

# House of Assembly funding policy

*Electoral Disclosure and Funding Act 2023*

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# 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 public funding of participation in Assembly elections, and the funding of Assembly administrative expenditure.

## 2. Policy statement

This policy provides the relevant legislative sections and definitions relating to the administration of Assembly funding, with additional interpretation where required to provide clarity and guidance for electoral participants.

Understanding Assembly funding, and who may claim, is important for electoral participants in Assembly elections, to ensure the lawful use of the publicly funded Election Campaigns Fund and Administration Fund 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 the compliant use of the Election Campaigns Fund and Administration Fund by electoral participants is performed under the authority provided by the *Electoral Act 2004* and the *Electoral Disclosure and Funding Act 2023*.

This policy applies to:

- The promotion of education and compliance with the funding requirements of 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 Assembly funding in Tasmanian Assembly elections.

This policy only provides information about House of Assembly public funding – further information about the meaning of electoral expenditure in Assembly elections can be found in the TEC's **Electoral expenditure policy for House of Assembly elections**.

## 4. Related legislation and documents

*Electoral Act 2004* ("EA")

*Electoral Disclosure and Funding Act 2023* ("EDFA")

## 5. Public funding of Assembly election campaigns

The EDFA requires that the Election Campaigns Fund be established and kept by the TEC in respect of House of Assembly elections<sup>1</sup>. Payments are issued to eligible registered parties and independent Assembly candidates who make a successful claim from the Election Campaigns Fund<sup>2</sup>.

### Definition of electoral expenditure

This policy only provides information about the Election Campaigns Fund for House of Assembly elections. The definition of electoral expenditure and electoral matter are covered by the TEC's **Electoral expenditure policy for House of Assembly elections**.

### Campaign funding for eligible registered parties and independent Assembly candidates

A **registered party** is eligible for Election Campaigns Fund payments if<sup>3</sup>:

- The party is a registered party on the polling day for an Assembly general election or by-election
- There was an Assembly candidate who was (immediately before polling day) endorsed by the registered party in relation to the Assembly general election or by-election, and
- For the above endorsed candidate's division, the total number of formal first preference votes received by all the party's endorsed Assembly candidates in the same division is at least 4% of the total number of formal first preference votes for the division.

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<sup>1</sup> EDFA, section 131(1)

<sup>2</sup> EDFA, section 131(2)

<sup>3</sup> EDFA, section 132

The amount to be distributed from the Election Campaigns Fund to an eligible registered party is the lesser of the following<sup>4</sup>:

- \$6 for each formal first preference vote received by an Assembly candidate who –
  - Was (immediately before polling day) endorsed by the registered party in relation to the Assembly election or by-election, and
  - Who (with all other candidates endorsed by the party in the same division) received at least 4% of the total number of formal first preference votes

or

- The total amount of actual campaign expenditure in relation to the Assembly election or by-election, incurred by or on behalf of –
  - The registered party, and
  - Each Assembly candidate who was (immediately before polling day) endorsed by the registered party.

The amount of \$6 is adjusted for inflation<sup>5</sup>.

An **independent Assembly candidate** who was an independent candidate on the polling day of an Assembly general election or by-election is eligible for Election Campaigns Fund payments if<sup>6</sup>:

- The candidate is elected at the Assembly general election or by-election, or
- The total number of formal first preference votes received by the candidate is at least 4% of the total number of first preference votes in the candidate's division.

An **independent Assembly candidate who nominated as part of a group of candidates**<sup>7</sup>, and who was an independent candidate on the polling day of an Assembly general election or by-election is eligible for Election Campaigns Fund payments if<sup>8</sup>:

- The independent Assembly candidate appears on the ballot paper for the election as a member of a group of candidates, and
- The total number of formal first preference votes received by the group of candidates is at least 4% of the total number of first preference votes in the candidate's division.

The amount to be distributed from the Election Campaigns Fund to an eligible independent Assembly candidate in a general election or by-election is the lesser of the following<sup>9</sup>:

- \$6 for each formal first preference vote received by the candidate, or
- The total amount of actual campaign expenditure incurred by or on behalf of the candidate.

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<sup>4</sup> EDFFA, section 133(1)

<sup>5</sup> EDFFA, section 133(2), Schedule 1

<sup>6</sup> EDFFA, section 134(1)

<sup>7</sup> EA, section 77(3), (4)

<sup>8</sup> EDFFA, section 134(2)

<sup>9</sup> EDFFA, section 135(1)

The amount of \$6 is adjusted for inflation<sup>10</sup>.

## Claims for payment

Payments from the Election Campaigns Fund for electoral expenditure incurred are not made automatically – the party agent of an eligible registered party, or an independent Assembly candidate themselves, must make a claim to the TEC<sup>11</sup>. A claim for payment must be made using the **Election Campaigns Fund payment claim** form, which includes a statutory declaration<sup>12</sup>.

The claim must include the following information for each item of electoral expenditure claimed<sup>13</sup>:

- The date the expenditure was incurred
- The dollar amount of the expenditure
- The name of supplier or service provider of the expenditure
- The invoice or receipt number
- A description of the product or service provided, and
- A copy of the invoice, receipt or logbook entry (whichever applies) for the expenditure.

The TEC has provided a template for registered parties and independent Assembly candidates to use to provide the required details for each line of expenditure claimed.

The **Election Campaigns Fund payment claim** form and accompanying information must be submitted to the TEC **within one hundred and twenty days** after the day the writs are returned for the election<sup>14</sup>.

An extension of this due date may be permitted by the TEC if the claimant has received an extension for their election campaign return<sup>15</sup>.

Note: the GST component of electoral expenditure is only to be included in the claim if the registered party or independent Assembly Member considers that they are not entitled to a tax credit for GST on the expenditure<sup>16</sup>.

## Advance payments for registered parties

An eligible registered party may claim for an advance payment from the Election Campaigns Fund for electoral expenditure incurred during the election campaign period of an Assembly general election<sup>17</sup>. The amount of an advance payment is equal to 50% of the total amount of funding from the Election Campaigns Fund the registered party was entitled to for the previous Assembly general election<sup>18</sup>, payable (either as a lump sum or by instalment) at any time during the election campaign

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<sup>10</sup> EDFA, section 135(2), Schedule 1

<sup>11</sup> EDFA, section 137(1)

<sup>12</sup> EDFA, section 137(3)

<sup>13</sup> EDFA, section 137(4), Election Campaigns Fund payments claim guideline

<sup>14</sup> EDFA, section 137(2)

<sup>15</sup> EDFA, section 72, Election Campaigns Fund payment claims extension guideline

<sup>16</sup> GST in a funding claim guideline

<sup>17</sup> EDFA, section 136(1)

<sup>18</sup> EDFA, section 136(2)

period for which the advance payment claim is made<sup>19</sup>. Any amount paid as an advance will then be deducted from the total amount payable to the registered party from the Election Campaigns Fund for the election campaign period<sup>20</sup>.

A claim for an advance payment may be made to the TEC from the first day of the election campaign period until ten business days before polling day in the Assembly general election for which the registered party is seeking an advance payment<sup>21</sup>. The claim must be made using the **Election Campaigns Fund advance payment claim form**<sup>22</sup>.

If a registered party receives an advance payment which is later assessed by the TEC to have exceeded their electoral expenditure funding entitlement for the Assembly general election, the TEC will issue a notice requiring repayment of the excess amount within sixty days of the notice's date of issue<sup>23</sup>. Additionally, any advance payment received by a registered party that either does not contest the Assembly general election or the party ceases to operate, be registered, or is being wound up before polling day for the general election, must be repaid to the TEC<sup>24</sup>.

## Payment of eligible claims

The payment of an eligible Election Campaigns Fund claim will be paid to the registered party or independent Assembly candidate's campaign account<sup>25</sup>. A registered party's agent may also specify an endorsed Assembly candidate's personal account if they wish for a portion of the party's payment to be paid directly to the candidate<sup>26</sup>. Claim forms require the provision of the relevant bank account information from the claimant so that the TEC can transfer claimed funds electronically upon the successful finalisation of a claim<sup>27</sup>.

An eligible payment claim will be paid within sixty days of the claim being lodged<sup>28</sup>. An eligible advance payment claim will be paid within ten business days of the claim being lodged<sup>29</sup>.

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<sup>19</sup> EDFA, section 136(3)

<sup>20</sup> EDFA, section 136(4)

<sup>21</sup> Election Campaigns Fund advance payment claim timeframes guideline

<sup>22</sup> EDFA, section 137(3)

<sup>23</sup> EDFA, section 136(5)

<sup>24</sup> EDFA, section 136(6)

<sup>25</sup> EDFA, section 140(1), (2)

<sup>26</sup> EDFA, section 133(3)

<sup>27</sup> Electronic payment of funding claims guideline

<sup>28</sup> Election Campaigns Fund payment timeframe guideline

<sup>29</sup> Election Campaigns Fund advance payment claim timeframes guideline

Payments of eligible claims cannot be paid if a registered party or independent Assembly member has a non-compliant or outstanding disclosure of the following<sup>30</sup>:

- A donation declaration
- An Assembly election campaign return, or
- A Council election campaign return.

If the TEC is unable to finalise a claim lodged on behalf of a registered party within sixty days of the claim being lodged, the TEC must make a preliminary payment within that period<sup>31</sup>. This will be for an amount equal to 90% of the total amount estimated by the Commission to be payable to the party, minus the amount of any advanced payment made for the relevant election<sup>32</sup>. If a registered party receives a prepayment which is later assessed by the TEC to have exceeded their electoral expenditure funding entitlement for the Assembly general election, the TEC will issue a notice requiring repayment of the excess amount within sixty days of the notice's date of issue<sup>33</sup>.

## 6. Public funding of Assembly administrative expenditure

The EDFA requires that the Administration Fund be established and kept by the TEC in respect of registered parties and independent Assembly Members<sup>34</sup>. Quarterly payments are issued to eligible registered parties and independent Assembly Members who make a successful claim from the Administration Fund<sup>35</sup>, to provide public funding for administrative and operational expenditure incurred by members.

### Definition of Assembly administrative expenditure

Assembly administrative expenditure is expenditure incurred for administrative and operating expenses<sup>36</sup>, and includes expenditure as follows<sup>37</sup>:

- For the administration or management of the activities of a registered party or Assembly Member
- For conferences, seminars, meetings or similar functions at which the policies of a registered party or Assembly Member are discussed or formulated
- On providing information to the public about a registered party or Assembly Member
- On providing information to members of a registered party and supporters of the registered party or an Assembly Member

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<sup>30</sup> EDFA, section 142(1)

<sup>31</sup> EDFA, section 141(1)

<sup>32</sup> EDFA, section 141(2)

<sup>33</sup> EDFA, section 141(4)

<sup>34</sup> EDFA, section 146(1)

<sup>35</sup> EDFA, section 146(2)

<sup>36</sup> EDFA, section 14(1)(a)

<sup>37</sup> EDFA, section 14(1)(b)

- For auditing the financial accounts of a registered party or Assembly Member
- On equipment and training to ensure compliance with obligations under the EDFA by a registered party or its endorsed Assembly candidates, or an Assembly Member
- On the reasonable remuneration of staff engaged in activities in this list, for a registered party or Assembly Member (remuneration proportional to time spent on a listed activity)
- On the reasonable expenditure on equipment or vehicles used for the purposes of an activity in this list, for a registered party or Assembly members (remuneration proportional to the cost of acquisition and operation relating to the use of the equipment for a listed activity)
- On office accommodation and equipment for staff of a registered party or Assembly Member.

Assembly administrative expenditure does not include<sup>38</sup>:

- Electoral expenditure
- Expenditure for which a Member may claim a parliamentary allowance as a Member
- Expenditure incurred substantially for operations or activities that relate to the election of Members to a parliament outside of Tasmania.

## Administrative funding for eligible registered parties and independent Assembly Members

A **registered party** is eligible for quarterly Administration Fund payments if<sup>39</sup>:

- The party was a registered party on the polling day for the previous Assembly general election, and continues to be a registered party on the date of entitlement for the quarterly payment, and
- An Assembly Member who **was endorsed** by the party on polling day, was elected at the Assembly election, and the TEC is satisfied that the Member claimed during the election to be endorsed by the party, and
- The TEC is satisfied that the Member **continues to be endorsed** by the registered party on the date of entitlement for the quarterly payment

or

- The party was a registered party on the polling day for the previous Assembly general election, and continues to be a registered party on the date of entitlement for the quarterly payment, and
- An Assembly Member who **was not endorsed** by the party on polling day, was elected at the Assembly election, and
- The TEC is satisfied that the Member **is endorsed** by the registered party on the date of entitlement for the quarterly payment, and was endorsed during the full quarter.

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<sup>38</sup> EDFA, section 14(1)(c)

<sup>39</sup> EDFA, section 147(1), (2)

The quarterly amount to be distributed from the Administration Fund to an eligible registered party is the amount of administrative expenditure incurred by or on behalf of the party during the quarter to which the payment related<sup>40</sup>. This amount must not exceed<sup>41</sup>:

- \$9,641 if there is only one Assembly Member endorsed by the party for the quarter
- \$19,282 if there are two to five Assembly Members endorsed by the party for the quarter
- \$33,054 if there are six or more endorsed Assembly Members for the quarter.

The number of Assembly members to whom this applies is determined as at the date on which the entitlement is determined for the quarter<sup>42</sup>. Amounts are adjusted for inflation<sup>43</sup>.

An **independent Assembly Member** is eligible for quarterly Administration Fund payments if<sup>44</sup>:

- The Member **was not** an Assembly candidate endorsed by a registered party, on the polling day of the election at which the Member was elected, and
- The TEC is satisfied that the Member **is not** endorsed by a registered party on the date of entitlement for the quarterly payment

or

- The Member **was** an Assembly candidate endorsed by a registered party, on the polling day of the election at which the Member was elected, and
- The TEC is satisfied that the Member **is not** endorsed by a registered party on the date of entitlement for the quarterly payment.

The quarterly amount to be distributed from the Administration Fund to an eligible independent Assembly Member is the amount of administrative expenditure incurred by or on behalf of the Member during the quarter to which the payment related<sup>45</sup>. This amount must not exceed \$9,641<sup>46</sup> (adjusted for inflation<sup>47</sup>).

If an eligible registered party or independent Assembly Member incurs administrative expenditure above their relevant quarterly limit (see above), the excess expenditure may be carried over to a subsequent quarter in the same calendar year – the expenditure will then be taken to have been incurred in the subsequent quarter<sup>48</sup>.

## Claims for payment

Quarterly payments from the Administration Fund for administrative expenditure incurred are not made automatically – the party agent of an eligible registered party, or an independent Assembly Member themselves, must make a claim to the TEC. A

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<sup>40</sup> EDFA, section 147(3)

<sup>41</sup> EDFA, section 147(3)

<sup>42</sup> EDFA, section 147(4)

<sup>43</sup> EDFA, section 147(5), Schedule 1

<sup>44</sup> EDFA, section 148(1), (2)

<sup>45</sup> EDFA, section 148(3)

<sup>46</sup> EDFA, section 148(3)

<sup>47</sup> EDFA, section 148(4), Schedule 1

<sup>48</sup> EDFA, section 149(1)

claim for a quarterly payment must be made using the **Administration Fund quarterly payment claim** form, which includes a statutory declaration<sup>49</sup>.

The claim must include the following information for each item of administrative expenditure claimed<sup>50</sup>:

- The date the expenditure was incurred
- The dollar amount of the expenditure
- The name of supplier or service provider of the expenditure
- The invoice or receipt number
- A description of the product or service provided, and
- A copy of the invoice, receipt or logbook entry (whichever applies) for the expenditure.

The TEC has provided a template for registered parties and independent Assembly Members to use to provide the required details for each line of expenditure claimed.

The **Administration Fund quarterly payment claim** form and accompanying information must be submitted to the TEC **within three months** of the end of the quarter for which the claim is being made<sup>51</sup>.

Note: the GST component of administrative expenditure is only to be included in the claim if the registered party or independent Assembly Member considers that they are not entitled to a tax credit for GST on the expenditure<sup>52</sup>.

## Advance payments

An eligible registered party or Assembly Member may claim for a quarterly advance payment from the Administration Fund<sup>53</sup>. A quarterly advance is equal to the maximum total amount the registered party or Member may receive in that quarter (see above for maximum amounts for parties and Members), payable at the beginning of the relevant quarter<sup>54</sup>. This quarterly advance payment is made based on the assumption that the registered party will have the same number of endorsed candidates at the end of the quarter as at the beginning, and that an Assembly Member will continue to be an independent Member at the end of the quarter<sup>55</sup>.

A claim for a quarterly advance payment must be made to the TEC at least two weeks before the beginning of the relevant quarter, using the **Administration Fund quarterly advance payment claim** form<sup>56</sup>.

If a registered party or independent Assembly Member receives a quarterly advance payment which is later assessed by the TEC to have exceeded their administrative

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<sup>49</sup> EDFA, section 151(4)

<sup>50</sup> EDFA, section 151(3), Administration Fund quarterly payment claims guideline

<sup>51</sup> EDFA, section 151(2)

<sup>52</sup> GST in a funding claim guideline

<sup>53</sup> EDFA, section 150(1)

<sup>54</sup> EDFA, section 150(2)

<sup>55</sup> EDFA, section 150(3)

<sup>56</sup> EDFA, section 150(7)

expenditure funding entitlement for the quarter, the TEC will issue a notice requiring repayment of the excess amount within sixty days of the notice's date of issue<sup>57</sup>.

## Payment of eligible claims

An eligible Administration Fund claim will be paid to the party agent or independent Assembly Member making the claim<sup>58</sup>. Claim forms require the provision of bank account information from the claimant so that the TEC can transfer claimed funds electronically upon the successful finalisation of a claim.

The payment of an eligible quarterly payment will be made within thirty days after whichever is the latest of the TEC receiving<sup>59</sup>:

- A claim for payment
- All required supporting documentation for the claim, or
- Additional information or evidence requested by the TEC relating to the claim.

The payment of an eligible quarterly advance payment will be made at the beginning of the relevant quarter<sup>60</sup>.

If a registered party or Assembly Member received a quarterly advance payment in excess of the amount (if any) they were entitled to upon submission (or non-submission) of a quarterly payment claim, the excess will be deducted from any amount payable for the relevant quarter<sup>61</sup>. The TEC will issue a written notification to the party agent or Assembly Member to advise the amount of excess funding to be repaid within 60 days of the notice being issued<sup>62</sup>.

Payments of eligible claims cannot be paid if a registered party or independent Assembly member has a non-compliant or outstanding disclosure of the following<sup>63</sup>:

- A donation declaration
- An Assembly election campaign return, or
- A Council election campaign return.

## 7. First advance payments under EDFA

An advance payment from the Election Campaigns Fund must be calculated as 50% of the total amount of Election Campaign Fund funding that a registered party was entitled to in a previous House of Assembly general election<sup>64</sup>. As this data does not exist for elections held prior to 1 July 2025, no advance payments can be calculated

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<sup>57</sup> EDFA, section 149(2)

<sup>58</sup> EDFA, section 152(2)

<sup>59</sup> EDFA, section 152(3)

<sup>60</sup> EDFA, section 150(2)

<sup>61</sup> EDFA, section 150(5)

<sup>62</sup> EDFA, section 150(6)

<sup>63</sup> EDFA, section 154(1)

<sup>64</sup> EDFA, section 136(2)

or paid by the TEC for the first House of Assembly general election held after 1 July 2025<sup>65</sup>.

A quarterly advance payment claim from the Administration Fund must be made at least two weeks before the beginning of the relevant quarter<sup>66</sup>. As the EDFA comes into effect on 1 July 2025, quarterly advance payments for the July-September 2025 quarter will not be considered<sup>67</sup>.

## 8. Publication of claims online

The TEC is required to publish a copy of all claims for payment from the Election Campaigns Fund and the Administration Fund to its website, along with any supporting documents submitted with a claim, within twenty-one days of a claim being lodged with the TEC<sup>68</sup>. These claims will all remain on the TEC's website for a period of at least six years after their initial publication online<sup>69</sup>.

The **Publishing public funding claims guideline** restricts the types of personal or financial data that will be displayed on the TEC's website.

## 9. Recordkeeping requirements

Electoral participants are required to keep records determined by regulation for a period of at least three years<sup>70</sup>.

## 10. Additional determinations by the TEC

The TEC may determine whether any expenditure is Assembly administrative expenditure or electoral expenditure in accordance with the EDFA<sup>71</sup>, with such determinations being final<sup>72</sup>.

The TEC has issued the following guidelines for claims for public funding:

- Administration Fund quarterly advance payment for July-September 2025 guideline
- Administration Fund quarterly payment claims guideline
- Election Campaigns Fund advance payment claim timeframes guideline
- Election Campaigns Fund first advance payment guideline
- Election Campaigns Fund payment claims extension guideline

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<sup>65</sup> Election Campaigns Fund first advance payment guideline

<sup>66</sup> EDFA, s150(7)

<sup>67</sup> Administration Fund quarterly advance payment for July-September 2025 guideline

<sup>68</sup> EDFA, sections 155(2), 145(2)

<sup>69</sup> EDFA, sections 155(2), 145(2)

<sup>70</sup> EDFA, section 163

<sup>71</sup> EDFA, sections 6(8), 14(2)

<sup>72</sup> EDFA, section 14(3)

- Election Campaigns Fund payment claims guideline
- Election Campaigns Fund payment timeframe guideline
- Electronic payment of funding claims guideline
- Expenditure that confers a private benefit guideline
- GST in a funding claim guideline
- Publishing funding claims guideline
- Quantifying travel expenses guideline

The TEC may consider issuing further guidelines to provide clarity and direction if a particular type of expense or a part of the legislative definition requires a more formal determination.

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

## 11. 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>                       |

## 12. Version history and review

| Version | Date     | Changes made   | Approved by                    |
|---------|----------|--|--------------------------------|
| 1.0     | 29/04/25 | Initial approval                                     | Tasmanian Electoral Commission |
| 2.0     | 12/12/25 | Updated TEC address. Modified version history table. | Tasmanian Electoral Commission |
|         |          |  |                                |