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FAD / FUNDING AND
DISCLOSURE
REFORM

Annual Returns Guideline for Third Parties

Future FAD scheme commencing 1 January 2027



AEC

Australian Electoral Commission

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Contents

Purpose	4
Important information	4
Legislation	5
Disclaimer	5
Introduction	6
Roles and responsibilities	6
Information provided in another return	7
Annual disclosure	7
Third parties with related bodies corporate or branches	7
Reporting period	7
Disclosure threshold	8
Due date for lodging annual returns	8
Lodging annual returns	8
Disclosure obligations	9
Third parties that are a charity	9
Total gifts for a federal purpose received	9
Total electoral expenditure	10
Other details	10
Federal administrative accounts	10
Incomplete annual returns	11
Amending annual returns	11
Administration and compliance	12
Compliance reviews	12
Penalties	12
Foreign donations	12
Publishing	13
Record-keeping	13
Retention of records	14

Purpose

Third parties are required to submit an annual return each calendar year.

The *Annual Returns Guideline for Third Parties* (the guideline) seeks to outline the requirements for annual returns for third parties. This includes roles and responsibilities, deadlines and the content of the annual return.



This guideline does not apply to individuals or entities that are a significant third party (STP), associated entity (AE) or nominated entity (NE).

Individuals or entities that are STPs must submit an STP annual return

STPs that are an AE, but not an NE, must submit an AE annual return.

STPs that are an AE and an NE should submit only an NE annual return (in circumstances where the exception under subsection 310D(5) applies).

For more information, see:

- **Annual Returns Guideline for Significant Third Parties**
- **Annual Returns Guideline for Associated Entities**
- **Annual Returns Guideline for Nominated Entities**

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 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

Division 1	Preliminary
Division 2A	Use of federal accounts
Division 3AB	Requirements relating to electoral expenditure
Division 3A	Requirements relating to donations
Subdivision B	Offences and civil penalty provisions relating to donations
Division 5	Annual disclosure of donations and electoral expenditure etc.
Division 5C	Compliance and enforcement powers
Division 6	Miscellaneous

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 *Commonwealth Electoral Act 1918* (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, AEs, NEs, STPs, Members of the House of Representatives, 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

Under Section 287(1) of the Electoral Act, a third party is a person or entity (other than a political entity, a member of the House of Representatives or a Senator) that incurs electoral expenditure over the third party threshold.

A person or entity that meets the definition of a third party must lodge a third party annual return. It is the responsibility of the person or entity to monitor their electoral expenditure.



Section 287(1) of the Electoral Act sets the third party threshold at \$20,000. This amount is indexed every January 1 under section 321A.

If the third party is an entity, the return should be lodged by a person with the authority to do so. In the case of a company, this may be the Chief Executive Officer, company secretary or financial controller. In the case of a trust, it would be the trustee.

Information provided in another return



Section 310F(4) of the Electoral Act provides that a third party is not required to provide an annual return in circumstances where they provide a return as an STP, AE or NE for that calendar year, and in that STP, AE or NE return they:

- state the person or entity was also a third party in the year; and
- set out the information required under section 310F with respect to the person or entity for the year.

Annual disclosure

Third parties with related bodies corporate or branches



Section 287(6) of the Electoral Act deems related bodies corporate to be the same entity.

Section 287(8) of the Electoral Act provides that a third party that has branches is treated as a single third party, unless any of the third party or its branches are an associated entity.

The Electoral Act deems related bodies corporate to be the same entity. Related bodies corporate has the same meaning under the Electoral Act as defined in section 50 of the *Corporations Act 2001*.

If a third party is a related body corporate, the parent company of the group should lodge an annual return under its registered company name consolidated across the entire group and list the names of all related bodies corporate.

If a third party has branches, it should lodge an annual return under its name consolidated across the entire group.

Reporting period

The annual return covers the calendar year from 1 January to 31 December. If at any time during the calendar year the person or entity is a third party, the annual return must be provided for the whole calendar year.



Under section 309 of the Electoral Act, a third party must provide an annual return for a calendar year regardless of whether there are any amounts received, paid or expenditure incurred to report.

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



Third parties must lodge a required annual return, including a nil 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 third parties of their obligation to lodge an annual return. Third parties should ensure their contact details with the AEC are current. Failure by the AEC to notify third parties 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 310F of the Electoral Act governs the lodgement of annual returns by third parties.

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

Third parties that are a charity



Section 310F of the Electoral Act includes provisions for disclosure exceptions for registered charities.

Where a third party is a registered charity under the *Australian Charities and Not-for-profits Commission Act 2012*, the registered charity does not need to report amounts that were not received, paid or incurred for a federal purpose.

Total gifts for a federal purpose received



Section 310F(3)(a) of the Electoral Act requires third parties to disclose the total amount of gifts made for a federal purpose that were received during the relevant calendar year, together with the details outlined at Section 310K of the Electoral Act.

Section 310K of the Electoral Act sets out what details need to be provided regarding gifts made for a federal purpose.

The third party is required to disclose the total amount of gifts made for a federal purpose and received by the third party during the calendar year.

A gift for a federal purpose is a gift 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 310F(3)(b) of the Electoral Act requires the total electoral expenditure incurred by, or on behalf of, third parties to be disclosed in the annual return.

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

The third party is required to include within an annual return the total electoral expenditure incurred by or on behalf of the third party during the calendar year.

The third party is also required to provide certain additional details of electoral expenditure that counts towards the:

- capped entity cap
- capped entity Senate caps (for each State and Territory)
- capped entity Divisional caps
- capped entity by-election and Senate-only election caps.

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

For detailed information on expenditure caps and targeted expenditure, see the **Electoral Expenditure Guideline for Capped Expenditure Entities**.

Other details

Federal administrative accounts



Section 310F(3A) of the Electoral Act requires third parties to disclose the details of any federal administrative accounts kept at any time in the calendar year.

If the third party 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 third party 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 may be provided 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 persons 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 by a third party and subsequently found to contain an error or defect, any person who is a member, agent or officer (however described) of the third party and who is authorised to act on behalf of the third party, and whom has authority to furnish a return, 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 s306B, a company liquidator can recover a gift made to a third party 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 providing specified documentation or attending an interview with the AEC.

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



Division 5AC, Part XX of the Electoral Act provides 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 third parties 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 third parties under the Electoral Act see [Penalties – financial disclosure](#) (publication forthcoming).

Foreign donations

The Electoral Act restricts the 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 302E and 302F of the Electoral Act set out the restrictions on the receipt of gifts from foreign donors by third parties.

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
- amount of GST
- 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.