


From: [Secretary](#)
To: [Holeywell-Jones, Alice \(DPaC\)](#); [Patterson, Eleanor \(Treasury\)](#); [Craven, Brooke](#)
Cc: [Webster, Ginna](#); [Mills, Katherine](#); [Poulter, Felicity](#); [Gibson, Martin \(DPaC\)](#); [Faletic, Dana \(Treasury\)](#); [Lethborg, Tania](#)
Subject: Electoral Review IDC update
Date: Tuesday, 10 August 2021 2:15:49 PM
Attachments:  335.1
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Importance: High

Dear IDC Members

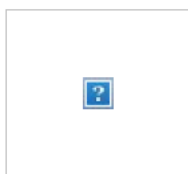
Please find attached as flagged last week –

- Final Minute on Administrative Funding – note this now includes an additional section on the issue of auditing of claims for administrative funding
- Covering Minute to the Attorney on the two consultation draft Bills
- Draft Cabinet Brief to provide copies of the consultation draft Bills to Cabinet for noting ahead of their release for consultation on 20 August. Note there are highlighted sections where the Administrative Funding rates are TBC by the Attorney-General and Premier prior to Cabinet.

The Bills are still being finalised and we will provide you with copies as soon as possible, noting there is only minimal QA type changes to the Electoral Disclosure and Funding Bill that was provided to you last week (the other Bill contains the technical amendments arising from TOR1 of the Review). We expect this to be within the next day or two.

If you have any questions or would like to discuss any of this further, please contact Brooke as soon as possible at: Brooke.Craven@justice.tas.gov.au.

Kind regards
Ginna



Office of the Secretary
Department of Justice

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Level 14, 110 Collins St, Hobart, TAS 7000 | GPO Box 825, Hobart TAS 7000



ELECTORAL ACT REVIEW – INTERDEPARTMENTAL COMMITTEE**Monday 22 February 2021, 10.30am-12pm****Via Microsoft Teams****AGENDA****Interdepartmental Committee Members**

Ginna Webster, Secretary, Department of Justice [Chair]

Alice Holeywell-Jones, Executive Director, DPAC

Brooke Craven, Director, Department of Justice

Eleanor Patterson, Director, Treasury and Finance

Attendees

Tania Lethborg, Department of Justice

Felicity Poulter, Department of Justice

Martin Gibson, DPAC

Dana Faletic, Treasury

	Item	Agenda Papers or Verbal Update	Lead
1	Welcome and Apologies	Verbal	Chair
2	Terms of Reference	Paper	
3	Draft Cabinet Minute	Paper	DOJ
4	Draft Issues Papers	Gifts and fundraising events	
		Public Funding – Treasury Paper and 2019 Paper for noting	
		Phone canvassing	
6	Next meeting	TBC	Chair

ELECTORAL ACT REVIEW – INTERDEPARTMENTAL COMMITTEE

Monday 22 February 2021, 10.30am-12pm

Via Microsoft Teams

DECISIONS AND ACTION ITEMS

Interdepartmental Committee Members

Ginna Webster, Secretary, Department of Justice [Chair]

Alice Holeywell-Jones, Executive Director, DPAC

Brooke Craven, Director, Department of Justice

Eleanor Patterson, Director, Treasury and Finance

Attendees

Tania Lethborg, Department of Justice

Felicity Poulter, Department of Justice

Martin Gibson, DPAC

Dana Faletic, Treasury

Welcome and introductions – The Chair welcomed members and noted there were no apologies.

Project overview: The IDC noted the timeframes for finalizing the draft Cabinet Minute to be provided to the Attorney-General by 1-2 March and this would require the Minute for direction on various policy matters to be provided to the Attorney-General later this week. It was noted that the Attorney-General will discuss these matters with the Premier but that it will not be a joint Cabinet Minute. The IDC will provide advice to the Attorney-General on these matters as outlined in the draft Cabinet Minute and below and reflect the direction from the Attorney-General/ Government in the final draft Cabinet decision.

Item	Decision/Action	Responsibility	Due
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Item	Decision/Action	Responsibility	Due
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Item	Decision/Action	Responsibility	Due
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Other Business

It was noted that an Implementation Plan will need to be developed in parallel to address matters including the resourcing requirements for the TEC, the ICT requirements for an online disclosure system and the timing for implementation including any staged commencement and transitional provisions that may be required to be included in the Bill. A further update will be provided on the proposed Implementation Plan out of session or at the next meeting.

Inter-Departmental Committee on Electoral Act Reform – 2021

Terms of Reference

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ISSUES PAPER

Treatment of anonymous donations, fundraising contributions and party subscriptions

ISSUE:

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Background

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ISSUES PAPER

Anonymous Donations

ISSUE:

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Background

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Other jurisdictions

Minimum and maximum levels of ‘anonymous donations’

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Recommendation

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ISSUES PAPER

Definition of “gift” – effect on fundraising events

ISSUE:

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Background

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Other jurisdictions

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¹ This refers to election funding by the Commonwealth

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² AEC – Financial Disclosure Guide – Political Parties Page 11
³ Gifts and Loans Guide – Electoral Commission South Australia

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ISSUES PAPER

“Phone canvassing” – S.196 and s.197

ISSUE:

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Background

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mislead or deceive an elector in or in relation to the recording of his or her vote.

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Analysis

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ISSUES PAPER

Role of Electoral Commissions

ISSUE:

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Background

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Other jurisdictions

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Analysis

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Appendix A – Links to Electoral Commission webpages on disclosure and legislation for each jurisdiction

Commonwealth

https://www.aec.gov.au/Parties_and_Representatives/financial_disclosure/

<https://www.legislation.gov.au/Details/C2020C00400>

New South Wales

<https://www.elections.nsw.gov.au/Funding-and-disclosure>

<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2018-020>

Victoria

<https://www.vec.vic.gov.au/candidates-and-parties/political-donations>

<https://content.legislation.vic.gov.au/sites/default/files/2020-04/02-23aa062%20authorised.pdf>

South Australia

<https://www.ecsa.sa.gov.au/parties-and-candidates/funding-and-disclosure-for-state-elections>

<https://www.legislation.sa.gov.au/LZ/C/A/ELECTORAL%20ACT%201985.aspx>

Western Australia

<https://www.elections.wa.gov.au/candidates-and-parties/funding-and-disclosure>

https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a242.html

Queensland

<https://www.ecq.qld.gov.au/donations-and-expenditure-disclosure/disclosure-of-political-donations-and-electoral-expenditure>

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1992-028>

Australian Capital Territory

https://www.elections.act.gov.au/funding_and_disclosure

<https://www.legislation.act.gov.au/a/1992-71/default.asp>

Northern Territory

<https://ntec.nt.gov.au/financial-disclosure>

<https://legislation.nt.gov.au/Legislation/ELECTORAL-ACT-2004#page=110&zoom=auto,88,747>

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ISSUES PAPER

Inclusion of Legislative Council in Political Donations Disclosure Regime

ISSUE:

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Proposed Recommendation:

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Recommendation 3: That, subject to further modelling and analysis to inform the final detail of the model, a disclosure system be introduced for political donations that are received by political parties and candidates, with the following elements and informed by models in other jurisdictions:

- (a) The Tasmanian Act include a definition of “gift” that is generally consistent with the definition in the Commonwealth Electoral Act 1918.***
- (b) That a threshold be set for disclosure of donations received, informed by approaches in other jurisdictions.***
- (c) There be a requirement that all donations over the specified disclosure threshold be disclosed to the regulator within a specified time period. This time period could either be a single rolling period of no more than 28 days or alternatively, a less frequent reporting period outside the election period with more frequent reporting during the election period.***
- (d) Multiple donations received from a single donor during a reporting period be aggregated when determining whether the disclosure threshold has been exceeded.***
- (e) All candidates and political parties for House of Assembly elections be required to submit a return identifying all electoral expenditure, donations and debt during an identified period and that the return be required to be submitted via the designated electronic system within a set period after polling day.***
- (f) All disclosure and reporting obligations be managed through an online disclosure system which allows:***
 - (i) easy and secure input of meaningful information by candidates, parties and third parties;***
 - (ii) the public to access and interrogate all appropriate data; and***
 - (iii) effective monitoring, auditing, investigation and enforcement.***
- (g) It be an offence to receive a donation over the threshold for disclosure without recording the requisite identifying information.***
- (h) It be an offence for a donor to provide false identifying information when making a political donation***

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Other jurisdictions

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Jurisdiction	Provision
Vic	Any donation to an endorsed candidate is deemed to be a donation to the party
	Annual return of the party appears to cover all endorsed candidates
ACT	s.200 anything received or incurred by an endorsed candidate is deemed to be received or incurred by the party
SA	s.130E deems that a party agent is the agent for a candidate

WA	A party agent is deemed to be a candidate’s agent unless the candidate nominates otherwise within a defined timeframe
Qld	s.207 states that a candidate may appoint a person to be their agent. It is open to the candidate, but not mandated, that a candidate endorsed by a political party may wish to appoint an agent from the political party
NT	s.184(2A) the reporting agent for a candidate who is endorsed by a registered party is the reporting agent for that party. s.193 provides for requirements in relation to donations to candidates – and specifically limits the section to donations to candidates not endorsed by a registered party.

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DRAFT ISSUES PAPER Public Funding Issues

Public Funding for the Legislative Council

Issue:

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Recommendation:

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Public 'per vote' Funding

[TBC It is recommended that the IDC should advise Government that public 'per vote' funding

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Administrative Funding Issue

~~Cabinet decided on 22 March 2024~~ It is proposed to introduce a system of public funding for

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jurisdictions, only elected members and parties will be eligible to claim to have their

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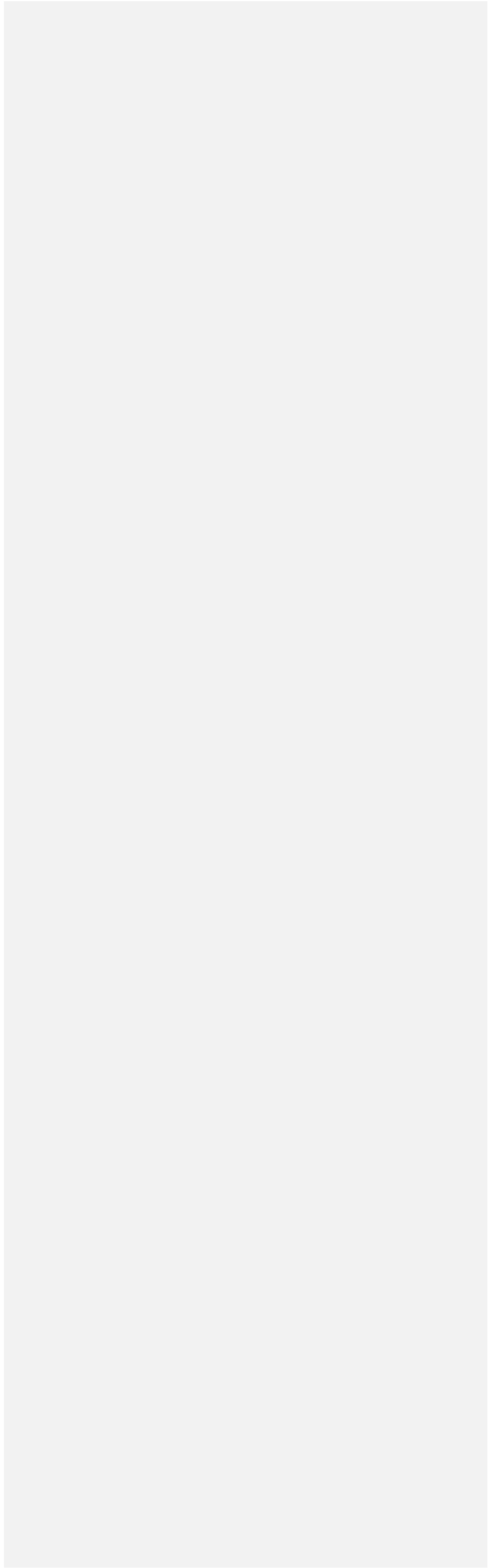


Table 1: Administrative funding by Australian jurisdiction:

State	Purpose/ Eligible Claims
CTH	Does not provide administrative funding.
VIC Administration Expenditure Funding	<p>The Electoral Act 2002 Division 1C - Administration Funding defines claimable expenditure as follows;</p> <p>(a) the following expenditure is included—</p> <ul style="list-style-type: none"> (i) expenditure for the administration or management of the activities of the eligible party or elected member; (ii) expenditure for conferences, seminars, meetings or similar functions at which the policies of the eligible party or elected member are discussed or formulated; (iii) expenditure in respect of the audit of the financial accounts of, or claims for payment or disclosures under the Act of, the eligible party or elected member; (iv) expenditure on the remuneration of staff engaged in the matters referred to in subparagraphs (i) to (iii) for the eligible party or elected member to the extent that that expenditure relates to the time that the staff are engaged in those matters; (v) expenditure on equipment or vehicles used by staff whilst engaged in the matters referred to in subparagraphs (i) to (iii) for the eligible party or elected member to the extent that that expenditure relates to use of the equipment or vehicles by the staff whilst engaged in those matters; Authorised by the Chief Parliamentary Counsel (vi) expenditure on office accommodation for the staff and equipment referred to in subparagraphs (iv) and (v); (vii) expenditure on interest payments on loans; <p>(b) the following expenditure is not included—</p> <ul style="list-style-type: none"> (i) political expenditure; (ii) electoral expenditure; (iii) expenditure for which an elected member has claimed a parliamentary allowance as a member; (iv) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria;
NSW Administration Fund	<p>The Electoral Funding Act 2018 No 20 defines administrative expenditure as follows:</p> <p>(a) includes a reference to the following—</p> <ul style="list-style-type: none"> (i) expenditure for the administration or management of the activities of the eligible party or elected member, (ii) expenditure for conferences, seminars, meetings or similar functions at which the policies of the eligible party or elected member are discussed or formulated, (iii) expenditure on providing information to the public or a section of the public about the eligible party or elected member, (iv) expenditure on providing information to members and supporters of the eligible party or elected member, (v) expenditure in respect of the audit of the financial accounts of the eligible party or elected member, (vi) expenditure on equipment and training to ensure compliance by the eligible party, elected members or endorsed candidates of the eligible party with the obligations under this Act,

	<p>(vii) expenditure on the reasonable remuneration of staff engaged in the above activities for the eligible party or elected member (being the proportion of that remuneration that relates to the time spent on those activities),</p> <p>(viii) reasonable expenditure on equipment or vehicles used for the purposes of the above activities (being the proportion of the cost of their acquisition and operation that relates to the use of the equipment or vehicles for those activities),</p> <p>(ix) expenditure on office accommodation for the above staff and equipment,</p> <p>(x) expenditure on interest payments on loans, but</p> <p>(b) does not include a reference to the following—</p> <p>(i) electoral expenditure,</p> <p>(ii) expenditure for which a member may claim a parliamentary allowance as a member,</p> <p>(iii) expenditure incurred substantially in respect of operations or activities that relate to the election of members to a Parliament other than the NSW Parliament,</p> <p>(iv) expenditure prescribed by the regulations.</p>
ACT Administrative Funding	Division 14.3A of the Electoral Act 1992 . Available to parties with representation in the Legislative Assembly and non-party MLAs. No definition is provided for acceptable administrative expenditure, however funding is not to be used to incur electoral expenditure.
SA Special Assistance Funding	Division 5 of the Electoral Act 1985 . A half yearly entitlement is available to parties who claim a reimbursement for administrative expenditure. Administrative Expenditure is defined under s130A(1) as 'any expenditure related to the administration and operation of a registered political party' however under s130W of the Act the Special Assistance Funding is not to be used for political expenditure. To be eligible a candidate or at least one member of the registered party must have been a member of Parliament for all or part of the period.
One-off Special Assistance funding	A one-off payment was available in 2017 to eligible parties for Administrative expenditure incurred for the purpose of complying with Part 13A that is in excess of administrative expenditure incurred by the party in relation to which the half yearly Special Assistance funding payment had been paid.
QLD Policy Development Funding	Part 11 Division 5 of the Electoral Act 1992 . A half yearly payment is available to parties with at least one elected member. There is no definition of the purpose of Policy Development Funding provided.
WA	Does not provide administrative funding.
NT	Does not provide administrative funding.

Table 2 - Administrative Funding Rates by Jurisdiction

Jurisdiction		Current Rates	Claim Process
Cwllth		Nil	
VIC Victorian Electoral Commission	Independent Members	\$208 200 per annum	Paid quarterly based on representation in Parliament. An audited claim is required annually, and any funding received in excess of actual expenditure is to be repaid to VEC.
	Parties: 1 Member	\$208 200 per annum	
	Parties: 2 Members	1 member rate + \$72 860 for the second member	
	Parties: 3+ members	2 member rate + \$36 440 for each subsequent member capped at 45 members	
NSW NSW Electoral Commission	Independent Members	\$235 200 maximum payable per annum \$58 800 maximum payable per quarter	Quarterly claim for actual expenditure up to maximum payable net of any advance payments received. Evidence is required to substantiate any claim made together with a declaration of expenditure form.
	Parties: 1 Member	\$364 400 maximum payable per annum \$91 100 maximum payable per quarter	
	Parties: 2 Members	\$624 000 maximum payable per annum \$156 000 maximum payable per quarter	Quarterly advance payments are available at 50% of quarterly entitlement.
	Parties: 3 members	\$779 600 maximum payable per annum \$194 900 maximum payable per quarter	
	Parties 4+ members	3 member rate + \$124 800 for each subsequent member capped at 22 members 3 member rate + \$31 200 for each subsequent member capped at 22 members.	
SA Electoral Commission SA	Parties: 5 or less members of Parliament	\$77 128 maximum payable per annum \$38 564 maximum payable per half year	Details of claim process not available.
	Parties: 6+ members of Parliament	\$132 218 maximum payable per annum \$66 109 maximum payable per half year	
	One-off Special Assistance Funding (available during 2017 - now expired)	Parties 5 or fewer members of Parliament: \$56 000 Parties 6+ members or Parliament: \$96 000 Parties 5	

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Electoral Act Review – Inter-Departmental Committee

		<p>or fewer members of Parliament: \$56,000 Parties 6+ members of Parliament: \$96,000</p>	
ACT <u>Administrative Funding</u>		<p>\$23,126 per MLA per annum \$5,781.56 per MLA</p>	Paid by quarterly instalment.
Qld	Registered parties	A policy development funding pool of \$3,000,000 is available.	A registered party's entitlement is calculated from their formal first preference votes of candidates who received more than 6% of the first preference vote
WA		Nil	
NT		Nil	

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Final Report Recommendation 11: [Redacted]

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ISSUES PAPER

State Campaign Accounts

ISSUE:

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Recommendation

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Background

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Other jurisdictions

NSW was the first jurisdiction in Australia to introduce a funding and disclosure scheme in 1981. It introduced the concept of a campaign account as part of legislative amendments in 2010 establishing new rules for the management of campaign finances.

Since then Queensland, South Australia, Victoria and the NT have adopted the use of a campaign account in their electoral legislation. However, as the funding and disclosure system differs within each jurisdiction so does the purpose of the campaign account.

A table has been prepared comparing aspects of the campaign account in each jurisdiction (see Table 1).

Neither WA nor ACT require campaign accounts, but both have public funding.

In relation to public funding in WA, the *Electoral Act 1907* simply provides that payment is to be made to a party agent or the representative of the candidate.

Further research was undertaken into the ACT experience as it is the only jurisdiction which uses the Hare-Clark system, and it has both public funding and donation disclosure without caps.

It is noted that campaign accounts, known as “ACT election accounts”, were introduced into the ACT in July 2012. This was part of wider amendments to introducing substantial changes to the funding, expenditure and financial disclosure provisions that included caps on the amount of gifts that could be used for ACT elections, caps on the amount of expenditure that could be incurred on ACT elections, more frequent disclosure of gifts received, and payment to political parties with Assembly representatives for administrative purposes

The explanatory memorandum to the amendment bill noted that introducing election accounts was part of a regime to enforce breaches of caps on electoral expenditure and donations.

After the ACT Territory Election in October 2012, Elections ACT (the Commission) released the *Report on the ACT Legislative Assembly Election 2012* in which it assessed several of the changes introduced on 1 July 2012.

Of particular note is that the Commission recommended that the need for political participants to hold an ACT election account with a financial institution be re-examined by the Parliament. At page 64 of the Report the Commission reported

Several of the changes introduced on 1 July 2012 require political entities to maintain an ACT election account held with a financial institution. This requirement caused some concern to some political participants. It was suggested to the Commission that it was unnecessary and could more readily be accommodated

through existing accounting methods, such as sub-accounts within the party finances. In some cases, particularly third party campaigners who were not identified as such by the Commission until after they had incurred electoral expenditure, the requirement to establish an ACT election account was not known to them until after the relevant transactions had taken place.

The ACT election account mechanism was adopted to facilitate the management and regulation of the new limits on donations and expenditure. Given the concerns expressed with this mechanism, it may be appropriate to review this requirement to determine whether an alternative approach may be preferable. The Commission recommends that the need for political participants to hold an ACT election account with a financial institution be re-examined by the Assembly.

Legislative amendments in 2015 removed the requirement for an ACT election account.

These amendments also lowered the expenditure cap, and removed the limit on donations. The second reading speech for the *Electoral Amendment Act 2015* outlines that

Removing the limit on donations means there is no longer any need for an ACT election account or another separately identified account or sub-account. Therefore, the bill removes the requirements for a separate ACT election fund.

Elections ACT advises that election funding payments may be deposited into any account and may be used for any type of expenditure, and that such payments need to be reported on in annual returns by parties as receipts.

Analysis

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Electoral Act Review – Inter-Departmental Committee

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Appendix- Table I

	NSW	South Australia	Victoria	Queensland	Northern Territory
Legislative provisions for campaign account for State elections	S. 37 of the Electoral Funding Act 2018. Campaign account introduced in NSW in 2010, under s.96B of the Election Funding, Expenditure and Disclosures Act 1981.	s. 130K -130N of the Electoral Act 1985	s.206(1) & s.207F of the Electoral Act 2002	s.215 of the Electoral Act 1992	s.213A of the Electoral Act 2004 A Territory campaign account.
Campaign account required for	<ul style="list-style-type: none"> political parties; elected members candidates groups third party campaigners 	<ul style="list-style-type: none"> political parties; candidate group 	<p>A “recipient”:</p> <ul style="list-style-type: none"> political parties; candidates; elected members; associated entities operating in Vic, a nominated entity of a party third party campaigners. 	<p>A “participant”:</p> <ul style="list-style-type: none"> A candidate Political party Third party registered for the election. 	A political party or candidate.
(if third parties have accounts – what/when do they report)	<ul style="list-style-type: none"> Third parties are required to disclose donations year round Third parties are required to report on electoral expenditure 	<ul style="list-style-type: none"> NA 	s.217K outlines the annual reporting requirements of third party campaigners – including the reporting of a range of details in	“disclosure period” runs from 30 days after last election to 30 days after this election	NA

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	NSW	South Australia	Victoria	Queensland	Northern Territory
	during the capped expenditure period		relation to the campaign account	3Ps become “participants” if they expend over the threshold on expenditure for political purposes at any point in the electoral cycle. “electoral expenditure” re 3ps has a dominant purpose test	
Purpose of account	The NSW Electoral Commission advises on their website that a campaign account is “for the purpose of isolating certain income and payments for an election from other income and payments. This means that election campaign finances can be more easily identified when disclosure is audited by the NSW Electoral Commission.”	The South Australian Electoral Commission states in their 2019 <i>State Campaign Account Audit Report</i> (page 6) that “the idea behind a separate account is to attain greater transparency of moneys handed/used to fund the party’s election campaign”.	The VEC describes a campaign account as one or more accounts set up to keep money associated with State elections. It also separates political donations from funds used for admin, operations, Federal elections or other activities.	The Electoral Commission of Queensland advises in an online fact sheet that the provisions of campaign bank account details “provides the transparency and accountability needed to ensure accurate tracking of financial transactions related to a State election for which caps on electoral expenditure apply.	The NT Electoral Commission advises in an online fact sheet that “The purpose of the Territory campaign account is to isolate relevant funds to assist the auditing of disclosures of gifts and political expenditure.

Electoral Act Review – Inter-Departmental Committee

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	NSW	South Australia	Victoria	Queensland	Northern Territory
Who maintains account?	For parties – an agent. For an elected member or a candidate (non party) – that individual may operate account themselves.	The agent of a registered political party, third party, candidate or group.	The agent of a recipient.	The agent of a participant.	The agent of a party or candidate.
What can be paid in	s.37(2) – political donations, contributions by candidates to fund their own election campaigns, public funding payments, money borrowed, bequests.	The agent must ensure all monetary gifts received by or on behalf of the party are paid into the State Campaign Account (section 130L of the Act). The general rule appears to be that gifts deposited in SA account are disclosable.	207F all political donations must be paid into state campaign account	s.216-219 (New requirements relating to amounts permitted to be paid into a State campaign account and donation caps will commence from 1 July 2022.)	Like SA, the general rule is that gifts deposited in campaign account can be disclosed.
What cannot be paid in	Party subs other than amount that exceeds max subscription, donations exceeding the cap, admin funding...moneys for fed or LG campaigns	The exceptions to this rule are: a) gifts made or received in contravention of Part 13A of the Act, and =ib) gifts the party does not intend to use for State electoral purposes.	Political party subs, affiliation fees paid by associated entity, annual levy paid by elected member to party,		Monies for federal campaigns doesn't go in

Electoral Act Review – Inter-Departmental Committee

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	NSW	South Australia	Victoria	Queensland	Northern Territory
What doesn't have to be paid in					
Electoral expenditure	<p>It is unlawful for a party to make payments for electoral expenditure for a state election campaign unless the payment is made from the state campaign account of the party...</p>	<p>The agent must ensure that all political expenditure is paid from the State Campaign Account (section 130N of the Act). Political expenditure is defined in section 130A(1) of the Electoral Act 1985 ('the Act') as expenditure incurred: a) for the purposes of the public expression of views on a political party, a candidate in an election, or a Member of Parliament by any means; or b) for the purposes of the public expression of views on an issue in an election by any means; or c) for the purposes of the production of any political</p>	<p>The defn of gift excludes donations between a party and its nominated entity and vice versa</p> <p>Victoria has political expenditure; any expenditure with dominant purpose of directing a person how they should vote - this MUST come out of campaign acct</p>	<p>Electoral expenditure incurred by, or for, a participant in an election must be paid for from their dedicated State campaign bank account.</p>	<p>Don't have to put money in that isn't intended for "territory electoral purposes" (however this term is not defined)</p> <p>All electoral expenditure must be paid from this account Electoral expenditure is defined under 176A as; expenditure incurred <u>during the capped expenditure period</u> on any of the following: (a) publishing, broadcasting, posting or displaying an electoral advertisement during that period in any form and on any platform or at any venue or place during that period; (b) producing an electoral advertisement that is published, broadcast, posted or displayed as mentioned in paragraph (a); (c) designing or producing any printed electoral matter to which Part 13, Division I, Subdivision 2 applies that</p>

Electoral Act Review – Inter-Departmental Committee

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	NSW	South Australia	Victoria	Queensland	Northern Territory
		material (not being material referred to in paragraph a) or b)) that is required under sections 112, 115A or 116 of the Act to include the name and address of the author of the material or person who takes responsibility for the publication or authorisation of the material (as the case requires); or d) for the purposes of the carrying out of an opinion poll, or other research, relating to an election or the voting intentions of electors; or e) for any other prescribed purpose; or f) of a prescribed kind.			is published, communicated or distributed during that period; (d) producing or distributing electoral matter that is addressed to particular persons or organisations and is distributed during that period; (e) carrying out an opinion poll or other research about the election during that period. (2) For subsection (1), electoral expenditure also includes receiving an item or service specified in that subsection in the form of a gift.
Other expenditure	37(6) This section does not prevent payments being made out of the State campaign account...of a party that are in addition to the	You can use this account to pay for administrative expenditure or transfer money to another admin account	electoral expenditure – expenditure incurred within the election period on...ads, production of materials requiring authorisation, polling etc;		You can use this account to pay for administrative expenditure or transfer money to another admin account

Electoral Act Review – Inter-Departmental Committee

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	NSW	South Australia	Victoria	Queensland	Northern Territory
	payments for electoral expenditure.		this MAY come out of campaign account		But must fall under “territory electoral purposes”
Duration of account	<p>Division 5, Subdivisions 2 of the Act contains provisions outlining what it to be done with any amounts in a campaign account after there is no longer a need for the account to be paid.</p> <p>Different requirements for parties, groups, non-party candidates.</p>	Not specified	<p>s.207F(8) outlines how money left in the campaign account of an unsuccessful candidate or unelected member is to be distributed.</p>	<p>Campaign account to be kept until each obligation mentioned in s.215(2) that applies to the participant or their agent ends.</p> <p>Obligations relate to:</p> <ul style="list-style-type: none"> A political donation made during a donation cap period for the election; or Electoral expenditure; Repayment of a loan that is paid into the account. Donation of property other than money during a donation cap period for the election – the disposal of the property. 	Not specified.

Electoral Act Review – Inter-Departmental Committee

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	NSW	South Australia	Victoria	Queensland	Northern Territory
Public funding of elections	Yes, paid into campaign account.	Yes, but the public funding scheme is optional. If one chooses to participate, then subject to political expenditure caps. Public funding does not appear to have to be paid into the State account.	Yes, paid into campaign account.	Yes, paid into campaign account.	No
Year campaign account introduced & any funding/disclosure introduced at same time	2010 Caps on donation and electoral expenditure, as well as public funding.	2016 Caps on expenditure if opt in to voluntary public funding scheme. Disclosure of donation above \$5,000.	2018 Cap on donations.	2011 Caps on donations and electoral expenditure, public funding introduced.	2020 Cap on expenditure.
Other observations	s.37(10) regs making power re campaign accounts ie control of accounts, separately accounting for amounts held for elected members ...provision of information to and the audit of accounts by the AEC	SA Act uses the term “state electoral purposes” which is quite broad and covers; “purposes relating to the party’s objective of the promotion of the election to the House of Assembly or Legislative Council of a candidate or candidates endorsed by the party, and associated activities such as		Candidates, registered political parties and registered third parties who regularly participate in Queensland State elections, may maintain the same bank account for successive elections. A new account does not have to be opened and	Looking at the materials – there appear to be some comparisons between SA and NT However in NT the agent can only operate one account – therefore candidates can’t have separate accounts

Electoral Act Review – Inter-Departmental Committee

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	NSW	South Australia	Victoria	Queensland	Northern Territory
		administration and operation of the party”		closed for each election event; however, all disclosure, reporting and audit requirements must be met in full for each election.	

ISSUES PAPER 2019 – FOR NOTING ONLY

PUBLIC FUNDING

Consultation Issue 14:

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Background

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Other jurisdictions

This section has been updated to reflect the action from the last Steering Committee meeting.

There are two general types of public electoral funding currently made available in Australian jurisdictions:

- ‘Election funding’ defined by Muller as ‘post-election payments of an amount based on the number of votes received, possibly capped to the amount of expenditure incurred at the election’.
- ‘Administrative funding’ or ‘policy development funding’ is ‘money paid to political parties or candidates outside the election period to support parties’ routine operation’¹.

In all jurisdictions with public funding there is a threshold percentage of first preference votes that must be received by a candidate prior to being eligible for public funding. This is 4 per cent in all jurisdictions apart from Queensland, where it is 6 per cent.

The Commonwealth and the Australian Capital Territory (ACT) calculate and pay entitlements based solely on the votes received by the candidate. The remaining jurisdictions with public funding now cap public electoral funding to actual expenditure.

The cost of a public funding regime to Tasmania, if introduced, would depend primarily on the amount provided per vote. Western Australia (WA) has the lowest rate of public funding at \$1.93 per first preference vote and the ACT, the highest, at \$8.43 per first preference vote.

New South Wales and Victoria allocate less per vote funding for upper house elections, while the remaining jurisdictions with upper houses, the Commonwealth, South Australia and WA all have the same funding for both houses.

Five of the remaining eight jurisdictions provide administrative funding and the amounts provided vary widely from a maximum of just over \$64,000 in South Australia, to around \$3.4 million in NSW.

Per vote public funding by electorate

		Commonwealth	NSW	Vic	SA	Qld	WA	ACT	NT
Per vote public funding	Lower House	\$2.77	\$4.66	\$6.12	\$3.23*	\$3.14**	\$1.93	\$8.43	-
	Upper House	\$2.77	\$3.50	\$3.06	\$3.23	NA	\$1.93	NA	NA
Administrative funding (max)		-	~\$3.4m	~\$1.8m	\$64,568	\$3m	-	~\$533k	-

* A tapered scheme applies to parties, groups and candidates, without or who are not a member of Parliament

**\$1.57 for independent candidates

Attachment I reflects a summary of the approaches in other jurisdictions, as reflected in the Interim Report.

¹ Muller, D, 2018, ‘Election Funding and disclosure in Australian states and territories: a quick guide’, p 5.

Analysis

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Attachment 1 – Public Funding Jurisdictional Comparison

Legislation	Federal	NSW	Vic.	SA	Qld	Tas.	WA	ACT	NT
	Commonwealth Electoral Act 1918	Electoral Funding Act 2018	Electoral Act 2002	Electoral Act 1985	Electoral Act 1992	Electoral Act 2004	Electoral Act 1907	Electoral Act 1992	Northern Territory Electoral Act
Public funding of election campaigns	Indexed amount per first preference vote. Threshold of 4% of primary votes needed. First \$10,000 of public funding paid automatically, with claim of expenditure required for any additional funding.	Indexed amount per first preference vote up to actual election expenditure incurred. Threshold of 4% of primary votes needed.	Indexed amount per first preference vote up to actual election expenditure incurred. Threshold of 4% of primary votes needed.	Opt-in public funding on a per vote basis. Candidates must receive at least 4% of the primary vote to be eligible for public funding. Those who opt-in to receive public funding are subject to an indexed expenditure cap.	Indexed amount of public funding per first preference vote up to the claimed electoral expenditure. Threshold of 6% of primary votes needed.	No public funding.	Indexed amount per first preference vote up to actual election expenditure incurred. Threshold of 4% of primary votes needed.	Indexed amount per first preference vote paid automatically to candidate. There is no claims process. Threshold of 4% of primary votes needed.	No public funding of election campaigns.
Public funding of parties' or candidates' activity	No public funding for administration or other organisational or policy development purposes.	Administration Fund based on the number of elected members, from \$87,500 (indexed annually) for one to \$187,500 for three plus \$30,000 for each of up to 22 additional members. Parties not eligible for Administration Funding may be eligible for New Parties Funding of the greater of \$0.63 per vote or \$12,000.	Administrative funding paid annually at \$204,100 for the first party member, \$71,430 for third to forty-fifth member. Cannot be used for electoral expenditure.	Political parties who have a Member of Parliament are eligible for up to \$7,000 or \$12,000 (indexed half yearly, administrative funding, depending on the number of MPs, which cannot be used for political expenditure.	A policy development funding pool of \$3,000,000 is available. A registered party's entitlement is calculated from their formal first preference votes of candidates who received more than 6% of the first preference vote.	No public funding for administration or other organisational or policy development purposes.	No public funding for administration or other organisational or policy development purposes.	Parties represented by an MLA and non-party MLAs are entitled to administrative funding of \$21,322.64 (from 2015, indexed each year) per calendar year for each MLA, paid quarterly.	No public funding for administration or other organisational or policy development purposes.

Public and Administrative Funding: State by State

States provide eligible parties and independent members with two types of public funding; election funding, which is usually on a dollar per first preference vote to be used for electoral expenditure such as advertising material, costs associated with opinion polls etc. Some states provide administrative funding in addition to the election funding. Eligibility differs between the states and is detailed below.

Tasmania and Northern Territory do not currently provide public funding for electoral or administrative purposes.

Tasmania's [Electoral Act Review Interim Report \(pdf, 5622KB\)](#) (2018) summarises the funding between States, with further detail below regarding updated indexed amounts and details of claimable expenditure by funding type.

Administration Funding.....	1
Administrative Funding Rates by State.....	2
Other Public Funding.....	3
References.....	5

Administration Funding

All states providing administration funding stipulate that it is not to be used for electoral or political expenditure.

Most jurisdictions will pay the lesser of a maximum entitlement or actual expenditure. All states require application via a claim form. Some states require a declaration of expenditure, and some require an audit statement to accompany the declaration. Frequency of payment differs between States. Most States will pay retrospectively, however Victorian candidates are able to receive the payment in advance and rollover excess payments to the next period. NSW will pay an advance payment on application of 50% of the estimated claim to be deducted from the claim at the end of the period.

NSW has published a detailed procedure for administration funding which can be found [here](#).

State	Title	Purpose/ Eligible Claims
VIC	Administration Expenditure Funding	<p>The Electoral Act 2002 Division 1C - Administration Funding defines claimable expenditure as follows;</p> <p>(a) the following expenditure is included—</p> <ul style="list-style-type: none"> (i) expenditure for the administration or management of the activities of the eligible party or elected member; (ii) expenditure for conferences, seminars, meetings or similar functions at which the policies of the eligible party or elected member are discussed or formulated; (iii) expenditure in respect of the audit of the financial accounts of, or claims for payment or disclosures under the Act of, the eligible party or elected member; (iv) expenditure on the remuneration of staff engaged in the matters referred to in subparagraphs (i) to (iii) for the eligible party or elected member to the extent that that expenditure relates to the time that the staff are engaged in those matters; (v) expenditure on equipment or vehicles used by staff whilst engaged in the matters referred to in subparagraphs (i) to (iii) for the eligible party or elected member to the extent that that expenditure relates to use of the equipment or vehicles by the staff whilst engaged in those matters; Authorised by the Chief Parliamentary Counsel (vi) expenditure on office accommodation for the staff and equipment referred to in subparagraphs (iv) and (v); (vii) expenditure on interest payments on loans; <p>(b) the following expenditure is not included—</p> <ul style="list-style-type: none"> (i) political expenditure; (ii) electoral expenditure; (iii) expenditure for which an elected member has claimed a parliamentary allowance as a member; (iv) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria;

NSW	Administration Fund	<p>The Electoral Funding Act 2018 No 20 defines administrative expenditure as follows:</p> <p>(a) includes a reference to the following—</p> <ul style="list-style-type: none"> (i) expenditure for the administration or management of the activities of the eligible party or elected member, (ii) expenditure for conferences, seminars, meetings or similar functions at which the policies of the eligible party or elected member are discussed or formulated, (iii) expenditure on providing information to the public or a section of the public about the eligible party or elected member, (iv) expenditure on providing information to members and supporters of the eligible party or elected member, (v) expenditure in respect of the audit of the financial accounts of the eligible party or elected member, (vi) expenditure on equipment and training to ensure compliance by the eligible party, elected members or endorsed candidates of the eligible party with the obligations under this Act, (vii) expenditure on the reasonable remuneration of staff engaged in the above activities for the eligible party or elected member (being the proportion of that remuneration that relates to the time spent on those activities), (viii) reasonable expenditure on equipment or vehicles used for the purposes of the above activities (being the proportion of the cost of their acquisition and operation that relates to the use of the equipment or vehicles for those activities), (ix) expenditure on office accommodation for the above staff and equipment, (x) expenditure on interest payments on loans, but <p>(b) does not include a reference to the following—</p> <ul style="list-style-type: none"> (i) electoral expenditure, (ii) expenditure for which a member may claim a parliamentary allowance as a member, (iii) expenditure incurred substantially in respect of operations or activities that relate to the election of members to a Parliament other than the NSW Parliament, (iv) expenditure prescribed by the regulations.
ACT	Administrative Funding	Division 14.3A of the Electoral Act 1992 . Available to parties with representation in the Legislative Assembly and non-party MLAs. No definition is provided for acceptable administrative expenditure, however funding is not to be used to incur electoral expenditure.
SA	Special Assistance Funding One-off Special Assistance funding	<p>Division 5 of the Electoral Act 1985. A half yearly entitlement is available to parties who claim a reimbursement for administrative expenditure. Administrative Expenditure is defined under s 130A(1) as ‘any expenditure related to the administration and operation of a registered political party’ however under s 130W of the Act the Special Assistance Funding is not to be used for political expenditure. To be eligible a candidate or at least one member of the registered party must have been a member of Parliament for all or part of the period.</p> <p>A one-off payment was available in 2017 to eligible parties for Administrative expenditure incurred for the purpose of complying with Part 13A that is in excess of administrative expenditure incurred by the party in relation to which the half yearly Special Assistance funding payment had been paid.</p>
QLD		Incorporated in ‘Policy Development Funding’. Limited information available through the Electoral Commission website.
WA	None	
NT	None	

Administrative Funding Rates by State

State	Title	Current Rates	Claim Process	Link to Rates
VIC	Independent Members	\$208 200 per annum	Paid quarterly based on representation in Parliament. An audited claim is required annually, and any funding received in excess of actual expenditure is to be repaid to VEC.	Victorian Electoral Commission
	Parties: 1 Member	\$208 200 per annum		
	Parties: 2 Members	1 member rate + \$72 860 for the second member		
	Parties: 3+ members	2 member rate + \$36 440 for each subsequent member capped at 45 members		
NSW	Independent Members	\$58 800 maximum payable per quarter	Quarterly Claim for actual expenditure up to maximum payable net of any advance payments received. Evidence is required to substantiate any claim made	NSW Electoral Commission
	Parties: 1 Member	\$91 100 maximum payable per quarter		

	Parties: 2 Members	\$156 000 maximum payable per quarter	together with a declaration of expenditure form. Quarterly advance payments are available at 50% of quarterly entitlement.	
	Parties: 3 members	\$194 900 maximum payable per quarter		
	Parties 4+ members	3 member rate + \$31 200 for each subsequent member capped at 22 members.		
SA	Parties: 5 or less members of Parliament	\$38 564 maximum payable per half year	Details of claim process not available.	Electoral Commission SA
	Parties: 6+ members of Parliament	\$66 109 maximum payable per half year		
	One-off Special Assistance Funding (available during 2017 - now expired)	Parties 5 or fewer members of Parliament: \$56 000 Parties 6+ members or Parliament: \$96 000		
ACT	Administrative Funding	\$5 781.56 per MLA	Paid by quarterly instalment.	Administrative Funding
QLD	Incorporated in 'Policy Development Funding'. Limited information available through the Electoral Commission website.			

Other Public Funding

State	Title	Purpose/ Eligible Claims	2020-21 Rate	Claim Process
VIC	Public Funding	<u>Public Funding's</u> purpose is to cover costs associated with running a State election campaign, and must be paid into the 'State Campaign Account' (dedicated bank account for income from other public funding, income from donations and all campaign expenditure). Rate is paid per first preference vote.	\$6.25 Legislative Assembly Candidates / \$3.12 Legislative Council Candidates per first preference vote.	
	Policy Development Funding	<u>Policy Development funding</u> may be available to eligible registered political parties who are not eligible for public or administrative funding. Requires submission of statements of expenditure and an audit certificate. The rate is paid per first preference vote.	\$1.04 per first preference vote.	
NSW	Election Campaigns Fund	This funding is a reimbursement of certain electoral expenditure for State elections or by-elections. Rates paid are based on preference votes or actual amount of total expenditure.	Dollar per vote is based on a four year period, with separate rates for Legislative Assembly and Legislative Council candidates based on no. of members within the party or individual candidates. Rates are available here and range from \$3.50 - \$5.25.	A claim for payment must be lodged with the NSW Electoral Commission within 120 days of the day for the return of the writ for the election. Quarterly advance payments are available to eligible parties/candidates at 50% of quarterly entitlement.
NSW	New Parties Fund	An annual payment is available to registered parties who are not eligible for payments from the Administration fund.	\$0.68 per first preference vote,	Claim must be lodged by the party agent within

		Its purpose is for expenditure relating to policy development. Rates are based on first preference votes by any candidate in the party at a rate of	up to a threshold of \$12 900.	the six month period after the end of calendar year. Evidence and a declaration of expenditure required.
SA	Election Funding	A state campaign account is to be kept for State electoral purposes including political expenditure. Special Assistance Funding may not be deposited to this account. The tapered entitlement scheme applies to: Endorsed candidates where the party has no Member of Parliament, Endorsed groups where the party has no Member of Parliament, Unendorsed candidates who are not a Member of Parliament, Unendorsed groups.	<p><i>Standard entitlement:</i> \$3.31 for each eligible vote.</p> <p><i>Tapered entitlement:</i> \$3.86 for each eligible vote received that falls within the first 10% of the total primary vote; and</p> <p>\$3.31 for each eligible vote received in excess of the total primary vote</p>	Lodgement of a certificate to opt into public fundingscheme. A capped expenditure return and a audit certificate is lodged to determine amount payable.
WA	Electoral Reimbursement	Application can be made by any candidate in receipt of more than 4% of first preference votes, with informal votes excluded. Eligible expenditure is electoral in nature, e.g. election related advertising, campaign material, costs of opinion polls. Any claim accompanied by an audit statement will be processed faster. Evidence may be required to substantiate unaudited claims.	Maximum entitlement: \$1.96699 per valid first preference vote. Amount paid will be the lesser amount of declared expenditure or the entitled amount.	Reimbursed following lodgement of a successful claim within 20 weeks of polling day. Claims for more than one candidate within a party are to be lodged as one claim. This claim is in addition to election related disclosures.
QLD	Election Funding	Candidates and parties must receive at least 6% of formal first preference votes to be eligible. Eligible expenditure is electoral in nature, e.g. election related advertising, campaign material, costs of opinion polls. Supporting documentation is required, including copies of advertisements or election material to claim reimbursement.	Maximum entitlement: \$1.651 candidates \$3.304 parties per eligible vote. Amount paid will be the lesser amount of declared expenditure or the entitled amount.	Reimbursed following lodgement of a successful claim within 20 weeks of polling day.
	Policy Development Funding	Registered parties are eligible if registered at the last general State election and has at least one elected member of Parliament.	?? Election funding and disclosure in Australian states and territories: a quick guide states that a \$3m pool is available to share on a dollar per first	

			preference vote basis.	
ACT	Election Funding	Candidates and parties must receive at least 4% of formal first preference votes to be eligible. Eligible expenditure is electoral in nature, e.g. election related advertising, campaign material, costs of opinion polls. Supporting documentation is required, including copies of advertisements or election material to claim reimbursement.	862.105 cents per eligible vote.	A claim is not required, Electoral Commission will automatically pay the entitlement once voting figures are finalised. No party or candidate is obliged to accept public funding.
NT	There is no provision in the Electoral Act 2004 for public funding.			

References

- VIC** [Victorian Electoral Commission](#)
[Electoral Act 2002](#)
- NSW** [Public Funding](#)
[Administration Fund Procedures](#)
- SA** [Special Assistance Funding](#)
[Public Funding Guide](#)
- QLD** [Election Funding](#)
[Fact sheet 20 - Election funding claims PDF \(0.17 MB\)](#)
[Fact sheet 5 - Definition of electoral expenditure PDF \(0.23 MB\)](#)
- ACT** [Electoral Act 1992](#)
[Administrative Funding](#)
[Election Funding](#)
- NT** [Electoral Act 2004](#)
Northern Territory Electoral Commission <https://ntec.nt.gov.au/>

Key items for Bill – Terms of Reference 3

[Redacted]	[Redacted]
[Redacted]	[Redacted]
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Proposed definition of associated entity:

There is substantial commonality among jurisdictions in definitions of associated entities, with two states opting for definitions very similar to the Commonwealth definition. It is proposed that Tasmania adopt the Cwth definition:

<p>Cwth s287 Commonwealth Electoral Act 1918</p>	<p>associated entity means: (a) an entity that is controlled by one or more registered political parties; or (b) an entity that operates wholly, or to a significant extent, for the benefit of one or more registered political parties; or (c) an entity that is a financial member of a registered political party; or (d) an entity on whose behalf another person is a financial member of a registered political party; or (e) an entity that has voting rights in a registered political party; or (f) an entity on whose behalf another person has voting rights in a registered political party.</p>
<p>NSW s4 Electoral Funding Act 2018</p>	<p>associated entity means a corporation or another entity that operates solely for the benefit of one or more registered parties or elected members</p>
<p>Vic s206 Electoral Act 2006 (amended 2018)</p>	<p>associated entity means— (a) an entity that is controlled by one or more registered political parties; or (b) an entity that operates wholly, or to a significant extent, for the benefit of one or more registered political parties; or (c) an entity that is a financial member of a registered political party; or (d) an entity on whose behalf another person is a financial member of a registered political party; or (e) an entity that has voting rights in a registered political party; or (f) an entity on whose behalf another person has voting rights in a registered political party—but does not include a nominated entity of a registered political party;</p>
<p>SA s130A Electoral Act 1985</p>	<p>associated entity means— (a) an entity that is controlled by 1 or more registered political parties; or (b) an entity that operates wholly, or to a significant extent, for the benefit of 1 or more registered political parties; or (c) an entity that is a financial member of a registered political party; or (d) an entity on whose behalf another person is a financial member of a registered political party; or (e) an entity that has voting rights in a registered political party; or (f) an entity on whose behalf another person has voting rights in a registered political party;</p>

<p>Old S204 Electoral Act 1992</p>	<p>(2) An entity is an associated entity of a registered political party if the entity (a) is controlled by the party or a group of endorsed candidates of the party; or (b) operates wholly, or to a significant extent, for the benefit of the party or a group of endorsed candidates of the party; or (c) operates for the dominant purpose of— (i) promoting the party in elections; or (ii) promoting a group of endorsed candidates of the party in an election. (3) However, an associated entity of a registered political party does not include— (a) a candidate endorsed by the party for an election; or (b) another political party that is a related political party of the party; or (c) if the party is part of another entity—a federal or interstate branch or division of the other entity.</p>
<p>WA S175 WA Electoral Act 1907</p>	<p>associated entity means an entity that — (a) is controlled by one or more political parties; or (b) operates for the benefit of one or more political parties</p>
<p>ACT s198 Electoral Act 1992</p>	<p>associated entity means an entity that— (a) is controlled by 1 or more parties or MLAs; or (b) operates, completely or to a significant extent, for the benefit of 1 or more registered parties or MLAs.</p>
<p>NT s3 ELECTORAL-ACT-2004</p>	<p>associated entity means an entity that: (a) is controlled by one or more registered parties; or (b) operates wholly or to a significant extent for the benefit of one or more registered parties</p>

Third parties – definition, threshold, time periods

Proposed Definition

[REDACTED]

[REDACTED]

Notes

[REDACTED]

Definitions of third parties in other jurisdictions

<p>Cwlth s287 Commonwealth Electoral Act 1918</p>	<p>third party: a person or entity (except a political entity or a member of the House of Representatives or the Senate) is a third party during a financial year if: (a) the amount of electoral expenditure incurred by or with the authority of the person or entity during the financial year is more than the disclosure threshold; and (b) the person or entity is not required to be, and is not, registered as a political campaigner under section 287F for the year.</p>
<p>NSW s4 Electoral Funding Act 2018</p>	<p>S287F (paraphrased) Registration as a political campaigner is required when electoral expenditure: is \$500,000 or more during that financial year, or any one of the previous three financial years; or is \$100,000 or more during that financial year, and electoral expenditure during the previous financial year was at least two-thirds of the revenue</p> <p>third-party campaigner means the following— (a) for a State election—a person or another entity (not being an associated entity, party, elected member, group or candidate) who incurs electoral expenditure for a State election during a capped State expenditure period that exceeds \$2,000 in total. ... (c) a registered third-party campaigner for an election for which it is registered.</p>

<p>Vic s206 Electoral Act 2006</p>	<p>"third party campaigner" means any person or entity other than—</p> <ul style="list-style-type: none"> (a) a registered political party; or (b) a candidate at an election; or (c) a group; or (d) an elected member; or (e) an associated entity; or (f) a nominated entity of a registered political party— <p>that receives political donations or incurs political expenditure which exceeds a total of \$4000 in a financial year;</p>
<p>SA s130A Electoral Act 1985</p>	<p>third party means a person, other than... who—</p> <ul style="list-style-type: none"> (f) incurs or intends to incur more than \$10 000 in political expenditure during the designated period (year of the election commencing 1 Jan) in relation to an election;
<p>Qld s197 Electoral Act 1992</p>	<p>third party means an entity other than a registered political party, an associated entity or a candidate.</p>
<p>WA Electoral Act 1907</p>	<p>Does not define third party</p> <p>Refers to other persons - s.175Q and 175SD</p>
<p>ACT s198 Electoral Act 1992</p>	<p>means a person or entity that incurs \$1000 or more in electoral expenditure in the disclosure period for an election; but does not include ...candidates etc.</p>
<p>NT s3 ELECTORAL-ACT-2004</p>	<p>third party campaigner means a person who or entity that incurs or expects to incur more than \$1 000 of political expenditure during the capped expenditure period (1 January to 30 days after election day), but does not include a candidate, a registered party or an associated entity.</p> <p>Political expenditure is defined as ‘expenditure incurred in promoting or opposing a candidate or a registered party’.</p> <p>The definition of political expenditure is narrower than ‘electoral expenditure’ and does not capture communications or advertisements on election issues only (i.e. issues which are intended to raise awareness, education or encourage public debate)</p>

Expenditure threshold and electoral period



Definitions of third parties in other jurisdictions

	Cwth	NSW	Vic.	SA	Qld	WA	ACT	NT
Amount	\$14,300 (to June 2021)	\$2000	\$4160	\$10,000	\$6000 – threshold for requirement to register as a third party	\$500	\$1000	\$1000
Period	Financial year	Capped State expenditure period (from 1 Oct of year prior to election to election day) – (or Issue of writs to election day)	Financial year	Designated period (year of the election commencing 1 Jan)	During the capped expenditure period for an election first business day after the last Saturday in the preceding March until polling day - (or issue of writs to election day)	Unlimited except expenditure must relate to an election	Period since 31st day after polling day for the last previous election.	During the capped expenditure period (1 January to 30 days after election day)
Reporting of donations					Unregistered third parties need to report political donations received of at least \$1000.	When a person incurs expenditure for a political purpose, they should lodge a return within 15 weeks of polling day with details of donations received in the period since the last election.		

Definition of electoral expenditure/electoral matter

Proposed definition

Notes

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Summary of jurisdictional approaches

<p><u>Narrow</u></p>	<p><u>Vic</u> - expenditure for the dominant purpose of directing how a person votes at an election, by promoting or opposing a candidate or party but does not include expenditure incurred by an associated entity or third party campaigner on any material ..disseminated outside of the election campaigning period unless the material refers to—a candidate or a registered political party; and how a person should vote at an election;</p> <p>NT - ‘expenditure incurred in promoting or opposing a candidate or a registered party’</p>
<p><u>Moderate</u></p>	<p>Cwith - matter communicated or intended to be communicated for the dominant purpose of influencing the way electors vote in an election ...including by promoting or opposing... a political entity...(Note Communications whose dominant purpose is to educate their audience on a public policy issue, or to raise awareness of, or encourage debate on, a public policy issue, are not for the dominant purpose of influencing the way electors vote in an election (as there can be only one dominant purpose for any given communication).</p> <p>NSW - expenditure for or in connection with promoting or opposing, directly or indirectly, a party or the election of a candidate or candidates or for the purpose of influencing, directly or indirectly, the voting at an election - does not include expenditure ...if the expenditure is not incurred for the dominant purpose of promoting or opposing a party or the election of a candidate or candidates or influencing the voting at an election.</p> <p>Qld - if the dominant purpose for which the expenditure is incurred is a campaign purpose. However, expenditure incurred by a third party is not electoral expenditure if the dominant purpose for which the expenditure is incurred is another purpose, even if the expenditure is also incurred for, or achieves, a campaign purpose. Example of other purposes for incurring expenditure— to educate or raise awareness about an issue of public policy</p>
<p><u>Broad</u></p>	<p>SA - public expression of views on an issue in an election by any means</p> <p>WA – matter that is intended, calculated or likely to affect voting in an election</p> <p>ACT – matter is taken to be intended or likely to affect voting at an election if it contains an express or implicit reference to, or comment on .. the election; or ...an issue submitted to, or otherwise before, the electors in relation to the election</p>

Registration process for third parties

Proposed approach

Notes

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Summary of jurisdictional approaches

	Cwth	NSW	Vic.	SA	Qld	WA	ACT	NT
Registration	<p>Third parties are not required to register with the AEC.</p> <p>Registration as a <u>political campaigner</u> is required when electoral expenditure: is \$500,000 or more during that financial year, or any one of the previous three financial years; or is \$100,000 or more during that financial year, and electoral expenditure during the previous financial year was at least two-thirds of the revenue of the person or entity for that year.</p>	<p>A third-party campaigner must be registered for an election before making payments of more than \$2,000 for electoral expenditure incurred during the capped State expenditure period.</p>	NA	NA	<p>A third party must register with the ECQ if they spend, or someone they authorise spends, cumulatively, more than \$6,000 in electoral expenditure, during the capped expenditure period for an election.</p> <p>Applications for registration must be submitted before the polling day for an election</p>	NA	NA	<p>Third-party campaigners need to register for each election. s175B - registration must be received at least five days before the election.</p>

Timeframes for reporting for third parties

Amendments to the Electoral Act 2004 - Third Parties

Proposed time frames:

• [REDACTED]

Notes

• [REDACTED]

	Cwth	NSW	Vic.	SA	Qld	WA	ACT	NT
Annual and half year Returns	Third parties: Annual returns for donations and expenditure. Political campaigners: Annual Returns for donations and expenditure.	An annual disclosure of electoral expenditure on or before 22 September	Annual return including income and expenditure	If a third party incurs political expenditure over the legislated threshold (10,000 indexed) during a financial year, they must lodge an annual <u>political expenditure return</u> . Lodge half-yearly returns within 30 days of the end of each half-yearly period	Nil	Nil	Nil	Nil
Year-round reporting	As above	All political donations must be disclosed every six months within 4 weeks after the end of the half-year	Must disclose all political donations of over \$1,000 within 21 days.		Disclosure of donations within 7 business days of its first use.	Generally when a person incurs expenditure for a political purpose, they should lodge a return within 15 weeks of polling day with details of donations received in the period since the last election.		

	Cwth	NSW	Vic.	SA	Qld	WA	ACT	NT
Pre-election	Nil	political donations of \$1,000 or more, made or received between 1 October in the year before the election and election day, must be disclosed within 21 days	As above	If a third party incurs more than \$5,000 (indexed) of political expenditure during the capped expenditure period, they must lodge a capped expenditure period return. This return must be lodged within 60 days after polling day.	A return no more than 15 weeks after polling day for donations received of over \$1000 (for Registered third parties). Registered third parties must disclose their electoral expenditure in an election summary return within 15 weeks after the election	Where a person (not being a political party, an associated entity a candidate or a group) exceeds \$500 on electoral expenditure - details of expenditure to be lodged within 15 weeks of polling day.	If a third party receives gifts of \$1000 or more during the disclosure period (period since the last election) then they must provide a return within 60 days after polling day If a third party campaigner incurs electoral expenditure in the capped expenditure period, they need to provide a return within 60 days after polling day	Reporting from third-party campaigners is required for the election period only ie Election year. Reporting of donations for political expenditure received during election period: 6 reports in total over year preceding the election see Financial-Disclosure-Handbook for details. Expenditure report due 60 days after election. A person (as distinct from a third party campaigner) spends more than \$200 in electoral expenditure then they need to provide a report within 60 days of the election.

