

Registration of electoral participants policy

Electoral Disclosure and Funding Act 2023

Contents

1.	<i>Summary</i>	2
2.	<i>Policy statement</i>	2
3.	<i>Scope</i>	2
4.	<i>Related legislation and documents</i>	3
5.	<i>Register of Candidates</i>	3
6.	<i>Register of Assembly Members</i>	4
7.	<i>Register of Party Agents</i>	5
8.	<i>Register of Official Agents</i>	7
9.	<i>Register of Associated Entities</i>	9
10.	<i>Register of Third-Party Campaigners</i>	10
11.	<i>Notification of changes to registered details</i>	12
12.	<i>Amendment or cancellation of registration</i>	12
13.	<i>Public access to registers</i>	12
14.	<i>Additional determinations by the TEC</i>	13
15.	<i>Responsibilities</i>	13
16.	<i>Version history and review</i>	14

1. Summary

The Tasmanian Electoral Commission (TEC) is responsible for maintaining registers of each of the following electoral participant types in parliamentary elections: candidates, Assembly Members, party agents, official agents, associated entities and third-party campaigners. This policy supports the collection and registration of information from these electoral participants in Tasmanian parliamentary elections.

2. Policy statement

This policy provides the relevant legislative sections and definitions relating to registers for parliamentary elections, with additional interpretation where required to provide clarity and guidance for electoral participants who must be registered, or other stakeholders who will access these registers.

Understanding who must register, and how and when to register is important for electoral participants in parliamentary elections, as one of their obligations is to register under the *Electoral Disclosure and Funding Act 2023*, and maintain their registration with the TEC.

3. Scope

The TEC is an impartial and independent statutory authority. The TEC's work to support registration 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 registration 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 registrations in Tasmanian parliamentary elections.

This policy does not provide information about the registration of political parties – further information about those registrations can be found in the TEC's **Registration of political parties policy**.

4. Related legislation and documents

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

5. Register of Candidates

A candidate, in relation to an election, is a person who is any of the following (whichever occurs first) in relation to a parliamentary election or by-election¹:

- Publicly announced under section 87 of the EA as a candidate
- Registered as a candidate
- Accepts a gift for use solely or substantially for their proposed candidacy in a future election
- Incurs electoral expenditure toward their proposed campaign, during an election campaign period.

A person remains registered as a candidate for thirty days after polling day for the purposes of the EDFA.

The Register of Candidates

The TEC must keep the Register of Candidates for each parliamentary election or by-election². The relevant Register will be kept from the polling day from the previous Assembly general election or Council periodic election for the division, and from the day on which the date of a by-election for either an Assembly or Council by-election is announced under the EA³. The format and manner of keeping the Register of Candidates must be approved by the TEC⁴.

The Register of Candidates will include the following for each registered candidate⁵:

- Their full name and enrolled address
- The House of Parliament in relation to which the person is a candidate
- The address of the candidate’s campaign headquarters in Tasmania (if they have one)
- For Assembly candidates – the registered party (if any) by which the candidate is endorsed.

Registering a candidate

A person who is nominated as a candidate for an election under the EA is taken to be registered in the Register of Candidates for that election⁶, and is not required to apply

¹ EDFA, section 5

² EDFA, section 95(1)

³ EDFA, section 95(2)

⁴ EDFA, section 95(4)

⁵ EDFA, section 95(3)

⁶ EDFA, section 96(1)

to register unless they have become a candidate prior to their nomination (by accepting a donation or incurring electoral expenditure toward their campaign). The TEC will automatically add any unregistered candidates at the time of their nomination⁷.

A person who intends to be a candidate in an election, and who needs to register as a candidate prior to an election's nomination period, must apply to the TEC using the **Application to register a candidate** form. It also gives candidates the option to give their contact details to the TEC so that educational material and reminders of key dates can be provided to help the candidate meet their disclosure and funding obligations under the EDFA.

Endorsed candidates of registered parties

A person intending to be an Assembly candidate who is endorsed by a registered party is required to include a signed statement from the party agent, confirming that the party intends to endorse the candidate⁸. The **Application to register a candidate** form provides a section for this statement to be made.

Determination of applications

After receiving an application, the TEC will either register or refuse to register the applicant to the Register of Candidates⁹. The TEC cannot register any candidates who submit their registration after noon on the nomination day of the relevant election¹⁰. A candidate's registration may be refused if the TEC believes on reasonable grounds that any information provided in the application is incomplete or incorrect¹¹.

If a candidate's registration is refused, the TEC will contact the candidate as soon as reasonably possible to notify of the reasons for refusal¹². Within thirty days of the refusal, the candidate may submit an amended application to the TEC – if the resubmission is registered, then the candidate's registration date will reflect the date that the original application was received by the TEC¹³.

6. Register of Assembly Members

An Assembly Member is a person who is a member of the Tasmanian House of Assembly. The EDFA requires the TEC to maintain a register of Assembly Members for disclosure and funding purposes¹⁴. Assembly Members and registered parties are not required to proactively register – the register is maintained continuously by the

⁷ EDFA, section 96(2)

⁸ EDFA, section 97(2)(d)

⁹ EDFA, section 98(1)

¹⁰ EDFA, section 98(2)(a)

¹¹ EDFA, section 98(3)

¹² EDFA, section 98(4)

¹³ EDFA, section 98(5)

¹⁴ EDFA, section 102(1)

TEC¹⁵ with major updates being made after Assembly general elections or by-elections¹⁶.

The Register of Assembly Members will include the following for each registered Member¹⁷:

- Their name
- Whether or not they are endorsed by a registered party¹⁸
- If the Member is endorsed, the registered party's name.

If an Assembly Member or former Assembly Member believes any details registered by the TEC are incorrect, they may request the details be changed via a written request to the TEC¹⁹.

7. Register of Party Agents

A party agent is a person who is responsible for the election campaign finances of a registered party and their endorsed candidates in a Tasmanian parliamentary election. A party agent must be a natural person (i.e. an individual and not an incorporated entity), who is a senior office holder of the party²⁰ and is enrolled to vote at Tasmanian parliamentary elections²¹. A party agent cannot be a person who has been any of the following²²:

- Sentenced to imprisonment for a term exceeding two years in relation to an offence
- Convicted of an electoral offence under the EA, the EDFFA, or any other law of Commonwealth, State or Territory relating to the election of members of parliament
- Convicted of an offence as an adult within the last ten years involving fraud or dishonesty, or
- Any person who has been appointed to an office or position under the EA.

¹⁵ EDFFA, section 102(2)

¹⁶ EDFFA, section 102(5)

¹⁷ EDFFA, section 102(3)

¹⁸ EDFFA, section 103

¹⁹ EDFFA, section 104(2)

²⁰ EDFFA, section 107(1)

²¹ EDFFA, section 107(3)

²² EDFFA, section 107(3); unless the TEC determines that the circumstances of the offence that the person should not be disqualified

The Register of Party Agents

The TEC must keep the Register of Party Agents on a continuous basis²³. The format and manner of keeping the Register of Party Agents must be approved by the TEC²⁴.

The Register of Party Agents will include the following for each registered party agent²⁵:

- Their name
- Their address and occupation
- The name of the registered party for which the person is the party agent.

Registering a party agent

A registered party must apply to the TEC to register their party agent within thirty days of either 1 July 2025 or the day on which the party registers as a party with the TEC – whichever is later²⁶. If a registered party appoints a new party agent, the party must make a new application to the TEC to register this new party agent within thirty days of the previous party agent ceasing to act for the registered party²⁷.

Any application to register a party agent must be made using the **Application to register a party agent** form²⁸. The form includes the required statements and statutory declarations²⁹ that must be made by a party agent as part of their application, relating to their eligibility to be a party agent, and an endorsement to be made by the party's registered agent. This form also gives agents the option to give their contact details to the TEC so that educational material and reminders of key dates can be provided to help the party agent meet their disclosure and funding obligations under the EDFA.

If at any time there is not an appointed party agent in relation to a registered party, the registered officer of the party under the EA will also be the party agent under the EDFA³⁰.

Determination of applications

After receiving an application, the TEC will either register or refuse to register the applicant to the Register of Party Agents³¹. The TEC will provide the outcome of the application to the relevant registered party³². A party agent's registration may be refused if the TEC believes that the appointed person is not qualified to be a party

²³ EDFA, section 105(1), (2)

²⁴ EDFA, section 105(4)

²⁵ EDFA, section 105(3)

²⁶ EDFA, section 106(1)

²⁷ EDFA, section 106(2)

²⁸ EDFA, section 107(1)

²⁹ EDFA, section 107(2)

³⁰ EDFA, section 109

³¹ EDFA, section 107(4)

³² EDFA, section 107(4)

agent³³, or is in any other way determined by the TEC to not be a fit and proper person to be a party agent³⁴.

8. Register of Official Agents

An official agent is a person who is responsible for the election campaign finances of an independent Member, independent candidate, associated entity, third-party campaigner or significant political donor in a Tasmanian parliamentary election. An official agent must be a natural person (i.e. an individual and not an incorporated entity) who is enrolled to vote at Tasmanian parliamentary elections³⁵. An official agent cannot be a person who has been any of the following³⁶:

- Sentenced to imprisonment for a term exceeding two years in relation to an offence
- Convicted of an electoral offence under the EA, the EDFA, or any other law of Commonwealth, State or Territory relating to the election of members of parliament
- Convicted of an offence as an adult within the last ten years involving fraud or dishonesty, or
- Any person who has been appointed to an office or position under the EA.

The Register of Official Agents

The TEC must keep the Register of Official Agents on a continuous basis³⁷. The format and manner of keeping the Register of Official Agents must be approved by the TEC³⁸.

The Register of Official Agents will include the following for each registered official agent³⁹:

- Their name, address and occupation
- The name of the Member, candidate, associated entity, third-party campaigner, or significant political donor for whom the agent will act as official agent in elections.

Registering an official agent

Any application to register an official agent must be made using the **Application to register an official agent** form⁴⁰. The form includes the required statements and

³³ EDFA, section 107(4)

³⁴ EDFA, section 107(3)

³⁵ EDFA, section 114(3)

³⁶ EDFA, section 114(3), unless the TEC determines that the circumstances of the offence that the person should not be disqualified

³⁷ EDFA, section 113(1), (2)

³⁸ EDFA, section 113(4)

³⁹ EDFA, section 113(3)

⁴⁰ EDFA, section 114(1)

statutory declarations⁴¹ that must be made by an official agent as part of their application, relating to their eligibility to be an official agent, and an endorsement to be made by the party's registered agent. This form also gives agents the option to give their contact details to the TEC so that educational material and reminders of key dates can be provided to help the official agent meet their disclosure and funding obligations under the EDFA.

If an independent Member, independent candidate, third-party campaigner or significant political donor is a natural person, and does not register an official agent with the TEC, then that person is considered to be their own official agent⁴² and will be registered as such by the TEC⁴³.

If an associated entity, third-party campaigner or significant political donor is a corporation, and does not register an official agent with the TEC, then the financial controller of the associated entity, third-party campaigner or significant political donor is considered to be the official agent for the corporation⁴⁴ and will be registered as such by the TEC⁴⁵.

If an associated entity, third-party campaigner or significant political donor is an unincorporated body of persons, then they must apply to the TEC to register a natural person as their official agent within fourteen days of the day on which the associated entity or third-party campaigner registers with the TEC, or when the significant political donor first becomes such in relation to an election⁴⁶.

Determination of applications

After receiving an application, the TEC will either register or refuse to register the applicant to the Register of Official Agents⁴⁷. The TEC will provide the outcome of the application to the applicant directly⁴⁸. An official agent's registration may be refused if the TEC believes that the appointed person is not qualified to be an official agent⁴⁹, or is in any other way determined by the TEC to not be a fit and proper person to be an official agent⁵⁰.

⁴¹ EDFA, section 114(2)

⁴² EDFA, section 116(1), (3)(a)

⁴³ EDFA, section 117(1)

⁴⁴ EDFA, section 116(2), (3)(b)

⁴⁵ EDFA, section 117(1)

⁴⁶ EDFA, section 116(4)

⁴⁷ EDFA, section 114(4)

⁴⁸ EDFA, section 114(4)

⁴⁹ EDFA, section 114(4)

⁵⁰ EDFA, section 114(3)

9. Register of Associated Entities

An associated entity is a corporation or other entity that operates solely for the benefit of one or more parties registered for parliamentary elections in Tasmania. The EDFA defines an associated entity as an incorporated, or unincorporated, body of persons that is any of the following⁵¹:

- Controlled by one or more registered parties
- Operated wholly, or to a significant extent, for the benefit of one or more registered parties
- A financial member of a registered party
- An entity on whose behalf another person is a financial member of a registered party
- Has voting rights in a registered party, or
- An entity on whose behalf another person has voting rights in a registered party.

An associated entity must be registered with the TEC before making payments for electoral expenditure incurred⁵² or accepting political donations⁵³ in relation to an election.

The Register of Associated Entities

The TEC must keep the Register of Associated Entities on a continuous basis⁵⁴. The format and manner of keeping the Register of Associated Entities must be approved by the TEC⁵⁵.

The Register of Associated Entities will include the following for each registered associated entity⁵⁶:

- Its full name and address
- The name of the registered party in relation to the associated entity
- The relevant business number, if any, of the associated entity.

Registering an associated entity

Any application to register an associated entity must be made using the **Application to register an associated entity** form⁵⁷. This form also gives associated entities the option to give their contact details to the TEC so that educational material and reminders of key dates can be provided to help the entity's official agent meet their disclosure and funding obligations under the EDFA.

⁵¹ EDFA, section 5

⁵² EDFA, section 67(2)

⁵³ EDFA, section 34

⁵⁴ EDFA, section 120(1), (3)

⁵⁵ EDFA, section 120(4)

⁵⁶ EDFA, section 120(2)

⁵⁷ EDFA, section 121(2)

The TEC encourages associated entities to register their official agent at the same time as they register as an associated entity. See *Part 8 Register of Official Agents* above for more information about registering an official agent.

Determination of applications

After receiving an application, the TEC will either register or refuse to register the applicant to the Register of Associated Entities⁵⁸. The TEC will provide the outcome of the application to the associated entity's official agent. An associated entity's registration may be refused if the TEC believes, on reasonable grounds, that any information provided in the application is incomplete or incorrect⁵⁹.

If an associated entity's registration is refused, the TEC will contact the entity's official agent as soon as reasonably possible to notify of the reasons for refusal⁶⁰. Within thirty days of the refusal, the associated entity's official agent may submit an amended application to the TEC – if the resubmission is registered, then the associated entity's registration date will reflect the date that the original application was received by the TEC⁶¹.

10. Register of Third-Party Campaigners

A third-party campaigner is a person or other entity that incurs more than \$1,000 of electoral expenditure during the election campaign period for a House of Assembly election in Tasmania⁶². A third-party campaigner cannot also be a registered party, Member, candidate or associated entity in an Assembly election⁶³.

A third-party campaigner must be registered with the TEC before making payments for electoral expenditure incurred⁶⁴ or accepting political donations⁶⁵ in relation to an election. No applications to register as a third-party campaigner may be accepted by the TEC if the application is received less than eight days prior to polling day⁶⁶.

The Register of Third-Party Campaigners

The TEC must keep the Register of Third-Party Campaigners in relation to an Assembly election⁶⁷. The Register will be kept from the polling day of the previous Assembly general election, or for Assembly by-elections from the day on which the

⁵⁸ EDFA, section 122(1)

⁵⁹ EDFA, section 122(2)

⁶⁰ EDFA, section 122(3)

⁶¹ EDFA, section 122(4)

⁶² EDFA, section 8

⁶³ EDFA, section 8

⁶⁴ EDFA, section 68(2)

⁶⁵ EDFA, section 35

⁶⁶ EDFA, section 127(2)

⁶⁷ EDFA, section 125(1)

by-election is announced under the EA⁶⁸. The format and manner of keeping the Register of Third-Party Campaigners must be approved by the TEC⁶⁹.

The Register of Third-Party Campaigners will include the following for each registered third-party campaigner⁷⁰:

- Their full name and address
- The relevant business number, if any, of the third-party campaigner (if they are a corporation).

Registering a third-party campaigner

Any application to register a third-party campaigner must be made using the **Application to register a third-party campaigner** form⁷¹. This form also gives third-party campaigners the option to give their contact details to the TEC so that educational material and reminders of key dates can be provided to help the campaigner's official agent meet their disclosure and funding obligations under the EDFA.

The TEC encourages third-party campaigners to register their official agent at the same time as they register as a third-party campaigner. See *Part 8 Register of Official Agents* above for more information about registering an official agent.

Determination of applications

After receiving an application, the TEC will either register or refuse to register the applicant to the Register of Third-Party Campaigners⁷². A third-party campaigner's registration may be refused if the TEC believes, on reasonable grounds, that any information provided in the application is incomplete or incorrect⁷³.

If a third-party campaigner's registration is refused, the TEC will contact the campaigner's official agent as soon as reasonably possible to notify of the reasons for refusal⁷⁴. Within thirty days of the refusal, the third-party campaigner's official agent may submit an amended application to the TEC – if the resubmission is registered, then the third-party campaigner's registration date will reflect the date that the original application was received by the TEC⁷⁵.

⁶⁸ EDFA, section 125(2)

⁶⁹ EDFA, section 125(4)

⁷⁰ EDFA, section 125(3)

⁷¹ EDFA, section 126(2)

⁷² EDFA, section 127(1)

⁷³ EDFA, section 127(3)

⁷⁴ EDFA, section 127(4)

⁷⁵ EDFA, section 127(5)

11. Notification of changes to registered details

The EDFA requires that changes to any of the registered details for candidates⁷⁶, party agents⁷⁷, official agents⁷⁸, associated entities⁷⁹ or third-party campaigners⁸⁰ must be made by the relevant agent within thirty days of the change occurring, using the **Change to registration details** form. The TEC will duly update the applicable register to reflect any changed details⁸¹.

12. Amendment or cancellation of registration

Under the EDFA⁸², the TEC is able to make amendments to all registers – for example, to remove any details it discovers are incorrect. If any amendment is required, the electoral participant (or their agent) will be notified of the change⁸³.

Any candidate⁸⁴, associated entity⁸⁵ or third-party campaigner⁸⁶ wishing to cancel their registration must do so in writing (by email or mail) to the TEC.

Any party agent⁸⁷ or official agent⁸⁸ wishing to cease their registration must submit a **Cessation of an agent** form to the TEC.

13. Public access to registers

The registers dealt with in this policy are available via the TEC for public inspection⁸⁹. For this purpose, the TEC will keep a copy of each register at its Hobart office, available during normal business hours⁹⁰. These copies will not include the address of any individual that does not appear on the State electoral roll⁹¹.

The TEC will also publish a copy of each register to its website⁹². The online copies on the TEC website will not contain the address of any individual⁹³.

Note: additional contact information collected by the TEC via various application for registration forms will not appear on any copies of registers.

⁷⁶ EDFA, section 100(1)

⁷⁷ EDFA, section 111(1)

⁷⁸ EDFA, section 118(1)

⁷⁹ EDFA, section 123(1)

⁸⁰ EDFA, section 128(1)

⁸¹ EDFA, sections 101(1), 104, 112, 119, 124, 129

⁸² EDFA, sections 101, 104, 112, 119, 124, 129

⁸³ EDFA, sections 101, 104, 112, 119, 124, 129

⁸⁴ EDFA, section 102(2)

⁸⁵ EDFA, section 124(2)

⁸⁶ EDFA, section 129(2)

⁸⁷ EDFA, section 108(2)

⁸⁸ EDFA, section 115(2)

⁸⁹ EDFA, section 130(1)

⁹⁰ EDFA, section 130(2)

⁹¹ EDFA, section 130(3)

⁹² EDFA, section 130(4)

⁹³ EDFA, section 130(4)(a)

14. Additional determinations by the TEC

The TEC has issued a guideline to require the endorsement of a party agent's registration by the registered agent of the relevant party, and the endorsement of an official agent's registration by either the individual being represented by the agent or a senior representative of the electoral participant being represented by the agent. Please refer to the **Endorsement of an agent at registration** guideline for more information.

While there are currently no further additional guidelines in place about the registration of candidates, Assembly Members, party agents, official agents, associated entities or third-party campaigners for parliamentary elections, the TEC may consider issuing a guideline⁹⁴ to provide further clarity and direction if a particular element of registration 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 educational content for electoral participants.

15. Responsibilities

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

⁹⁴ EDFA, section 173(1)

16. 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