

# Disclosure and funding compliance approach

*Electoral Disclosure and Funding Act 2023*

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# 1. Our role

The Tasmanian Electoral Commission (TEC) provides our state with independent, impartial and high-quality electoral services, and ensures electoral participants' compliance with their obligations under the *Electoral Act 2004* and the *Electoral Disclosure and Funding Act 2023* ("the Acts"). In doing so, one of our functions is to administer and promote compliance with the disclosure and funding provisions under Tasmanian electoral laws.

# 2. What is disclosure and funding?

Electoral disclosure and funding in Tasmanian parliamentary elections is governed by the Acts, which include:

- the registration of candidates, Members, political parties, associated entities, third-party campaigners, and official/party agents
- the disclosure and lodgement of political donations and electoral expenditure by candidates, Members, political parties, associated entities, third-party campaigners, significant political donors and official/party agents
- caps on electoral expenditure for Legislative Council candidates, and
- the administration of electoral funding to eligible House of Assembly candidates, House of Assembly Members and registered political parties in elections.

Many electoral participants have legislative obligations under the Acts. Their proactive compliance helps to facilitate public awareness of political donations and electoral expenditure, and transparency in electoral financing.

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.

# 3. Our approach

The TEC takes a constructive approach to promote voluntary compliance, while responding effectively to non-compliance. We use a graduated strategy for disclosure and funding compliance – this means that our compliance activities consider an election participant's willingness to comply, their history of engagement, and responses we receive from stakeholders to help us inform any actions we take. The TEC regulates disclosure and funding compliance for Tasmanian parliamentary elections in accordance with our **Compliance and Enforcement policy**.

To achieve our compliance objectives, the TEC provides publicly available educational content on all aspects of disclosure and funding, for all electoral participants, to deliver guidance and support. We may also provide assistance through the TEC's Disclosure and Funding team, where subject matter experts can

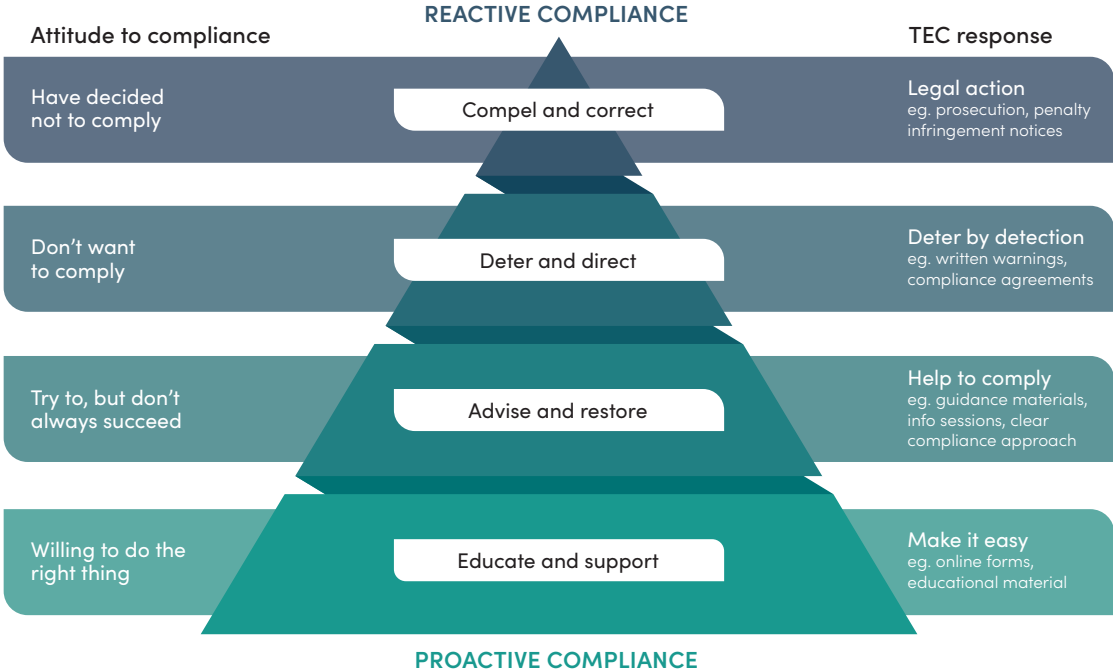
give more specific guidance as needed. We believe that this constructive compliance approach helps us to deliver the TEC’s vision – to maintain confidence in the integrity of Tasmania’s electoral processes and make it simple for people to understand and participate.

If the TEC identifies unintentional non-compliance, we will seek to resolve the matter by contacting the electoral participant to remind them of their disclosure and funding obligations under the Acts. If this resolves the issue, we will likely decide not to pursue any further enforcement action.

While the TEC proactively uses education and engagement to empower electoral participants to comply and make informed decisions about their compliance with the Acts, we also take a robust corrective approach to ensure legislative requirements are being met, using our powers under the Acts.

Where education and guidance doesn’t address non-compliance with the Acts, or when we suspect an offence may have been committed, we may investigate and take proportionate action with the level of harm. Criminal prosecution is only used when no other compliance action is appropriate or other steps have been exhausted.

The TEC’s compliance approach is illustrated below:



## 4. Compliance enforcement

Where efforts to address non-compliance are unsuccessful, or there is a breach of either of the Acts associated with a greater level of harm, the TEC may commence an investigation. Matters involving intentional non-compliance may proceed directly to investigation. Our investigations focus on fact-finding: we will gather information, evaluate it, then recommend appropriate, effective and fair action to resolve the

matter under investigation. The TEC has powers under the Acts to require certain individuals or entities to provide documents, other materials, or to answer questions.

The following are key deterrence tools that the TEC may use to enforce compliance with the Acts:

**Written warning** – if an investigation finds an offence against either of the Acts, the TEC may issue a written warning or advice of breach to the offender (recorded against the person). These are issued when the non-compliance we've identified is less harmful, and the warning seeks to prevent future non-compliance.

**Penalty infringement notice (PIN)** – this is a fine that is a penalty for breaking a law as set out by the Acts. The infringement notice sets out the details of an alleged offence. It gives the person who has been issued the notice the choice of either paying the penalty (a monetary fine) set out in the notice or having the matter dealt with by a court. The TEC can issue a PIN where there is reasonable belief that a person has committed an infringement notice offence.

**Prosecution** – prosecuting a person for an offence against either of the Acts is the TEC's final recourse for non-compliance for the most serious breaches of Tasmanian electoral laws. Before deciding to prosecute an offence in conjunction with the Director of Public Prosecutions, we will consider any existing compliance actions taken and the results of these actions. Upon completion of a successful prosecution an offender may be convicted and issued with a fine as a penalty, although some offences may result in a person being imprisoned.

The TEC is committed to working cooperatively with electoral participants, particularly in periods after the introduction of new electoral laws. We encourage anyone with disclosure and funding obligations to use the resources the TEC provides to help understand and meet those obligations.

The TEC does not intend to proceed with PINs for a period after the introduction of the *Electoral Disclosure and Funding Act 2023*. This will reasonably allow electoral participants to familiarise themselves with their new disclosure and funding obligations. It will also allow the TEC opportunity to review the initial conduct and responses of electoral participants to their new obligations, and for the TEC to provide further targeted education where appropriate.

## 5. Our response

During Tasmanian parliamentary elections, the TEC may receive an increased number of notifications about potential non-compliance. We will prioritise our compliance actions according to the complexity, level of harm and overall impact on electoral integrity of the matter.

The TEC's regulatory role in parliamentary elections is prescribed by the *Electoral Act 2004* and the *Electoral Disclosure and Funding Act 2023*. We may consider the

availability of a referral of a matter to another integrity agency if it is not part of our responsibilities, such as to another agency.

## 6. Feedback on our compliance approach

The TEC is committed to our values of adaptability and collaboration, and we welcome feedback on our regulatory approach. If you have feedback, please contact us through via our [Contact Us](#) webpage.

## 7. 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