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FAD / FUNDING AND
DISCLOSURE
REFORM

Annual Returns Guideline

for Members of the House of
Representatives and Senators

Future FAD scheme commencing 1 January 2027



AEC

Australian Electoral Commission

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Purpose

Members of the House of Representatives (MPs) and Senators may be required to submit an annual return for the calendar year.

The *Annual Returns Guideline for Members of the House of Representatives and Senators* (the guideline) seeks to outline financial disclosure requirements including roles and responsibilities, deadlines and the content of the return.

Important information

The guideline uses text boxes to highlight important information. Each text box is prefaced with a symbol. For example:



WARNING. A warning symbol indicates information about a legal obligation under the Electoral Act.



USEFUL TIP. An information symbol indicates a useful tip



DUE DATE. A clock symbol indicates a due date.

Legislation

Legislative provisions referenced in the guideline are from the *Commonwealth Electoral Act 1918* (Electoral Act), as amended by the *Electoral Legislation Amendment (Electoral Reform) Act 2025*.



These guidelines are for the funding and disclosure scheme that commences on 1 January 2027. For information on the current scheme see the [Financial Disclosure](#) page.

Commonwealth Electoral Act 1918

Part XX	
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Disclaimer

The information in this publication is intended to provide general guidance only. It does not constitute legal, financial, or other professional advice. Persons and entities should seek their own professional advice to find out how the Electoral Act applies to their particular circumstances. The Australian Electoral Commission (AEC) has made every reasonable effort to provide current and accurate information, but it does not make any guarantees regarding the accuracy, currency, or completeness of that information. Parties who wish to re-publish or otherwise use the information in this publication must check this information for currency and accuracy prior to publication.

Please refer to www.aec.gov.au to access the AEC's current publications.

Introduction

The Commonwealth funding and disclosure scheme (the disclosure scheme) established under Part XX of the Electoral Act, deals with the public funding of federal election campaigns and the disclosure of detailed financial information.

The disclosure scheme was introduced to increase overall transparency and inform the public about the financial dealings of political parties, candidates and others involved in the electoral process.

The disclosure scheme requires registered political parties (RPPs), state branches of RPPs, unregistered State branches of RPPS, associated entities (AEs), nominated entities (NEs), significant third parties (STPs), MPs, Senators, third parties and candidates to lodge annual returns with the AEC. Annual returns require information in respect of the previous calendar year which, broadly speaking, includes details of amounts received (including as gifts), amounts paid (including electoral expenditure incurred), amounts of outstanding debts and certain other matters.

Annual return information is published on the Transparency Register.

The Electoral Act refers to both the AEC and the Electoral Commissioner (EC). For ease of reading, this document will refer to both as the AEC. Readers should refer to the Electoral Act in determining the specific nature of relevant provisions discussed, including to whom they relate.

Roles and responsibilities

The MP or Senator is responsible for lodging their return.

MPs and Senators that are members of a party



Section 310B(6) of the Electoral Act provides that a MP or Senator is not required to provide an annual return in certain circumstances where the annual return information is included in a registered political party return.

Where details of gifts for a federal purpose received by an MP or Senator are included in an annual return by a registered political party, the details are not required to be disclosed in the MP or Senator return.

Where details of electoral expenditure incurred by an MP or Senator are included in an annual return by a registered political party, the details are not required to be disclosed in the MP or Senator return.

If all the information required in a MP or Senator return is provided in a return by a registered political party, then the MP or Senator is not required to lodge a return.

Nil return

An MP or Senator does not need to submit an annual return if during a calendar year they did not:

- receive any gifts for a federal purpose
- incur electoral expenditure
- receive administrative assistance funding.



Section 309 of the Electoral Act sets out certain circumstances where an MP or Senator does not need to provide an annual return.

Annual disclosure

Reporting period

The return covers the calendar year from 1 January to 31 December. For a person who is an MP or Senator for a period during the calendar year, the return only needs to include details with respect to that period.



If a person is also a candidate for any period of time in the calendar year, a return may also be required for that period.

See **Annual Returns Guideline for Candidates**.

Disclosure threshold



The disclosure threshold for this calendar year is for amounts over \$5,000. This figure is indexed from 1 January after a federal election.

Due date for lodging annual returns



MPs and Senators must lodge a required annual return by 25 February each year in the approved form. The AEC has no legislative discretion to extend this deadline.

The AEC will publish annual return information on the Transparency Register no later than 11 March each calendar year.

Before the end of the calendar year to which the annual return relates, the AEC will advise MPs and Senators of their obligation to lodge an annual return. MPs and Senators should ensure their contact details with the AEC are current. Failure by the AEC to notify MPs and Senators of their obligation to lodge an annual return does not relieve them of the responsibility to lodge an annual return under the Electoral Act.

Lodging annual returns

Further information on the process for lodging annual returns is in the **Annual Returns Procedure** (publication forthcoming).

Disclosure obligations



Section 310B of the Electoral Act governs the lodgement of annual returns by MPs and Senators.

Section 310B(3) of the Electoral Act sets out the information that a MP or Senator must provide in their annual return. Further information as to the details must be provided under section 310B(3) is set out in Sub-division D within Division 5 of Part XX of the Electoral Act.

Total gifts for a federal purpose received



Section 310B(3)(a) of the Electoral Act requires MPs and Senators to disclose details outlined at Section 310K of the Electoral Act.

Section 310K of the Electoral Act requires the disclosure of details of gifts for a federal purpose.

The MP or Senator is required to disclose the total amount of gifts they received for a federal purpose.

A gift for a federal purpose is for the purpose of incurring electoral expenditure, creating or communicating electoral matter.

The annual return must state the total amount of gifts for a federal purpose. It must also include the:

- total amount of gifts for a federal purpose that were not required to be disclosed in a donation disclosure notice (DDN) under section 303A of the Electoral Act, that is, the total amount of gifts for a federal purpose received that were below the disclosure threshold
- total amount of those gifts received during a by-election period for a by-election, and
- total amount of those gifts received during a Senate-only election period for a Senate-only election.

Total electoral expenditure



Section 310B(3)(b) of the Electoral Act requires the total electoral expenditure incurred by the MP or Senator to be disclosed.

Section 310M of the Electoral Act outlines the details of relevant electoral expenditure required to be disclosed.

The MP or Senator is required to include in an annual return the total electoral expenditure they incurred during the calendar year.

The MP or Senator is also required to provide certain additional details of electoral expenditure that counts towards the caps that apply to their circumstance.

For detailed information on expenditure caps, targeted expenditure and exceptions, see the:

- **Electoral Expenditure Guideline for Registered Political Parties and Expenditure Groups**
- **Electoral Expenditure Caps Guide for Independent Senate Candidates or Senators**
- **Electoral Expenditure Caps Guide for Independent House Candidates or Members.**

MPs and Senators should consider the application of section 310M to their specific annual return requirements.

Independent MPs and Senators

Independent MPs are required to provide details of electoral expenditure that counts towards the:

- Independent House of Representatives cap
- Independent House of Representatives by-election cap.

Independent Senators are required to provide details of electoral expenditure that counts towards the:

- Independent Senate cap
- Senate-only election Independent Senate cap.

The details required include total expenditure under these caps and other details (such as the names of relevant Divisions, State or Territory).

Independent MPs and Senators are also required to report the total electoral expenditure incurred under various exceptions. These include:

- travel and translation expenses
- campaign office accommodation
- design and printing costs for certain how-to-vote cards.

MPs and Senators who are members of an RPP

Note: An MP or Senator who is a member of a party is only required to disclose electoral expenditure they incurred (as opposed to electoral expenditure incurred for them by the party).

MPs and Senators who are members of an RPP are required to provide details of electoral expenditure that counts towards the:

- Federal cap
- Divisional cap
- Senate cap
- By-election cap
- Senate-only cap.

This includes total expenditure under these caps and other details (such as the names of relevant Divisions, State or Territory).

MPs and Senators who are members of an RPP must also report the total electoral expenditure they incurred under various exceptions. These include:

- travel and translation expenses
- campaign office accommodation.

Details of administrative expenditure (only if applicable)



Section 310B(3)(c) of the Electoral Act requires MPs and Senators who receive administrative assistance funding to provide certain details under section 310P of the Electoral Act.

If the MP or Senator has received administrative assistance funding in the calendar year, the annual return must include an administrative expenditure statement.

Administrative expenditure audit



Section 310B(3)(c) of the Electoral Act requires MPs and Senators who receive administrative assistance funding to provide certain details under section 310P of the Electoral Act.

Where an MP or Senator receives administrative assistance funding, the party agent must include an audit certificate with the annual return. The audit certificate must meet all of the following requirements:

- be issued by a registered company auditor (within the meaning of the *Corporations Act 2001*)
- the auditor has audited any administrative expenditure incurred by the MP or Senator
- audit has been conducted in accordance with any applicable auditing standards.

The certificate must state that the auditor:

- was given full and free access to all accounts, records, documents and papers relating directly or indirectly to the information required to be set out in the return
- examined that material for the purpose of issuing the certificate
- received all requested information and explanations concerning that material
- has no reason to believe the information required in the annual return is not correct.

Administrative expenditure statement

The statement must specify whether the MP or Senator's administrative expenditure was the same as, more, or less than the administrative assistance funding received.

If the administrative expenditure incurred was less than the funding received, the difference between the amounts must be disclosed.

Other details

Federal administrative accounts



Section 310B(3A) of the Electoral Act requires MPs or Senators to disclose the details of any federal administrative accounts kept at any time in the calendar year.

If the MP or Senator has kept any federal administrative accounts, at any time in the calendar year, they must include the details of those accounts.

The details that should be included are:

- the account name
- the BSB and account number
- the dates of operation, if not in use for the whole of the calendar year.

These details are required for each federal administrative account if more than one is held during the calendar year.

If the MP or Senator has not held any federal administrative accounts in the calendar year, they should include a statement to that effect.

Incomplete annual returns



Section 318 of the Electoral Act provides for when a person who is required to furnish an annual return is unable to do so.

The person responsible for furnishing an annual return under Division 5 of the Electoral Act (relevant person) must make reasonable efforts to obtain the information required to complete the annual return.

Where the relevant person is unable to obtain all the information required to provide a complete annual return, the relevant person must prepare the annual return to the extent that they are able to do so. They may also give the AEC notice in writing by lodging a Notice of Incomplete Return together with the incomplete annual return.

Note: Lodgement of a Notice of Incomplete Return does not relieve the relevant person of the responsibility of making reasonable efforts to obtain the information required to complete the annual return. The AEC may assess whether the lodgement of a Notice of Incomplete Return was used by the relevant person to avoid their responsibilities under the Electoral Act, and may exercise its powers accordingly.

The Notice of Incomplete Return has three parts that comprise the following:

- full details of the information believed to be missing from the annual return
- reason why the information was unable to be obtained, and details of all attempts made to obtain the missing information
- full name/s and address details of the person/s believed to possess the missing particulars, and reasons why the relevant person believes this person/s can provide the required information.

Amending annual returns



Section 319A of the Electoral Act provides for amendments to returns in certain circumstances.

If an annual return has been lodged and subsequently found to contain an error or defect, the relevant person, or another person in certain circumstances, may submit a written request to the AEC to amend the annual return.

The amendment request must be by notice in writing and signed by the person making the request and be lodged with the AEC.

The AEC will approve the amendment request if satisfied there is an error or defect in the return. On approval the annual return will be amended and published on the Transparency Register

Note: Under section 306B, a company liquidator can recover a gift made to an MP or Senator if the gift exceeds the disclosure threshold and the company is wound up within one year of giving it. This may require an amendment to be made to an annual return.

Administration and compliance

Compliance reviews

The AEC conducts compliance reviews of annual returns lodged to check the accuracy and completeness of disclosures.

As part of this process, the AEC may issue a notice to a person to require them to do a particular thing, for instance provide specified documentation or attend an interview with the AEC.

The AEC may provide a report outlining its findings, which may include a recommendation to amend a particular annual return.



Division 5AC, Part XX of the Electoral Act gives an authorised officer a variety of powers to undertake a review of a person or entity's compliance with Part XX of the Electoral Act, including annual returns.

Penalties

The Electoral Act imposes civil penalties, and in some cases, criminal penalties if a person or entity contravenes certain requirements of the Electoral Act. The AEC provides information, including this guide, to assist MPs and Senators to comply with their disclosure obligations.

The AEC deals with non-compliance as appropriate to the circumstances, including possible referral to the Commonwealth Director of Public Prosecutions.

To review a list of civil and criminal penalties that may apply to MPs and Senators under the Electoral Act see [Penalties – financial disclosure](#) (publication forthcoming).

Foreign donations

The Electoral Act restricts the making and receipt of donations from a foreign donor. Persons or entities under these restrictions must ensure they are aware of these restrictions and exceptions to maintain compliance.

The **Fact sheet on Foreign Donations** contains further information (publication forthcoming).



Sections 302D and 302F of the Electoral Act set out the restrictions on receiving gifts from foreign donors.

Section 287AA of the Electoral Act details the meaning of a foreign donor.

Publishing



Section 320 of the Electoral Act provides for the publishing of certain annual return information on the Transparency Register.

The AEC is required to publish and make available to the public certain annual return information on the Transparency Register.

This does not include addresses or details of federal administrative accounts provided in a lodged annual return.

The Electoral Commissioner may also redact or remove personal information (within the meaning of the *Privacy Act 1988*) from published annual return information.

Annual return information will be available for public inspection on the Transparency Register within 10 weeks of the end of the calendar year. Whereas an annual return provided by a newly registered STP or AE will be available for public inspection on the Transparency Register before the end of 10 weeks after the day a new STP or AE is registered.

The information in the annual return is collected under Division 5 of the Electoral Act, and in accordance with the *Privacy Act 1988*.

Record-keeping

Persons required to furnish an annual return should have adequate financial recording systems and procedures to enable the annual return, which will be publicly available, to be properly completed.

The Electoral Act makes the person responsible for furnishing an annual return to the AEC responsible for keeping records pertaining to that annual return.

All transactions should be supported by source documents recording the details of individual transactions. Examples of source documents include, but are not limited to:

- receipts
- tax invoices
- loan documents
- wages records
- bank deposit books and cheque butts
- bank account statements
- credit card statements
- contract and grant agreements.

Source documents should contain information required to complete the annual return, such as the:

- date of the transaction
- name of the person or organisation from whom a receipt was received
- name of the person or organisation to whom a payment was made
- name and address of the organisation that has provided a loan to the party
- total payment made or amount received
- GST amount
- merchant fees.

Retention of records



Section 317 of the Electoral Act governs the record keeping requirements in relation to financial disclosure.

Relevant records must be retained for a minimum of 5 years in certain circumstances.

A record must also be kept in accordance with any other requirements as determined by the Electoral Commissioner.

Persons or entities who fail to comply with these requirements are subject to civil penalties.