

# Campaign accounts policy

*Electoral Disclosure and Funding Act 2023*

## Contents

<b>1.</b>	<b><i>Summary</i></b> .....	<b>2</b>
<b>2.</b>	<b><i>Policy statement</i></b> .....	<b>2</b>
<b>3.</b>	<b><i>Scope</i></b> .....	<b>2</b>
<b>4.</b>	<b><i>Related legislation and documents</i></b> .....	<b>3</b>
<b>5.</b>	<b><i>Campaign accounts</i></b> .....	<b>3</b>
<b>6.</b>	<b><i>Campaign accounts of registered parties</i></b> .....	<b>3</b>
	Receiving payments .....	4
	Making payments for electoral expenditure.....	5
<b>7.</b>	<b><i>Campaign accounts of Members and candidates</i></b> .....	<b>6</b>
	Making payments for electoral expenditure – Assembly Members and candidates.....	6
	Making payments for electoral expenditure – Council Members and candidates .....	6
	Accounting for independent Members and candidates .....	7
<b>8.</b>	<b><i>Campaign accounts of associated entities and third-party campaigners.</i></b>	<b>7</b>
<b>9.</b>	<b><i>Additional determinations by the TEC</i></b> .....	<b>8</b>
<b>10.</b>	<b><i>Responsibilities</i></b> .....	<b>8</b>
<b>11.</b>	<b><i>Version history and review</i></b> .....	<b>9</b>

# 1. Summary

The Tasmanian Electoral Commission (TEC) is responsible for promoting and enforcing the disclosure and funding compliance of electoral participants. This policy supports the interpretation and application of campaign account administration and definitions in Tasmanian parliamentary elections.

# 2. Policy statement

This policy provides the relevant legislative sections and definitions relating to the administration of campaign accounts for parliamentary elections, with additional interpretation where required to provide clarity and guidance for stakeholders that are required to administer a campaign account.

Understanding how campaign accounts must be used is important for electoral participants in parliamentary elections, as penalties apply for the unlawful use or failure to use a campaign account under the *Electoral Disclosure and Funding Act 2023*.

# 3. Scope

The TEC is an impartial and independent statutory authority. The TEC's work to support campaign accounts education and compliance for electoral participants is performed under the authority provided by the *Electoral Act 2004* and the *Electoral Disclosure and Funding Act 2023*.

Electoral participants are any person, group of people or other entity who either incur electoral expenditure, or make or receive political donations. They can be political parties, Members, candidates, intending candidates, associated entities, third-party campaigners, political donors, party agents or official agents.

This policy applies to:

- The promotion of education and compliance with the campaign account requirements of the *Electoral Act 2004* and the *Electoral Disclosure and Funding Act 2023*
- Officers of the TEC, including contractors and third-party consultants, who are providing education, advice, or any other investigatory or compliance activity involving campaign accounts in Tasmanian parliamentary elections.

Electoral expenditure, political donations, financial disclosure and recording obligations do not fall under the scope of this policy. Further information about the required use of campaign accounts for these matters can be found in the TEC's:

- **Electoral expenditure policy for House of Assembly elections**
- **Electoral expenditure policy for Legislative Council elections**

- **Financial disclosure policy**
- **Political donations policy**
- **Prohibited political donations policy.**

## 4. Related legislation and documents

- *Electoral Act 2004* (“EA”)
- *Electoral Disclosure and Funding Act 2023* (“EDFA”)

## 5. Campaign accounts

A campaign account is to be a separate account, with an authorised deposit-taking institution, denominated in Australian dollars. The following electoral participants are required to have a campaign account for accepting political donations, or for incurring or reimbursing electoral expenditure:

- Registered parties<sup>1</sup>
- Independent Assembly Members, independent Assembly candidates, Council Members and Council candidates<sup>2</sup>
- Associated entities and third-party campaigners<sup>3</sup>.

## 6. Campaign accounts of registered parties

The registered party’s party agent must be authorised to, and operate the party’s campaign account<sup>4</sup>. The party agent of a registered party may authorise (in writing) another person to make payments for electoral expenditure from a campaign account on behalf of the party agent<sup>5</sup>.

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<sup>1</sup> EDFA, section 91(1)

<sup>2</sup> EDFA, section 92(2)

<sup>3</sup> EDFA, section 93(1)

<sup>4</sup> EDFA, section 91(4)

<sup>5</sup> EDFA, section 65(6)

## Receiving payments

The below table shows what the EDFA states may or may not be paid into the campaign account of a registered party for Tasmanian parliamentary elections:

May be paid into campaign account <sup>6</sup>	May not be paid into campaign account <sup>7</sup>
Political donations made to the Tasmanian branch of the party – including the proceeds of the investment or disposal of any political donation of property that is held as an asset of the campaign account	Political donations (including the proceeds of said donations) paid into a federal campaign account
Any money paid via the public funding of electoral expenditure of Assembly parties and candidates under the EDFA	Any money paid via administrative funding for Assembly Members under the EDFA
Money borrowed by the party at any time	Money borrowed by the party at any time for a federal election
Political donations to the registered party, paid to the party agent in relation to the party	A party subscription, other than any amount constituting a political donation to the registered party
Political donations paid on behalf of Members or candidates, to the party agent in relation to the registered party	
Contributions by Members or candidates to finance their own campaigns	
A bequest to the party	
Money belonging to the registered party immediately before 1 July 2025	
The proceeds of an investment, or disposal, of property belonging to the registered party immediately before 1 July 2025	
The proceeds of the investment, or disposal, of any other property belonging to the registered party after 1 July 2025	

<sup>6</sup> EDFA, section 91(2)

<sup>7</sup> EDFA, section 91(2), (3)

## Making payments for electoral expenditure

A party agent or other authorised person must use the registered party's campaign account to make a payment<sup>8</sup>:

- For electoral expenditure in relation to an Assembly election, or
- To reimburse electoral expenditure incurred by another person for the election of an Assembly candidate or Assembly Member.

Similarly, Assembly Members or Assembly candidates who are endorsed by the registered party must also make the above two types of payment for their election campaigns from the registered party's campaign account (via the party agent or other authorised person)<sup>9</sup>.

## Accounting for endorsed candidates in Assembly elections

For political donations that are paid to a party agent (and therefore into the party's campaign account) in relation to a Member or candidate endorsed by the registered party – any such funds and related transactions must be accounted for separately to the party's funds and transactions<sup>10</sup>.

If an endorsed Member or candidate ceases to be as such, the EDFA requires any money remaining in the endorsing party's campaign account (that was standing to the account of the endorsed Member or candidate) must either<sup>11</sup>:

- If the amount was a contribution by the Member or candidate to finance their own election campaign, be paid:
  - back to the Member or candidate, or
  - to a charity nominated by the Member, candidate or TEC (if the Member or candidate can't be located in the first instance), or
- If the amount was not contributed by the Member or candidate themselves to finance their own campaign – become the property of the party.

Please refer to the next section for information about the transfer of money between campaign accounts for an independent Member or candidate who has become an endorsed Assembly Member or candidate.

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<sup>8</sup> EDFA, section 64(1)

<sup>9</sup> EDFA, section 65(1), (2)

<sup>10</sup> EDFA, section 91(5)

<sup>11</sup> EDFA, section 91(6)

## 7. Campaign accounts of Members and candidates

This section applies to<sup>12</sup>:

- Independent Assembly Members
- Independent Assembly candidates
- Council Members, and
- Council candidates.

The Member or candidate's official agent must be authorised to, and operate the Member or candidate's campaign account<sup>13</sup>. The official agent of a Member or candidate may authorise (in writing) another person to make payments for electoral expenditure from a campaign account on behalf of the official agent<sup>14</sup>.

In addition to political donations, a contribution by a Member or candidate to finance their own election campaign may be paid into their campaign account<sup>15</sup>.

### **Making payments for electoral expenditure – Assembly Members and candidates**

An official agent or other authorised person must use the Assembly Member or Assembly candidate's campaign account to make a payment on the Member or candidate's behalf<sup>16</sup>:

- For electoral expenditure in relation to the election of a Member or candidate, or
- To reimburse electoral expenditure incurred by another person for the election of a Member or candidate.

### **Making payments for electoral expenditure – Council Members and candidates**

In a Legislative Council election, any contribution made by a Council Member or Council candidate to finance their own election may be paid into their campaign account<sup>17</sup>. Payments for electoral expenditure, or to reimburse electoral expenditure, in relation to the election of a Council Member or Council candidate should therefore be made from the campaign account of the Member or candidate.

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<sup>12</sup> EDFA, section 92(1)

<sup>13</sup> EDFA, section 92(3)

<sup>14</sup> EDFA, section 66(5)

<sup>15</sup> EDFA, section 92(4)

<sup>16</sup> EDFA, section 66(2)

<sup>17</sup> EDFA, section 92(4)

## Accounting for independent Members and candidates

If an independent Member or independent candidate becomes an Assembly Member or Assembly candidate who is endorsed by a registered party, then any amount remaining in the Member or candidate's pre-endorsement campaign account must be<sup>18</sup>:

- If the amount was a contribution by the Member or candidate to finance their own election campaign, be paid back to the Member or candidate, or
- If the amount was not a contribution by the Member or candidate themselves to finance their own campaign – be paid into the campaign account of the registered party.

If any parliamentary candidate or parliamentary Member is no longer a candidate or Member, the EDFA requires any money remaining in the campaign account of the candidate or Member (that is no longer required) must either<sup>19</sup>:

- If the amount was a contribution by the Member or candidate to finance their own election campaign, be paid:
  - back to the Member or candidate, or
  - to a charity nominated by the Member, candidate or TEC (if the Member or candidate can't be located in the first instance), or
- If the amount was not contributed by the Member or candidate themselves to finance their own campaign – be paid to a charity nominated by the Member, candidate or TEC.

## 8. Campaign accounts of associated entities and third-party campaigners

The associated entity or third-party campaigner's official agent must be authorised to, and operate the associated entity or third-party campaigner's campaign account<sup>20</sup>. Additionally, the official agent of either an associated entity or third-party campaigner may authorise (in writing) another person to make payments for electoral expenditure from a campaign account on behalf of the official agent<sup>21</sup>.

### ***Making payments for electoral expenditure***

An official agent or other authorised person must use the associated entity or third-party campaigner's campaign account to make a payment<sup>22</sup>:

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<sup>18</sup> EDFA, section 92(5)

<sup>19</sup> EDFA, section 92(6)

<sup>20</sup> EDFA, section 93(2)

<sup>21</sup> EDFA, section 94

<sup>22</sup> EDFA, section 67(1), 68(1)

- For electoral expenditure in relation to the election of an Assembly Member or Assembly candidate, or
- To reimburse electoral expenditure incurred by another person for the election of an Assembly candidate or Assembly Member.

## 9. Additional determinations by the TEC

While there are currently no additional guidelines in place about campaign accounts in parliamentary elections, the TEC may consider issuing a guideline<sup>23</sup> to provide further clarity and direction if the operation and disclosure of campaign accounts requires a more formal determination.

The TEC may also use data gathered from stakeholder contacts or compliance activities to inform future educational content for electoral participants.

## 10. Responsibilities

Who	How
Tasmanian Electoral Commission	<ul style="list-style-type: none"> <li>• Approves this policy and associated documents</li> </ul>
Director, Legislation and Compliance	<ul style="list-style-type: none"> <li>• Participates in the consultation process</li> <li>• Determines policy instrument content and compliance with electoral disclosure and funding laws</li> <li>• Communicates policy development and revision with relevant third parties as appropriate</li> </ul>
Manager, Compliance and Investigation	<ul style="list-style-type: none"> <li>• Develops and amends policy instruments as required</li> <li>• Coordinates administration of the policy development and review process</li> <li>• Manages the publication, amendment or archiving of approved policy instruments</li> </ul>

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<sup>23</sup> EDFA, section 173(1)

## 11. Version history and review

Version	Date	Changes made	Approved by
1.0	21/03/25	Initial approval	Tasmanian Electoral Commission
2.0	12/12/25	Updated TEC address. Modified version history table.	Tasmanian Electoral Commission