

# *Election Finances and Contributions Disclosure Act* Summary of Changes

April 2026

Summary of amendments to the ***Election Finances and Contributions Disclosure Act*** (EFCDA) contained in Bill 23: *Justice Statutes Amendment Act, 2026*, which came into force April 16, 2026.

- Replaces all instances of “made through electronic media” with “made available through electronic media” in sections related to identification of third parties in advertising or political advertising (s.44.8(1)(b)), in Senate election advertising (s.44.9496(1)(b)), and in referendum advertising (s.44.949998(1)(b)).

## **Deepfakes**

- Adds Part 6.21 Deepfakes.
- Defines deepfake as:
  - a depiction in a video, audio, photographic, digital, or other medium of a leader of a political party, leadership contestant, Minister, member of the Legislative Assembly, candidate, nomination contestant, Chief Electoral Officer, Election Commissioner, election officer as defined in the Election Act, person who is or was employed or engaged by the Office of the Chief Electoral Officer to carry out the duties of the Chief Electoral Officer or person who is or was employed or engaged by the Office of the Election Commissioner to carry out the duties of the Election Commissioner.
  - so realistic that a reasonable person would believe it depicts speech or conduct of the depicted person when the depicted person did not engage in the speech or conduct (s.44.94999995(1)(a)(i)).
  - created in a manner that substantially depends on technological means rather than the ability of another person to physically or verbally impersonate the depicted person (s.44.94999995(1)(a)(ii)).
- Defines “depicted person” as the person whose speech or conduct is depicted in a deepfake and who did not engage in the speech or conduct (s.44.94999995(1)(a)(b)).
- Prohibits a person or entity from creating, distributing, or publishing a deepfake that is likely or intended to mislead electors. (s.44.94999995(2)) without the depicted person’s consent (s.44.94999995(3)).
- Adds authority to the CEO to have the deepfake removed or discontinued, and if the deepfake is displayed on a sign, poster, or similar medium, is not liable for trespass or damage resulting from the removal. (s.44.94999995(4)).

## Powers re deepfakes

- Gives authority to the Election Commissioner to issue a written direction to the person or entity to stop creating, distributing, or publishing a deepfake and destroy it. (s.44.971(2)).
- Sets out the information required in the Election Commissioner's written direction including contravention, actions that must be taken, deadline for directed action, allowance for deadline extension requests, advice an administrative penalty may be imposed, and advice the matter may be referred to prosecution if the person or entity fails to comply with direction. (s.44.971(3)).
- Enables the Election Commissioner to grant an extension, if they determine the request reasonable, to the compliance deadline. (s.44.971(4)).
- Failure to comply with the Election Commissioner's direction means the person or entity is guilty of an offence and liable to a fine of up to:
  - \$10,000 per day on which the offence occurs or continues, for a person, or
  - \$100,000 per day on which the offence occurs or continues, for an entity. (s.44.971(5)).

## Administrative penalties

- Adds deepfake provisions contraventions to administrative penalties. (s.51.01(2)).
- Sets maximum penalties for contraventions of deepfake provisions on creating, distributing or publishing to:
  - \$10,000 for a person, or
  - \$100,000 for an entity. (s.51.01(b.1)).
- Sets maximum penalties for failing to comply with the Election Commissioner's direction to stop creating, distributing, or publishing a deepfake and destroy it to:
  - \$10,000 per day on which the offence occurs or continues, for a person, or
  - \$100,000 per day on which the offence occurs or continues, for an entity. (s.51.01(b.2)).



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