Tasmanian Electoral Commission

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Ms. Kristy Bourne
Secretary
Department of Justice
By email to: secretary@justice.tas.gov.au and haveyoursay@justice.tas.gov.au

Dear Ms Bourne

Submission – Electoral Disclosure and Funding Amendment Bill 2026

Thank you for providing the Tasmanian Electoral Commission (the TEC) with the opportunity to participate in the consultation in relation to the Electoral Disclosure and Funding Amendment Bill 2026 (the Bill). As is our usual practice, our submission will not provide comment on matters of policy.

The *Electoral Disclosure and Funding Act 2023* (the Act) and the Electoral Disclosure and Funding Scheme (the Scheme) came in full force on 1July 2025. It included a public funding model with both ongoing administrative funding (Part 12) and public funding of electoral expenditure of identified electoral participants at House of Assembly elections (Part 11).

Role of the TEC

The Act charged the TEC with significant powers and responsibilities to administer the Scheme, created a significant new and different workload to that previously undertaken by the TEC, and saw the recruitment of additional staff to meet the work and statutory timeframes as set by the Act at the point of commencement. These staff were to have different skills to those currently in the office.

The TEC's responsibilities in administering the Scheme includes:

- Approving Scheme forms, policies and procedures and issuing guidelines
- Managing (including publishing) Scheme registers
- Receiving and processing donation disclosures, election campaign returns and funding claims (with claim entitlements set by the Act) and
- Publishing lodged disclosures and returns (including via a recently implemented portal – TEC Disclosures).

The TEC also has responsibility to undertake stakeholder engagement and provide information and education to Scheme participants (known as electoral participants).

The TEC has been given powers to audit donation declarations, election campaign returns and claims for election campaign or administrative expenditure funding.

All electoral participants must assist the TEC by giving it access at all reasonable times to relevant documentation and information. 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.

The TEC is responsible for providing transparency of the Scheme and is required to publish reportable political donation disclosures on the TEC website (now achieved via the TEC Disclosures portal) as follows:

- During an election campaign period disclosure - within 7 days of the donation declaration being lodged, and
- Outside of an election campaign period - within 7 days of the donation being lodged.

Disclosures received by the TEC must be published on the website 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, and
- Claims for payment in relation to election campaign and administrative expenditure funding within 21 days of lodgement.

The TEC is required to pay:

- Election Campaign fund claims – if a claim is unable to be finalised within the 60 days after lodgement, 90% of the total amount estimated to be payable to the party (reduced by the amount of any advance payment), and
- Administrative funding claims - within 30 days of the receipt of a valid claim or, for a quarterly advance payment, at the beginning of the relevant quarter.

All claims must be published on the website for and kept available for inspection for 6 years.

The Bill proposes several amendments to the arrangements outlined above as well as new provisions. The purpose of this submission is to communicate resource implications arising from the administrative, technical and stakeholder engagement flow-on effects of these amendments.

The Amendment Bill

As articulated in the Department's *Fact Sheet: Electoral Disclosure and Funding Amendment Bill 2026*, the purpose of the Bill is to amend the *Electoral Disclosure and Funding Act 2023* to:

- Increase the maximum quarterly entitlement to administration funding under Part 12 of the Act
- Extend the entitlement to administration funding to Members of the Legislative Council (including the extension of the Register of Members to include Members of the Legislative Council)
- Extend the definition of administrative expenditure to explicitly capture policy development
- Introduce a new one-off implementation funding entitlement to compensate eligible parties and members for the costs of implementing new systems and processes to comply with the Act
- Simplify the calculation of the amount and declaration of a fundraising contribution that is a 'gift'
- Remove the administrative burden created by the requirement for party agents and official agents to be enrolled at Tasmanian elections
- Reduce the period within which the TEC must make payment of 90% of any estimated entitlement to an eligible electoral participant, from the Elections Campaign Fund to 14 days from 60 days.

As previously stated, the TEC recruited additional staff to meet the work requirements and statutory timeframes as set by the Act at the point of commencement of the Scheme.

The amendments as proposed by this Bill will have a significant additional impact on the administration of the Scheme by the TEC. In particular:

- The extension of quarterly administration funding (including advances) to the Legislative Council, is expected to double the number of eligible claimants each quarter.
- The four-fold increase in the maximum amounts available to eligible participants for quarterly administration funding claims is expected to significantly increase the number, and likely the complexity, of line items to be checked for eligibility, endorsement and approval for payment each quarter.
- The reduction of the timeline for the payment of 90% of the estimated entitlement of eligible Election Campaign Fund claim from 60 days to 14 days will lead to a significant increase in workload immediately post each House of Assembly election

campaign period, noting for registered parties a claim must be made against each eligible division, and more generally, the TEC's obligation to check that each line-item in a claim is accompanied by information including:

    - the date and dollar value of the expenditure,
    - the name of the supplier or service provider and the invoice or receipt number,
    - a description of the product or service and a copy of the invoice, receipt or logbook for the expenditure.

- The availability of 'implementation funding' by claim (eligible administrative expenditure across a two-year period) within the 3 months post commencement, by eligible participants (both House of Assembly and Legislative Council members) and paid within 30 days of the TEC receiving a valid claim will be an extraordinary increase in short term workload, given the:
    - inclusion of new electoral participants unfamiliar with the funding elements of the EDFA scheme and associated responsibilities,
    - overlap of this funding with previously claimed administration funding payments, and
    - the experienced difficulty many electoral participants have currently in providing line-item evidence that is compliant with the current simpler requirements of the Act.

Our assessment is that the proposed amendments significantly increase both in the short to medium, and ongoing, workload of Scheme staff in the administration of the funding components of the Scheme, such that an increase of FTE staff by Reserved by Law funding will be required to allow the TEC to meet its obligations to ensure appropriate use of public revenue and fair and transparent public funding, within the statutory timeframes.

Further, the TEC Disclosures Portal has been developed to meet the current statutory framework and requirements of the Scheme. If the Bill is passed, the TEC will be required to engage with the developers to procure the necessary updates. This engagement will require further Reserve by Law funding.

Forthcoming independent review

The Act includes at section 182 the requirement for the responsible Minister to cause an independent review (by an appropriately qualified person not otherwise employed by the State, a State Service Agency, a Member or a party) of the operation and scope of the Act.

This review is to be completed within 12 months after the completion of the second Assembly general election held under the Act, or if considered appropriate, after the completion of the first Assembly general election held under the Scheme. It would provide

an opportunity for both the TEC (as Administrator of the Scheme) and electoral participants to share their experience of the Scheme and their perspectives on its operation.

The Commission notes that this Bill is the third occurrence of the Parliament considering changes to the Act, following recommendations by the Joint Standing Committee on Electoral Matters *Combined Report on the Inquiries into the Conduct of the 2024 and 2025 House of Assembly Elections and 2025 Legislative Council elections* and the tabling, by Ms Ella Haddad MP of the Electoral Disclosure and Funding Amendment (Spending Limits) Bill 2026 on 27 October 2026.

The Commission is of the view that a broad review of the Act should take place following the independent review due to occur post the 2029 State election.

The TEC is happy to be contacted for further information regarding the submission.

Yours sincerely







Mike Blake	**Allyson Warrington**	**Andrew Hawkey**
Chair	Member	Electoral Commissioner

12/11/2026