- there are no expenditure limits for any participants.

For Legislative Council election participants:

- there are no donation disclosure requirements for any participants,
- there is an expenditure limit for candidates (\$18,000 in 2021) (*expenditure period: 1 January to polling day for periodic elections*),
- expenditure by registered parties is banned at Legislative Council elections, in fact, only a candidate or their election agent may incur expenditure in relation to promoting or procuring the election of a candidate, and
- an expenditure return must be lodged by each candidate within 60 days after the day on which the result of the election is declared.

While the proposed scheme introduces a new disclosure and funding regime for House of Assembly elections, the only significant change in relation to Legislative Council elections is the introduction of on-going donation disclosures, and some changes to the requirements of the candidates' returns to make them consistent with the House of Assembly election campaign returns.

The *Local Government Act 1993* also establishes the following disclosure obligations and expenditure limits for local government candidates and councillors:

- there is an expenditure limit for candidates (\$10,500 — \$17,000 in 2020-21 depending on the size of the council) — *from 30 days before the notice of the election to polling day for ordinary elections*,
- an expenditure return must be lodged by each candidate within 45 days after the certificate of the election is signed, and
- councillors must disclose to the General Manager any gift or donation worth \$50 or more.

The draft Bill is only concerned with Parliamentary elections and Parliamentary political participants.

Historical expenditure limits for the House of Assembly

Prior to 1985, electoral expenditure restrictions applied to candidates at both House of Assembly and Legislative Council elections. Section 137 of the *Electoral Act 1907* provided that "(n)o electoral expense shall be allowed in respect of any candidate in excess of \$1,500 for each candidate."²

Following the 1979 State election, a number of petitions were filed with the Supreme Court, on the grounds of a breach of section 137. It appears that section 137 had not generally been enforced, and it was common practice for candidates to exceed the expenditure limit. Nevertheless, the petition concerning candidates in the division of Denison was upheld with the election of three Labor

² Newman T (1992) *Hare-Clarke in Tasmania*, Joint Library Committee of the Parliament of Tasmania, Hobart

Members of Parliament in the division of Denison declared void, and a full by-election for the division was held in February 1980.

In 1985, with the enactment of the *Electoral Act 1985*, limits on electoral expenditure were abolished for House of Assembly candidates and restrictions remained only in relation to candidates at Legislative Council elections. The *Electoral Act 2004*, which superseded the 1985 Act, preserved these two differences for the Upper and Lower Houses of the State.

Key elements of the proposed scheme

For the purposes of this submission, it is easier to consider the proposed scheme as in effect two schemes, one for House of Assembly participants and one for Legislative Council participants.

The proposed scheme contains the following key elements:

Assembly participants

- seven categories of political participants,
- political donation obligations,
- election returns, and
- two types of funding.

Council participants

- two categories of political participants,
- political donation obligations, and
- election returns.

In addition, the scheme recognises political donors. Political donors can give to all categories of political participants but cannot incur electoral expenditure.

Political participants

Assembly political participants

Registered parties

All political parties registered under the *Electoral Act 2004* have significant disclosure responsibilities under the proposed scheme. Their compliance with the scheme is to be managed by a party agent.

Party Members and candidates

The party agent is also responsible for managing disclosure obligations of all party Assembly Members and party Assembly candidates.

Associated entities

An “associated entity” is a body that is a financial member of a registered party, controlled or operating for the benefit of a registered party that either receives donations or incurs electoral expenditure. Associated entities also have disclosure reporting obligations and must be registered with the TEC.

Independent Members and candidates

Independent Assembly Members are required to appoint an official agent and lodge political donation disclosures if they receive a political donation.

All independent Assembly candidates must have an official agent to ensure they comply with their specific disclosure obligations. Multiple independent Members and/or candidates can share the same official agent.

Third party campaigners

A third-party campaigner is defined in the scheme as a person or organisation that is not a registered party, Member, candidate, or associated entity and who incurs more than \$5,000 of electoral expenditure during an Assembly election campaign period.

Council political participants

Members and candidates

The proposed scheme treats all Council Members as “independent”, even if they are connected to a registered political party. Each Council Member is required to appoint an official agent and lodge political donation disclosures if they receive a political donation.³

The proposed scheme treats all Council candidates as “independent”, even if they are connected to a registered political party. Council candidates are required to appoint an official agent who is legally responsible for complying with their disclosure obligations.

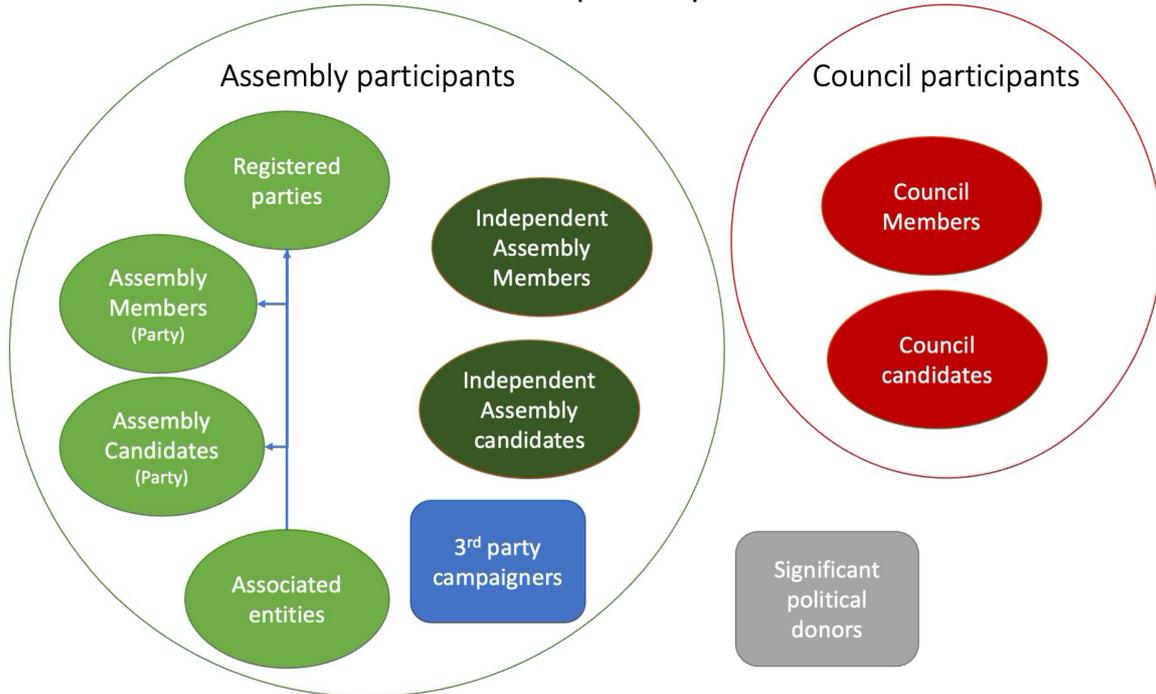
Multiple Council Members and/or candidates can share the same official agent.

While third-party campaigners do sometimes participate in Legislative Council elections the proposed scheme does not recognise them or impose any disclosure obligations or limits in line with current arrangements⁴.

³ Clause 30 of the Draft Bill.

⁴ A Council third-party campaigner cannot incur electoral expenditure to procure the election of a candidate, but they can campaign on an issue which may be supported by multiple candidates. For example, the cable car issue for the 2019 Legislative Council Derwent election.

Political participants



Political donors

Donors

The proposed scheme recognises that political donations are an integral part of the electoral landscape, however an effective disclosure system in regards to significant donors is important in the interests of fairness and transparency.

Significant political donors

Significant political donors are persons who participate in the scheme by making a 'significant political donation' (either singularly or cumulatively of more than \$5,000) to political participants. A significant political donor must have an official agent that discloses the reportable political donation to the TEC⁵.

⁵ Clause 41.

Disclosure requirements for political donations

Under the proposed scheme, political participants have a range of obligations in relation to political donations they receive. There are also formal disclosure requirements for what are known as *reportable political donations* received by a political participant.

All political participants⁶ must:

- Establish a *campaign account* for depositing political donations and financing electoral expenditure.
- Appoint a person who manages the formal requirements for receipting donations and incurring electoral expenditure as well as taking legal responsibility for the participant's compliance with the scheme (either a *party agent* or an *official agent*).
- Have the *agent* lodge formal documentation with the TEC in accordance with the scheme, providing details of all *reportable political donations*.

Requirement to disclose reportable political donations

The proposed scheme requires the *party agent* or *official agent* to inform the TEC of all received *reportable political donations*. The timeframe to lodge the notification is dependent on the relevant disclosure period. There are two types of disclosure periods within the election cycle.

6-month period

All political participants that receive political donations must lodge a donation disclosure document every six months. The financial year is separated into two 6-month relevant disclosure periods:

- Period 1: 1 July to 31 December
- Period 2: 1 January to 30 June

Within 21 days of the end of each period, *agents* must lodge a disclosure document for the political participant. The TEC is then to publish these documents within 21 days of lodgement.

Election campaign period

The election campaign period is defined as the following for each type of Parliamentary election:

- Assembly elections:
 - Essentially full-term Assembly — Six months from last possible date of the next Assembly election until 30 days after polling day,
 - Early Assembly election — From the issue of the writ until 30 days after polling day
 - By-election — From the issue of the writ until 30 days after polling day
- Council elections⁷:
 - Periodic — from 1 January until 30 days after polling day
 - By-election — From the issue of the writ until 30 days after polling day

Within an *election campaign period*, the disclosure of a *reportable political donation* must be lodged within seven days of receipt. The TEC is then to publish these documents within 7 days of lodgement.

⁶ A Council Member who is not receiving political donations or incurring any electoral expenditure is not considered a political participant under the scheme.

⁷ The draft Bill is incomplete in defining these periods, which has been discussed with the Department of Justice.

Where different periods overlap

Election campaign periods will fall within one or across two 6-month periods. All *reportable political donations* disclosed during the *election campaign period* do not need to be included in the 6-month period lodgement. Where there is overlap of the two types of periods, the 6-month period disclosure captures reportable donations not included (or accumulated) within the *election campaign period*.

What is a political donation

Clause 9 of the draft Bill provides a lengthy definition for a *political donation* in relation to the scheme. As a general summary, a political donation is “a gift” made to or for the benefit of a political participant that:

- enables the participant to make, directly or indirectly, a political donation or to incur electoral expenditure,
- reimburses the participant for making, directly or indirectly, a political donation or incurring electoral expenditure,
- is a loan that, if it had been a gift, would be a political donation,
- *Members only* — is solely or substantially for a purpose related to an election or to the Member’s duties as a Member, and
- *candidates only* — is solely or substantially for a purpose related to an election

The following are not considered to be political donations in regards to the proposed scheme:

- party subscription fees,
- fund raising contributions under \$200 (or the first \$200), and
- election campaign funding and administrative funding.

Clause 8 of the draft Bill provides a lengthy definition for a *gift* and a *gift in kind*. As a general summary, a gift is a “disposition of property” including a gift in kind, which could be:

- money,
- use of facilities or providing office or equipment,
- payment or waiving a fee by someone other than registered party, member or candidate,
- providing a service – but not voluntary service, and
- uncharged interest.

Division 2 of Part 4 of the draft Bill defines what political donations can be used for by registered parties, Members and candidates but is silent regarding the permitted use of political donations by third-parties or associated entities.

What donations are not permitted

Under the draft Bill it is unlawful to receive political donations that are:

- \$100 or more in cash
- \$100 or more without recording the requisite details about the donor
- a single or cumulative political donation of \$1,000 or more from a foreign donor⁸
- a single or cumulative political donation of \$5,000 or more without disclosing it to the TEC
- made by a registered party or their Assembly candidates/Members, or an associated entity to an independent Assembly Member or candidate or any Council Member or candidate⁹.

⁸ A foreign donor can provide any financial donation to a political participant privately for their own personal use.

⁹ Clause 22

What is a reportable political donation

Clause 10 of the draft Bill provides an extensive definition of a *reportable political donation*. As a general summary, a *reportable political donation* is:

- A single political donation of \$5,000 or more to a single political participant,
- An accumulation (*across a financial year or an election campaign period*) of political donations made by a single donor to a single political participant (*other than a third-party campaigner*),
- An accumulation (*across a financial year or an election campaign period*) of political donations made by a single donor to a registered party and that party's Assembly Members and that party's Assembly candidates.¹⁰
- An accumulation (*across an election campaign period only*) of political donations made by a single donor to a third-party campaigner¹¹,

For accumulated donations, the group of donations are deemed to be a *reportable political donation* on the day the accumulation reaches or exceeds \$5,000.

The TEC is uncertain as to the purpose of clause 10(7) in its current form, as it appears to overlap and partially contradict other subclauses. It may be that the intention is to classify the accumulations of all donations by a single donor, regardless of the political participant over \$5,000 as a reportable political donation, which would have the effect of:

- Classifying the donor as a *significant donor*, and
- Require that donor to lodge a disclosure return with the TEC.

Lodging a donation disclosure

A lodged donation disclosure includes the following details for each *reportable political donation*¹²:

- the political participant, to, or for whose benefit, the donation was made,
- the date the donation was made,
- the name of the donor,
- the residential address of the donor or the address of the registered or other official office of the donor,
- the amount of the donation,
- the relevant business number — where the donor is not a natural person, and
- where donations have been aggregated — details of each donation

¹⁰ The draft Bill uses terms such as “member of a registered party” which needs to be clarified in the Tasmanian context. The TEC has spoken separately to the Department of Justice regarding this issue.

¹¹ The Commission is unsure if this should be only for Assembly election campaign periods as third-party campaigners are only required to lodge a return for Assembly elections.

¹² Clause 43.

What is electoral expenditure

Clause 6 of the draft Bill provides a definition of *electoral expenditure* for the proposed scheme. The TEC does not have a clear understanding of the clause, but our interpretation is that electoral expenditure:

- is expenditure incurred for the dominant purpose of creating or communicating electoral matter, including *election campaign funding* (under Part 11),
- is deemed to have occurred when the service or product is used, rather than when the expenditure is incurred, and
- does not include:
 - administrative funding (under Part 12),
 - the costs of a service provider to establish a service, or
 - other State money provided to Assembly participants – possibly as wages or Member entitlements.

As the definition of electoral expenditure is central to the disclosure requirements of election campaign returns and claims for election campaign funding, the TEC recommends that clause 6 be amended to enable the definition to be easier to understand and simpler to administer.

Election Returns following a Parliamentary election

The second type of disclosure is the provision of election campaign returns.

Assembly election returns

Following an Assembly election, the following election campaign returns must be lodged within 60 days after the end of the campaign period:

Return	Items
Party return includes: - the party - party candidates - party Members	<ul style="list-style-type: none"> • All electoral expenditure during the <i>election campaign period</i> • All <i>reportable donations</i> received during the <i>election campaign period</i> • The accumulative total of all donations received during the <i>election campaign period</i> • Details of the amount each party member or candidate has contributed to the campaign • Level of debt for the election period
Independent Members	<ul style="list-style-type: none"> • All electoral expenditure during the <i>election campaign period</i> • All <i>reportable donations</i> received during the <i>election campaign period</i> • The accumulative total of all political donations during the <i>election campaign period</i>
Independent candidates	<ul style="list-style-type: none"> • All electoral expenditure during the <i>election campaign period</i> • All <i>reportable donations</i> received during the <i>election campaign period</i> • The accumulative total of all political donations <i>election campaign period</i>
Associated entities	<ul style="list-style-type: none"> • All electoral expenditure during the <i>election campaign period</i> • All <i>reportable donations</i> received during the <i>election campaign period</i> • Level of debt for the election period
Third-party Campaigners	<ul style="list-style-type: none"> • All electoral expenditure during the <i>election campaign period</i> • All <i>reportable donations</i> received during the <i>election campaign period</i>

Council elections

Following a Council election, the following election campaign returns must be lodged within 60 days after the declaration of the result¹³:

Participant	Item
Council Members	<ul style="list-style-type: none"> • All electoral expenditure during the <i>election campaign period</i> • All <i>reportable donations</i> received during the <i>election campaign period</i> • The accumulative total of all political donations
Council candidates	<ul style="list-style-type: none"> • All electoral expenditure during the <i>election campaign period</i> • All <i>reportable donations</i> received during the <i>election campaign period</i> • The accumulative total of all political donations

¹³ This lodgement timeframe is inconsistent with the timeframe for Assembly returns and has been raised with the Department of Justice.

Funding arrangements

The proposed scheme provides two types of funding for some Assembly political participants.

Campaign funding for Assembly elections

Part 11 of the draft Bill sets out the arrangements for providing registered parties and independent candidates public funding based on their first preference votes received at an Assembly election.

The maximum entitlement to campaign funding is calculated as follows:

- Eligibility threshold: To receive campaign funding, a candidate must receive 4% of the formal first preferences for the division or be elected¹⁴.
- For each eligible candidate, the maximum funding available is a payment of \$6.00 (indexed) for each formal first preference they receive.
- The registered party receives the payments for all party candidates that meet the eligibility threshold.

To receive this funding the *party agent* or the *official agent* of an independent candidate must make a claim. The funding allocated to the claimant is either (whichever is the lesser):

- the maximum amount set on the rules above, or
- the amount of electoral expenditure incurred during the election campaign period.

The registered party can formally request that some of the funding be given directly to candidates. A registered party can request an advance payment of up to 50% of the expected funding – based on funding received at the previous election.

Administrative funding for Assembly Parliamentary parties and independent Members

Upon lodgement of a claim, registered parties with Members in the Assembly and independent Assembly Members may apply for reimbursement for “Assembly administrative expenditure”. The entitlement is payable in quarterly payments.

	Max payment* per quarter
Parties with 6 or more Members	\$33,054
Parties with 2-5 Members	\$19,282
Parties with 1 Member	\$9,641
Independent Assembly Member	\$9,641

*Payments are indexed and paid per quarter

Assembly administrative expenditure is expenditure for a range of elements including expenditure for the administration and operational expenses of the party or a Member. Assembly administrative expenditure does not include election expenditure or any expense that can be claimed against a Parliamentary allowance.

A registered party can request an advance payment of up to 50% of the expected administrative funding.

¹⁴ If the funding had been in place for the 2021 Assembly election, while Sarah Courtney's first preferences were less than 4% of the formal vote the Liberal party would receive funding for her first preferences as she was elected.

To receive administrative funding the party agent or official agent of the independent member must make a claim against records of administrative costs incurred during the quarter. If administrative expenditure for one quarter is above the maximum amount, the excess can be carried over to the next quarter. Quarterly advance payments are permissible.

Legislative Council

The draft Bill makes no provision for either campaign funding for Council candidates or administrative funding for Council Members.

The registers

The draft Bill provides for the establishment of the following registers to assist with the administration of the new scheme.

Registers of candidates: Assembly election	<p>A candidate may not receive a donation or incur electoral expenditure until registered with the TEC. These registers must contain the:</p> <ul style="list-style-type: none"> • name and enrolled address of the person, • campaign headquarters, • registered party (if any)¹⁵, and • House of Parliament they are contesting. <p>A person who is nominated as a candidate is taken to be registered. Each election register commences: either following the previous polling day or when the relevant vacancy occurs and concludes at the completion of the election.</p>
Registers of candidates: periodic Council election	
Registers of candidates: Assembly by-election	
Registers of candidates: Council by-election	
Register of party agents	<p>The register of <i>party agents</i> is kept on a continuous basis. The appointed party agent must be a natural person who is a senior office holder within the party and a Tasmanian elector.</p> <p>If no one is formally appointed, the party's registered officer becomes the party agent by default¹⁶.</p>
Register of official agents	<p>The official agents register must contain:</p> <ul style="list-style-type: none"> • name, address and occupation of the agent, and • the name of the political participant they represent. <p>An official agent can be appointed to more than one person or entity. If no agent is formally appointed by a candidate, the candidate becomes the agent by default¹⁷.</p>
Register of associated entities	<p>To be kept on a continuous basis, the register must contain the:</p> <ul style="list-style-type: none"> • full name, address and ABN of the associated entity, and • registered party related to the associated entity.
Register of third-party campaigners	<p>The third-party campaigners register only exists for the Assembly election campaign period.</p>

The draft Bill is silent in regard to the public availability of these registers, other than to provide that they are to be kept in the manner and form approved by the TEC.

The NSW Electoral Commission publishes its registers on its website. As the objectives of the draft Bill include *establishing a scheme for the fair and transparent disclosure of political donations and electoral expenditure*, it could be argued that it is in the public interest to, in the appropriate circumstances, make these registers publicly available.

¹⁵ Unsure if this should apply to a Council candidate nominated by a registered party given that the rest of the scheme recognises all Council candidates as independent.

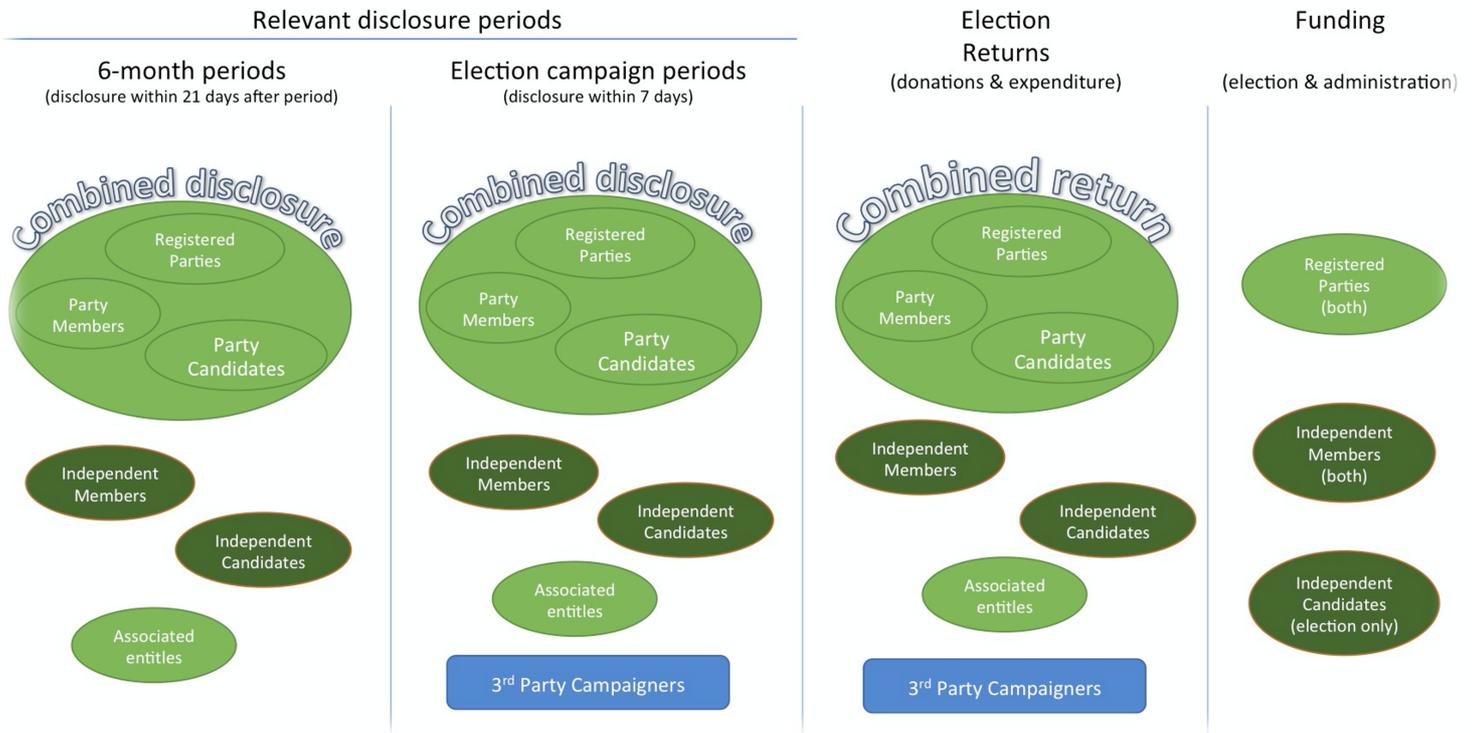
¹⁶ Clause 100.

¹⁷ Clause 106

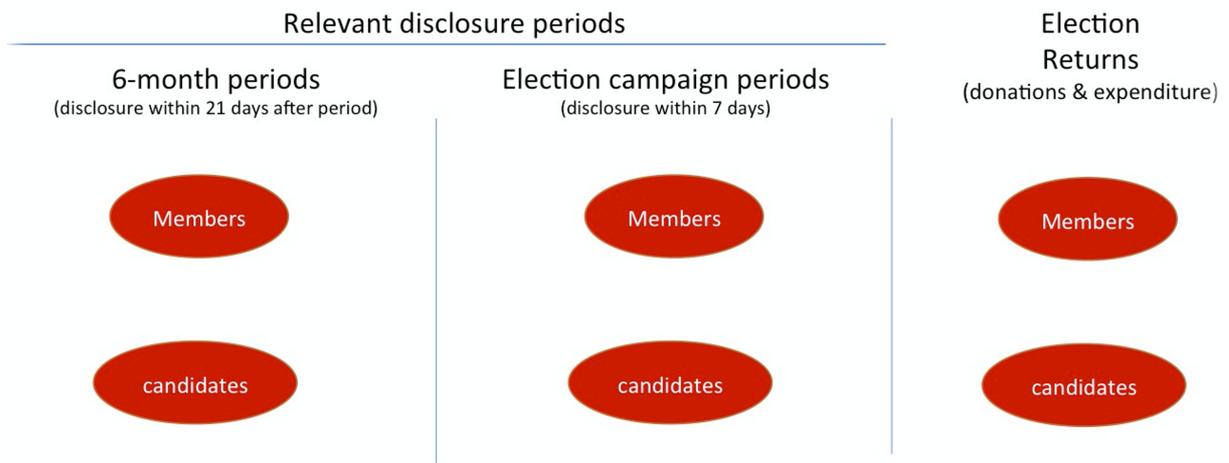
Summary of scheme

The following diagrams show the relationship and disclosure responsibilities of each political participant in the proposed scheme.

House of Assembly political participants



Legislative Council political participants



A practical study — the proposed scheme

Perhaps the best way to understand the proposed scheme and see the practical implications is to look at the processes and issues that would have occurred if the scheme was in place from 1 July 2020. While not a comprehensive list of political participants, all of the individuals listed below have been a part of the Parliamentary environment in the last 12 months and would have followed slightly different paths through the proposed scheme.

Assembly political participants

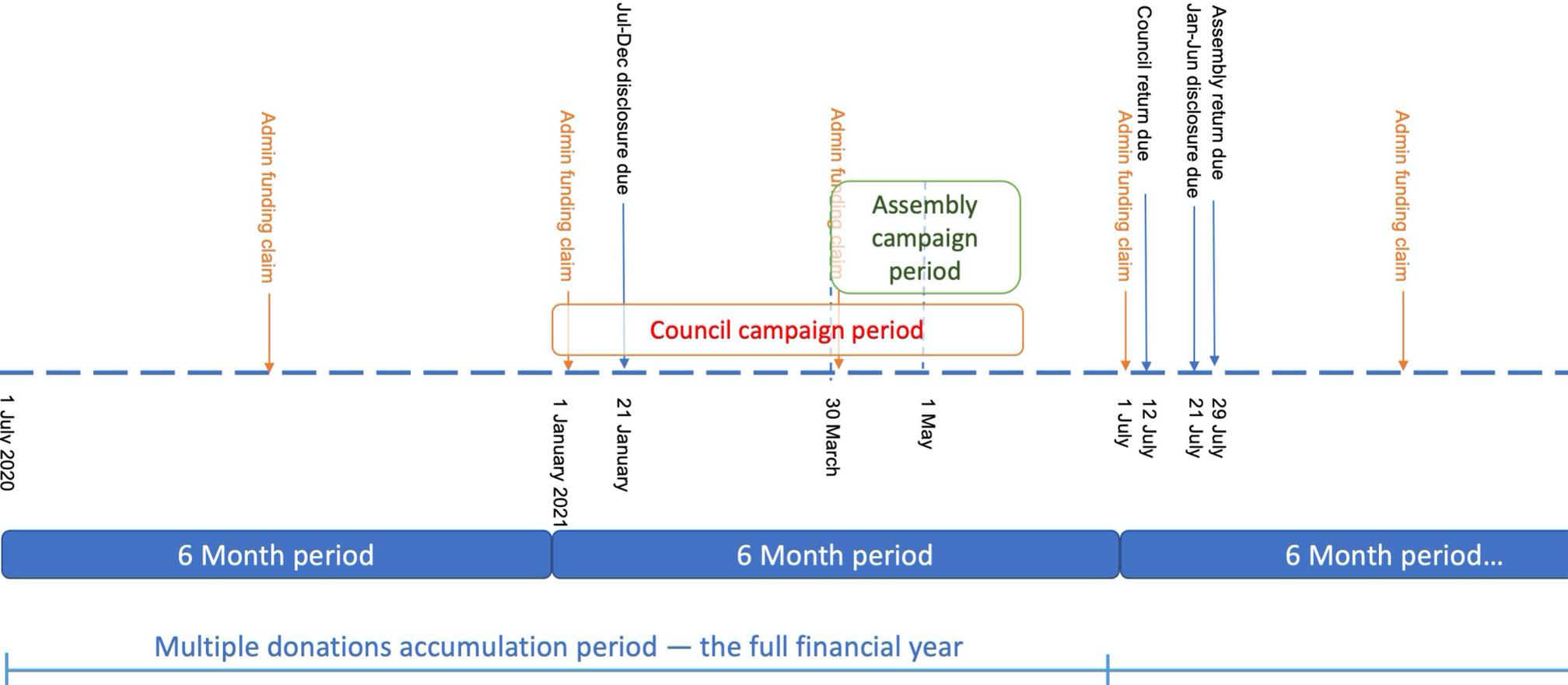
Name	Type of participant
Australian Labor Party	Registered political party – with Members and nominated candidates at the Assembly election
Shooters, Fishers, Farmers Tas	Registered political party – with no Members but nominated candidates at the Assembly election
Kristie Johnston	Independent candidate elected at the 2021 Assembly election <i>(assumption: Johnston started campaigning for the state election in July 2020)</i>
Craig Garland	Independent candidate not elected at the 2021 election <i>(assumption: Garland started campaigning for the state election in July 2020)</i>
Sue Hickey	Liberal Member who became an independent candidate at Assembly election (not re-elected)
Madeline Ogilvie	Independent Member who became a Liberal candidate at Assembly election (re-elected)
Ben McGregor	An initially endorsed ALP candidate not nominated at the election
David O’Byrne	An ALP Member and candidate (elected) who leaves the ALP caucus in the new Parliament
Associated entity— generic	
Third-party campaigner — generic	
Significant political donor— generic	
Small donor— generic	

Council political participants

Name	Type of participant
Craig Farrell	ALP Member and Derwent candidate
Ben Shaw	Liberal Derwent candidate
Ivan Dean	Retiring independent Member
Huon by-election	Huon Member announces future resignation — intending candidates
Third-party campaigner— generic	

The following tables outline the compliance obligations for each of the political participants listed above. Defined roles or formal documents required by the proposed scheme are written in **blue text**. Questions arising from implementing the proposed scheme are provided in **red text**.

Scheme timetable — If legislation had been in place from 1 July 2020...



Assembly political participants

	After 1 July 2020	After 31 December 20 (6-month period)	State writ issued (30 March 2021)	After 30 June 21 (6-month period)	60 days after campaign period	Within 120 days of the election
Australian Labor Party	<p>Appoints a party agent Establishes ALP campaign account Potential candidates apply for candidate register Party agent receives all political donations for the party, Members and potential candidates (placed in ALP campaign account).</p> <p>1 Oct - party agent claims administrative funding \$33,054 (max)</p>	<p>Party agent lodges ALP donations disclosure document (party, Members & candidates) within 21 days. Party agent continues to receive all political donations (placed in ALP campaign account).</p> <p>Administrative funding claim - \$33,054 (max)</p>	<p>Candidates apply for candidate register Party agent discloses reportable political donations (single or cumulative) within 7 days</p> <p>Administrative funding claim - \$33,054 (max)</p>	<p>Party agent lodges the ALP political donations disclosure document within 21 days.</p> <p>Administrative funding claim - \$33,054 (max)</p>	<p>Party agent lodges election return</p> <p>Administrative funding claim - \$33,054 (max)</p>	<p>Party agent lodges ALP election funding claim — entitled to \$449,544 (max)</p>
Shooters, Fishers, Farmers Tas	<p>Appoints a party agent Establishes SFF campaign account Potential candidates apply for candidate register Party agent receives political donations for party and candidates</p>	<p>Party agent lodges the SFF disclosure document (party & candidates) within 21 days. Party agent continues to receive all political donations (placed in SFF campaign account).</p>	<p>Party agent discloses reportable political donations (single or cumulative) within 7 days</p>	<p>Party agent lodges the SFF disclosure document within 21 days.</p>	<p>Party agent lodges election return</p>	<p>Party agent lodges the SFF funding claim — entitled to \$19,050 (max)</p>
Kristie Johnston	<p>Appoints an official agent Establishes campaign account Applies to candidate register Official agent receives all political donations (placed in campaign account)</p>	<p>Official agent lodges Ms Johnston's disclosure document Official agent receives political donations which are placed in the campaign account.</p>	<p>Official agent discloses Ms Johnston's reportable political donations (single or accumulative) within 7 days</p>	<p>Official agent lodges Ms Johnston's disclosure document within 21 days.</p>	<p>Official agent lodges Ms Johnston's election return</p>	<p>Official agent lodges funding claim —\$41,964 (max) Admin funding claim \$9,641 (max)</p>
Craig Garland	Same processes as K Johnston	Same processes as K Johnston	Same processes as K Johnston	Same processes as K Johnston	Same processes as K Johnston	Official agent lodges funding claim —\$25,416 (max)

	1 July 2020	After 31 December 20 (6-month period)	State writ issued (30 March 2021)	After 30 June 21 (6-month period)	60 days after campaign period	Election funding
Sue Hickey:	Liberal party agent receives all Hickey political donations (placed in Liberal campaign account).	Party agent lodges Liberal disclosure document (including money from or on behalf of Ms Hickey) Party agent receives Ms Hickey's political donations (placed in Liberal campaign account)	Ms Hickey applies to candidate register Appoints official agent Establishes Hickey campaign account <i>What happens to Hickey donations in Liberal account?</i>	<i>Does Liberal party agent include Hickey donations in Liberal disclosure document?</i>	Official agent lodges Ms Hickey's election return	Official agent lodges funding claim — \$37,566 (max)
Madeline Ogilvie	Appoints official agent Establishes Ogilvie campaign account Official agent receives political donations.	Official agent lodges the Ms Ogilvie's disclosure document Official agent receives political donations which are placed in the Ogilvie campaign account.	<i>What happened to money in Ogilvie account? If transferred to the Liberal party account does this mean new accumulation totals for donors?</i>	<i>Does Ogilvie official agent complete disclosure for before election period? Does Liberal return include new Ogilvie donations received after the election?</i>	Party agent lodges Liberal Election Return (includes Ogilvie)	Liberal Campaign funding claim includes Ogilvie votes. Liberal admin funding claim entitlement includes Ogilvie
Ben McGregor	ALP party agent receives all McGregor political donations (placed in ALP campaign account). McGregor applies to candidate register	Part of ALP above.	<i>As Mr McGregor is not nominated does Party stop receiving McGregor donations or incurring expenditure using McGregor donations?</i>	Party agent lodges the ALP donations disclosure document <i>Does Party accumulated calculations include McGregor donations?</i>	<i>Should McGregor expenditure be included in the party campaign return?</i>	<i>Should McGregor expenditure in a return be used for claiming election funding? Should something similar to s88(5) apply to unused donations made on McGregor behalf?</i>
David O'Byrne	Part of ALP above	Part of ALP above	Part of ALP above	<i>Is Mr O'Byrne an independent Member by leaving the ALP caucus. Who determines?</i>	Part of ALP above	<i>How is O'Byrne classified regarding admin funding?</i>

	1 July 2020	After 31 December 20 (6-month period)	State writ issued (30 March 2021)	After 30 June 21 (6-month period)	60 days after campaign period	Election funding
Associated entity	Appoints official agent Applies to Associated entities register Establishes campaign account Official agent receives political donations (placed in campaign account).	Official agent lodges the disclosure document . Official agent receives political donations (placed in campaign account).	Official agent lodges the disclosure document within 7 days	Official agent lodges the disclosure document within 21 days.	Official agent lodges associated entity's election return	No funding available
3 rd party campaigner	3 rd party campaigner are not recognised or have any obligations until the Assembly election campaign period commences. On calling Assembly election: Establishes official agent Establishes 3PC campaign account		Applies to 3rd party campaigner register Official agent lodges the disclosure document within 7 days	Official agent lodges the disclosure document within 21 days.	Official agent lodges 3rd party campaigner's election return	No funding available
Significant political donor	Where a single or combination of donations have been provided to political participants that equates to a reportable political donation, the donor must have an official agent that lodges a formal donation disclosure with the TEC.					
Small donor	<i>Donations below \$100 can remain anonymous. Larger donations need to be recorded by the party agent or official agent and a receipt of the details provided to the donor.</i>					

Council political participants

	1 July 2020	From 1 January 2021	After 30 June 21 (6-month period)	60 days after declaration of result	After 1 July 21
Craig Farrell	Appoint an official agent Establish campaign account official agent receives political donations (placed in campaign account).	Official agent lodges Farrell disclosure document within 21 days Official agent discloses reportable political donations (single or accumulative) within 7 days	Official agent lodges disclosure document within 21 days.	Official agent lodges election return	official agent receives political donations (placed in campaign account).
Ben Shaw	Appoint an official agent Establish campaign account Listed on candidate register official agent receives political donations (placed in campaign account).	official agent lodges the Shaw disclosure document within 21 days official agent discloses reportable political donations (single or accumulative) within 7 days	Official agent lodges disclosure document within 21 days.	Official agent lodges election return	May retain account and agent if he is considering contesting a different LC election
Ivan Dean	As Mr Dean has announced that he is retiring in 2021. Assuming Mr Dean does not receive any political donations or make any electoral expenditure, he does not need an official agent or a campaign account.				
Possible Huon By-election			Member for Huon announces his intention to resign in December	Any intending candidates wishing to receive a political donation would have to be on the candidate register and establish an official agent and a campaign account .	
3 rd party campaigner	3 rd party Campaigners involved in Council elections cannot incur expenditure for the purpose of procuring the election of an individual candidate. Otherwise, 3 rd party campaigners at Council elections are not recognised as part of the proposed disclosure scheme.				

Election campaign funding for the 2021 State election

Australian Labor Party

Division	Formal vote	4%	Candidate	1st preferences	elected?	eligible?	Funding
Bass	67 352	2 695	FINLAY, Janie	5 830	Y	Y	34 980
Bass	67 352	2 695	HINDS, Adrian	1 663		N	
Bass	67 352	2 695	HOUSTON, Jennifer	1 512		N	
Bass	67 352	2 695	O'BYRNE, Michelle	7 813	Y	Y	46 878
Bass	67 352	2 695	POWELL, Owen	706		N	
Braddon	69 961	2 799	BROAD, Shane	6 034	Y	Y	36 204
Braddon	69 961	2 799	DIPROSE, Amanda	1 300		N	
Braddon	69 961	2 799	DOW, Anita	5 640	Y	Y	33 840
Braddon	69 961	2 799	KEAY, Justine	4 132		Y	24 792
Braddon	69 961	2 799	RIPPON, Michelle	1 454		N	
Clark	63 753	2 551	CARNES, Deb	1 191		N	
Clark	63 753	2 551	CLARK, Chris	1 597		N	
Clark	63 753	2 551	DAVIS, Simon	1 986		N	
Clark	63 753	2 551	HADDAD, Ella	7 998	Y	Y	47 988
Clark	63 753	2 551	MITCHELL, Sam	1 294		N	
Franklin	69 258	2 771	BRUMBY, Amy	2 020		N	
Franklin	69 258	2 771	CANGELOSI, Fabiano	724		N	
Franklin	69 258	2 771	O'BYRNE, David	7 538	Y	Y	45 228
Franklin	69 258	2 771	STANDEN, Alison	3 107		Y	18 642
Franklin	69 258	2 771	THORPE, Toby	1 753		N	
Franklin	69 258	2 771	WINTER, Dean	7 859	Y	Y	47 154
Lyons	71 026	2 842	BATT, Edwin	1 141		N	
Lyons	71 026	2 842	BUTLER, Jen	2 635	Y	Y	15 810
Lyons	71 026	2 842	GAFFNEY, Gerard	721		N	
Lyons	71 026	2 842	LAMBERT, Janet	2 278		N	
Lyons	71 026	2 842	WHITE, Rebecca	16 338	Y	Y	98 028
			Party receives				449 544

Liberal Party

Division	Formal vote	4%	Candidate	1st preferences	elected?	eligible?	Funding
Bass	67 352	2 695	ALEXANDER, Lara	511		N	
Bass	67 352	2 695	COURTNEY, Sarah	2 227	Y	Y	13 362
Bass	67 352	2 695	FERGUSON, Michael	3 806	Y	Y	22 836
Bass	67 352	2 695	GUTWEIN, Peter	32 482	Y	Y	194 892
Bass	67 352	2 695	KIESER, Greg	646		N	
Bass	67 352	2 695	WOOD, Simon	707		N	
Braddon	69 961	2 799	BROOKS, Adam	6 202	Y	Y	37 212
Braddon	69 961	2 799	ELLIS, Felix	6 229		Y	37 374
Braddon	69 961	2 799	HENDRIKS, Lara	1 856		N	
Braddon	69 961	2 799	JAENSCH, Roger	4 833	Y	Y	28 998
Braddon	69 961	2 799	ROCKLIFF, Jeremy	19 186	Y	Y	115 116
Braddon	69 961	2 799	SHEEHAN, Stacey	1 708		N	
Clark	63 753	2 551	ARCHER, Elise	9 402	Y	Y	56 412
Clark	63 753	2 551	BEHRAKIS, Simon	3 722		Y	22 332
Clark	63 753	2 551	COATS, Will	1 690		N	
Clark	63 753	2 551	LENNON, Harvey	1 488		N	
Clark	63 753	2 551	OGILVIE, Madeleine	3 992	Y	Y	23 952
Franklin	69 258	2 771	ENDERS, Bec	3 271		Y	19 626
Franklin	69 258	2 771	PETRUSMA, Jacquie	14 550	Y	Y	87 300
Franklin	69 258	2 771	STREET, Nic	5 783	Y	Y	34 698
Franklin	69 258	2 771	WALKER, James	2 468		N	
Franklin	69 258	2 771	YOUNG, Dean	3 196		Y	19 176
Lyons	71 026	2 842	BARNETT, Guy	14 821	Y	Y	88 926
Lyons	71 026	2 842	BOWER, Susie	2 517		N	
Lyons	71 026	2 842	CAMERON, Stephanie	3 168		Y	19 008
Lyons	71 026	2 842	DERKSEN, Justin	2 622		N	
Lyons	71 026	2 842	SHELTON, Mark	8 613	Y	Y	51 678
Lyons	71 026	2 842	TUCKER, John	4 619	Y	Y	27 714
			Party receives				900 612

Tasmanian Greens

Division	Formal vote	4%	Candidate	1st preferences	elected?	eligible?	Funding
Bass	67 352	2 695	DAVENPORT, Jack	2 952		Y	17 712
Bass	67 352	2 695	HALL, Tom	886		N	
Bass	67 352	2 695	HOUGHTON, Mitchell	561		N	
Bass	67 352	2 695	LAYTON-BENNETT, Anne	1 091		N	
Bass	67 352	2 695	ROSOL, Cecily	691		N	
Braddon	69 961	2 799	BRIGGS, Darren	1 853		N	
Braddon	69 961	2 799	CORBETT, Maureen	372		N	
Braddon	69 961	2 799	MILNE, Tammy	670		N	
Braddon	69 961	2 799	MURRAY, Emily	584		N	
Braddon	69 961	2 799	PARSONS, Phill	403		N	
Clark	63 753	2 551	BAYLEY, Vica	1 372		N	
Clark	63 753	2 551	O'CONNOR, Cassy	9 469	Y	Y	56 814
Clark	63 753	2 551	SMITH, Tim	546		N	
Clark	63 753	2 551	TAYLOR, Bec	943		N	
Clark	63 753	2 551	VOLF, Nathan	442		N	
Franklin	69 258	2 771	CORDOVER, Gideon	606		N	
Franklin	69 258	2 771	DARKO, Kit	671		N	
Franklin	69 258	2 771	HARRISON, Phoenix	745		N	
Franklin	69 258	2 771	VERRIER, Bridget	939		N	
Franklin	69 258	2 771	WOODRUFF, Rosalie	10 161	Y	Y	60 966
Lyons	71 026	2 842	JOHNSTONE, Liz	2 883		Y	17 298
Lyons	71 026	2 842	MILLAR, Glenn	511		N	
Lyons	71 026	2 842	MORRIS, Tim	1 502		N	
Lyons	71 026	2 842	PIERCE, Jill	737		N	
Lyons	71 026	2 842	SHAPCOTT, Isabel	660		N	
Party receives							152 790

Shooters, Fishers, Farmers Tas

Division	Formal vote	4%	Candidate	1st preferences	elected?	eligible?	Funding
Bass	67 352	2 695	HARVEY, Andrew	1 649		N	
Braddon	69 961	2 799	JONES, Brenton	1 648		N	
Braddon	69 961	2 799	SWANSON, Kim	990		N	
Clark	63 753	2 551	BENNETT, Lorraine	310		N	
Clark	63 753	2 551	LARGE, Andrew	588		N	
Franklin	69 258	2 771	BROADBY, Shane	788		N	
Franklin	69 258	2 771	BYFIELD, Rebecca	627		N	
Franklin	69 258	2 771	CAIRNS, Robert	594		N	
Lyons	71 026	2 842	DI FALCO, Carlo	3 175		Y	19 050
			Party receives				19 050

Animal Justice Party

Division	Formal vote	4%	Candidate	1st preferences	elected?	Eligible	Funding
Bass	67 352	2 695	WOODBURY, Sue	1 242		N	
Clark	63 753	2 551	WESTCOTT, Tim	902		N	
Franklin	69 258	2 771	TANNER, Mark	1 227		N	
Lyons	71 026	2 842	McLAY, Sharon	1 411		N	
			Party receives				0

Federation Party Tasmania

Division	Formal vote	4%	Candidate	1st preferences	elected?	Eligible	Funding
Clark	63 753	2 551	STRINGER, Justin	154		N	
			Party receives				0

Independent candidates

Division	Formal vote	4%	Candidate	1st preferences	elected?	Eligible	Funding
Bass	67 352	2 695	RAMAGE, Roy	377		N	
Braddon	69 961	2 799	GARLAND, Craig	4 236		Y	25 416
Braddon	69 961	2 799	HAMER, Liz	337		N	
Braddon	69 961	2 799	MORGAN, Matthew	294		N	
Clark	63 753	2 551	JOHNSTON, Kristie	6 994	Y	Y	41 964
Clark	63 753	2 551	HICKEY, Sue	6 261		Y	37 566
Clark	63 753	2 551	DUTTA, Mike	615		N	
Clark	63 753	2 551	EWIN, Jax	537		N	
Clark	63 753	2 551	GERSHWIN, Lisa	260		N	
Franklin	69 258	2 771	FLANNERY, Francis	379		N	
Franklin	69 258	2 771	SPILIOPOULOS, George	252		N	
Lyons	71 026	2 842	LANE, George	674		N	

Role of the TEC

The draft Bill charges the TEC with significant powers and responsibilities to administer the proposed scheme. This will create a significant new and different workload to that currently undertaken by the TEC, and will require the recruitment of additional staff with different skills to those currently in the office.

Administration of the proposed scheme

The TEC will have the following main administrative responsibilities:

- approving scheme forms and some procedures,
- managing scheme registers,
- receiving and processing donation disclosures, election returns and funding claims, and
- publishing lodged disclosures and returns.

The TEC also has a responsibility to undertake educational and information programs to educate and inform all political participants and donors of their obligations under the draft Bill¹⁸.

Auditing, investigations and prosecutions

The TEC will have powers to audit donation declarations, election campaign returns and claims for election campaign or administrative funding¹⁹.

All political participants must assist the TEC by giving it access at all reasonable times to relevant documentation and information.²⁰ For undertaking an investigation, the TEC may

- appoint inspectors (either internally or externally), and
- enter into an arrangement with the Commissioner for Police for a police officer to exercise the functions of an inspector.

Publishing returns, claims and disclosures

The TEC will be responsible for providing transparency of the scheme. The TEC is required to publish reportable donation disclosures on the TEC website:

- For a 6-month period disclosure - within 21 days of disclosure, and
- During an election campaign period disclosure - within 7 days of disclosure

Disclosures received by the TEC must be published on the website for at least 6 months and kept available for inspection for 6 years.

The TEC is required to publish Assembly and Council election returns on the TEC website within 21 days after lodgement. Returns must be published on the website for at least 6 months and kept available for inspection for 6 years.

The TEC is required to publish claims for payment in relation to election campaign and administrative funding within 21 days of lodgement. Claims must be published on the website for at least 6 months and kept available for inspection for 6 years.

¹⁸ Clause 164

¹⁹ Clauses 48, 83 131, 146

²⁰ Under clause 48(1), the Commission does not have the power to audit donation declarations lodged by significant political donors.

Administration of election campaign and administrative funding

The TEC is responsible for administering election campaign funding and administrative funding, which will require significant ongoing management including:

- processing formal claims for election campaign funding up to 120 days following an Assembly election,
- processing Assembly party and independent Assembly Member claims for administrative funding every 3 months,
- verifying evidence of expenditure and assessing the claims to ensure all funding is correct for each claim,
- recording information against all administrative funding recipients regarding carry over expenditure for future claims
- processing and recording advanced payments requests for each type of funding, and
- conducting audits of claims when required.

The TEC may withhold funding payments if other paperwork is not complete.

Timetable to phase in new legislation

The proposed scheme will create an ongoing workload for the TEC through all stages of the election cycle. As can be seen by the scheme timetable provided on page 20 of the submission, the biggest workload of the proposed scheme will directly overlap with the busiest election times for the TEC.

The TEC is of the view that it would need at least 12 months to prepare for commencement of the scheme following passing of the draft Bill.

Prior to the commencement of the proposed scheme, the TEC would need to have completed the following preparatory elements:

- Analysis and identification of the workload, duties and specialist skills and roles required to administer the passed legislation,
- Establish a new unit within the TEC and recruit staff with the relevant skills and experience,
- Establish a new office space within the TEC,
- Make approvals outlined within the passed legislation,
- Develop educational material and resources, forms and procedures,
- Establish an online environment for information and transparency, and
- Establish an arrangement with the Commissioner for Police regarding support staff for investigations.

Administrative Issues

As stated in the letter accompanying this submission, the TEC acknowledges the significant work undertaken to produce a workable disclosure and funding scheme for Tasmania's bespoke democratic landscape.

This part of the submission formally raises the TEC's concerns regarding elements of the draft Bill that may either create administrative problems or inconsistencies, or may be confusing to participants trying to understand their obligations and entitlements under the draft Bill.

Funding for administration of the proposed scheme

Clause 173 provides that the Consolidated Fund is appropriated to the extent necessary for the payment of amounts in accordance with Part 11 or 12, namely election campaign funding and administrative funding.

The TEC recommends that clause 173 be amended to also provide for appropriation of the Consolidated Fund for the costs and expenses in or in connection with the administration of the draft Bill. This would be consistent with section 240 of the *Electoral Act 2004*, which provides that "the costs and expenses in or in connection with the conduct of an election are a charge on the public account and payable out of the public account without further appropriation than this section."

"Shared" endorsement – clauses 125 and 141

Division 2 of Part 5 of the *Electoral Act 2004* which regulates nominations for election, does not provide for "shared" endorsement of candidates by registered parties. The TEC is therefore of the view that the following clauses should be deleted:

- Clause 125 which provides for shared election campaign funding to registered parties in the situation where two or more registered parties have endorsed the same Assembly candidate.
- Clause 141 which provides for shared administrative funding to registered parties where two or more registered parties endorse the same Assembly candidate, and that candidate is elected.

Use of the phrases "endorsed candidate" and "endorsed Member"

The word "endorsed" is not defined in the draft Bill however there are various reporting and disclosure requirements and eligibility for funding in relation to "endorsed candidates" and "endorsed Members". The TEC recommends that, in order to avoid administrative issues, the term should be clarified, replaced or defined.

Member of a registered party

Numerous clauses in the draft Bill (i.e. clauses 5, 8, 10, 28, 37, 51, 53, 60, 73 & 140) refer to a member of a registered party. As currently drafted, the TEC is of the view that to administer these clauses it will require access to party membership records to verify membership status.

Election campaign period

A number of possible issues have been identified in the definition of "election campaign period":

- Subclause (a)(i) should refer to *Constitution Act 1934* (s 23(2)) rather than *Electoral Act 2004*.
- In sub-clause (a)(ii), in the event of an early snap election, the period commences with the issue of the writ. If the earliest date possible is considered appropriate for commencement of the period, consideration could be given to commencing the period with the notification to the Governor, or the proroguing of Parliament both of which are formal dates in the election timetable.
- Subclause (b) provides that in relation to an Assembly by-election, the *election campaign period* commences on the day on which the seat becomes vacant. Under the *Electoral Act 2004*, the initial process to fill an Assembly vacancy is to conduct a recount if possible. Under section 232(3) of the *Electoral Act 2004* the trigger for an Assembly by-election is the notification to the Governor that it is not possible to conduct a recount. Therefore, a request from the Governor for the Commissioner to conduct an Assembly by-election would be a better point to commence the *election campaign period*.

"Due dates" for lodgement of Assembly and Council election campaign returns

There is inconsistency as to when the election campaign periods end for Assembly and Council elections and by-elections.

Election campaign period is defined in clause 5 in relation to the various types of elections – Assembly general elections and by-elections, and Council periodic elections and by-elections, with all of these election campaign periods ending on the "disclosure period end day".

However, the definition of "disclosure period end day" in clause 5 only mentions an Assembly general election and uncontested Assembly and Council ballots, and is silent as to the disclosure period end day for periodic Council elections and by-elections.

Under clause 81(1) the "due date" for lodgement of Council election campaign returns is "60 days after the day on which the result of the Council election is declared" (as is the current time frame for a Council expenditure return under section 161 of the *Electoral Act 2004*). However, under clause 68(1) the "due date" for lodgement of House of Assembly election campaign returns is "60 days after the end of the election campaign period".

To avoid confusion, the TEC recommends that consideration be given to making these due dates consistent, especially given that under clause 13, a person is taken to be a candidate for 30 days after polling day.

Minor drafting issues

The following minor drafting issues have already been raised with the Department of Justice during the consultation period:

- The draft Bill uses the term "district" in clauses 123, 124 and 125 whereas under the *Electoral Act 2004* the term "division" is used.
- The definition of "polling day" should also include a reference to section 73 of the *Electoral Act 2004*, which allows for another day to be fixed as polling day in the event that the Governor considers an extension of time is appropriate.

- The definition of “roll” refers to “State roll”, “division roll” and “election roll”. State roll is defined, however “division roll” and “election roll” are not, whereas all three are defined in the *Electoral Act 2004*.
- Clause S92(2)(b) provides that the register of candidates for a Council periodic election is to be kept from the polling day for the previous Council periodic election. Given the 6-year period cycle for Council elections, a candidate may wish to start campaigning earlier than the periodic elections in the previous year, and so the words “for that division” may need to be inserted after “previous periodic council election”. A similar change should be made for the register of official agents for periodical elections under clause 104(2)(a).
- There is possible confusion in the legislation regarding third-party campaigners in relation to Council elections. A number of provisions (for example clauses 40, 45(5) & 89(1)) that regulate third-party campaigners can be misconstrued as applying to Council elections as the clauses refer to third-party campaigners’ conduct during an *election campaign period* in relation to an *election*. The election campaign period definition includes House of Assembly elections and by-elections and Legislative Council periodic elections and by-elections, and *election* is defined to be an Assembly election or a Council election. It may be beneficial to include the word “Assembly” before election in these instances as already occurs in other parts of the draft Bill.