

The Commonwealth Electoral Act and not-for-profit organisations

Legal information for not-for-profit community organisations

This fact sheet covers:

- ▶ financial disclosure and registration obligations that may apply to not-for-profit organisations (where they are ‘third parties’ and ‘significant third parties’) under the *Commonwealth Electoral Act 1918 (Cth)*
- ▶ how to make a disclosure as a third party or a significant third party

This fact sheet provides information on the financial disclosure and registration obligations that may apply to not-for-profit organisations under the *Commonwealth Electoral Act 1918 (Cth)*.



Disclaimer

This fact sheet provides information on the *Commonwealth Electoral Act 1918 (Cth)* (**Electoral Act**) and how it might apply to not-for-profit organisations, where those organisations are considered third parties or significant third parties. This information is intended as a guide only, and is not legal advice nor a complete guide on the Electoral Act.

Whether and how the Electoral Act applies depends on the circumstances and you may need to get legal advice on your obligations. If you or your not-for-profit organisation has a specific legal issue, you should seek legal advice before deciding what to do.

Please refer to the [full disclaimer](#) that applies to this fact sheet.



Key concepts covered in this fact sheet

- third party
- significant third party (previously called ‘political campaigners’)
- disclosure threshold
- electoral expenditure and electoral matter
- the Transparency Register

The *Commonwealth Electoral Act 1918 (Cth)* (**Electoral Act**) imposes disclosure obligations on persons and entities that incur ‘electoral expenditure’.



What is electoral expenditure?

Electoral expenditure means expenditure incurred for the dominant purpose of creating or communicating 'electoral matter'.

In simple terms, electoral expenditure is expenditure on communications intended to influence voters.

Note that from **1 July 2026**, the definition of electoral expenditure will change to specifically exclude expenditure of an administrative nature. For more information about the legislative changes that will start on 1 July 2026 see the [AEC's webpage Funding and disclosure legislative changes](#).

The amount of electoral expenditure a person or organisation incurs will determine what, if any, disclosure obligations apply.

Disclosure obligations		
Entities that do not incur electoral expenditure or incur electoral expenditure below the disclosure threshold (\$17,300 for the 2025-26 financial year)	–	No disclosure required
Entities that incur electoral expenditure above the disclosure threshold (\$17,300 for the 2025-26 financial year)	Entity is a 'third party'	Basic disclosure obligations (annual filing)
Entities that incur electoral expenditure above the 'significant third party' threshold (currently \$250,000 – see further below)	Entity is a 'significant third party'	Detailed disclosure obligations (annual filing)



Note

From **1 July 2026**, the disclosure threshold will be reduced to \$5,000. For more information about the legislative changes that will start on 1 July 2026 see the [AEC's webpage Funding and disclosure legislative changes](#).

Electoral expenditure disclosures are made by submitting an annual return to the Australian Electoral Commission (**AEC**).



See the [Australian Electoral Commission website](#) for information on electoral expenditure, including [financial disclosure guidance](#).



Electoral reforms – from 1 July 2026

Significant funding and disclosure reforms, as set out in the [*Electoral Legislation Amendment \(Electoral Reform\) Act 2025 \(Cth\)*](#), will start on 1 July 2026.

These reforms include:

- reducing the disclosure threshold to \$5,000
- introducing expedited disclosure
- introducing donation and expenditure caps
- changes to annual returns, including reporting periods and timeframes

For more information about these changes, see the [AEC's webpage Funding and disclosure legislative changes](#).

Third parties disclosing electoral expenditure



What is a third party?

If your not-for-profit organisation incurs electoral expenditure above the disclosure threshold, it may be a third party – unless your organisation is a political entity (which includes state and territory branches of political parties).

Individuals that incur electoral expenditure above the disclosure threshold may also be third parties, except where they are a member of the House of Representatives or the Senate.

Annual returns of electoral expenditure above the disclosure threshold

An organisation must submit an annual return to the AEC for a financial year if the organisation incurs electoral expenditure equal to or more than the disclosure threshold in that financial year.



What is the disclosure threshold?

The disclosure threshold is indexed each year on 1 July to reflect changes in the consumer price index and is published on the AEC website.

The disclosure threshold that applies from 1 July 2025 to 30 June 2026 is \$17,300.



What is electoral matter?

Electoral matter is broadly defined and as matter communicated or intended to be communicated for the dominant purpose of influencing the way electors vote in a federal election. This includes influencing voters' preferences when they cast their votes.

For example, a communication that suggests that voters should give their first preference to X, or their last preference to Y, may be electoral matter.

Even a suggestion to vote in a way that results in an informal vote may be electoral matter.

If your communication promotes or opposes a political entity's policies or positions, or actions of members of Federal Parliament, it's presumed to be electoral matter that has the dominant purpose of influencing the way electors vote in an election. This presumption is rebuttable which means it is up to you to establish that the dominant purpose was not to influence the way voters vote in a federal election.

The Electoral Act includes **exceptions for matters that are not considered electoral matters** which may be relevant for not-for-profit organisations:

- communications that are part of news reporting, current affairs reporting or genuine editorial content (for instance, the genuine editorial exception may not apply to 'op-ed' pieces and such communications may be electoral matter)
- communications that have a dominant purpose of being satirical, academic, educative or artistic
- private communications between people who know each other (note that a bulk membership email may not fit into this exception)
- private communications to a political entity (who is not a Commonwealth public official) in relation to public policy or public administration
- communications that are by or to a person who is a Commonwealth public official in that person's capacity as such an official
- communications that take place in the House of Representatives or the Senate, or before a parliamentary committee

There can only be one dominant purpose for any given communication. For instance, this means a communication that has the dominant purpose of educating an audience or encouraging debate on a public policy issue will not be electoral matter, even if it may influence how voters vote.

The test of whether your organisation is communicating electoral matter applies each time the matter is communicated. The test also applies each time the matter is created – in which case, the test depends on the dominant purpose of the communication at the time of its creation or recreation. For example, a matter that is covered by an exception under the Electoral Act when originally communicated may become electoral matter if recomunicated for the dominant purpose of influencing the way a person votes.



Examples of potential electoral expenditure

The following are examples of potential electoral expenditure:

- expenditure on door-knocking activities during an election period – this may involve communicating electoral matter, even if there is no explicit direction on how to vote
- expenditure on election 'scorecards' comparing party policies – these may be electoral matter
- expenditure on staff salaries – this may constitute electoral expenditure, if the staff member's dominant role is to create or communicate electoral matter



The AEC has published a fact sheet with some examples of what is and is not electoral matter and electoral expenditure: [Electoral Matter and Electoral Expenditure](#).

It's a good idea to err on the side of caution when trying to decide whether you are communicating electoral matter.

What information must you include in your annual return?

If your organisation's electoral expenditure is equal to or above the disclosure threshold, you must submit an annual return to the AEC. Your return must show the total amount of electoral expenditure your organisation incurred.

In working out your total electoral expenditure, your organisation must include electoral expenditure that someone else incurred with your authority, as well as your own expenditure.

Your annual return must also include a statement that your organisation has complied with the rules regarding donations to third parties by foreign donors and the statement must be signed by an officer who has responsibility for ensuring compliance with the Electoral Act (see below).

Annual returns for gifts received and used for electoral expenditure by third parties

Your organisation must also submit information about **gifts** your organisation receives and uses for electoral expenditure as part your organisation's annual return. You do not need to disclose gifts or donations unrelated to electoral expenditure.



What is a gift?

A gift is any transfer of property from one person to another, where the recipient does not pay full value for the property.

Examples of gifts include:

- donations
- getting property or services (other than volunteer labour) for free
- getting property or services at a discount, where the discount is a 'special deal' or is more than discounts available under normal commercial arrangements

In what circumstances do you have to disclose gifts?

Answer the following questions to work out whether your organisation must disclose gifts:

- Did you receive any gifts?
If YES,
 - was at least one of the gifts more than (or worth more than) the disclosure threshold, or
 - was the total amount or value of all gifts received from an individual person during the financial year more than the disclosure threshold?
- If YES, did you use that gift, or part of it, during the relevant financial year to incur the electoral expenditure or to reimburse for that expenditure?
- If YES, you must submit an annual return relating to that gift (or gifts) to the AEC as part of your annual return relating to electoral expenditure.



If you did use the gift for an electoral expenditure purpose described above, you must submit an annual return relating to that gift (or gifts) to the AEC as part of your annual return relating to electoral expenditure.

What information about gifts do you have to include in an annual return?

If you received gifts worth more than the disclosure threshold, your annual return must show the details for each gift you received that, on its own, exceeded the threshold.

If you received a number of gifts from an individual person and those gifts in total were worth more than the disclosure threshold, the annual return must show the details of all of the gifts you received from that person, whatever their individual value.

The details to include in the annual return are:

- the date you received the gift
- the full name and address of the person or organisation who gave the gift (see below), and
- the amount of the gift or the value of the gift

The value of a gift may be based on the gift's normal commercial sale value (fair value).

If the gift was received from an unincorporated association (other than a registered organisation), the return must show the name of the association and the name and addresses of all the committee members.

If the gift was received from the fund of a trust or foundation, the return must show the names and addresses of all the trustees of the trust fund or foundation and the title, name or other description of the trust fund or foundation.

If you have disclosed a gift in a previous annual return, you don't have to disclose it again.

Restriction on foreign political donations to third parties

The Electoral Act restricts third parties from receiving donations or gifts from foreign donors.

Third parties must not receive gifts from foreign donors for the amount or value equal to or above the disclosure threshold, which are then used for:

- the purpose of incurring electoral expenditure, or
- the dominant purpose of creating or communicating electoral matter

In addition, a third party must not receive a gift of an amount or value of \$100 or more from a foreign donor if either of the following applies:

- the third party knows the foreign donor intends the gift to be used to incur electoral expenditure, or for the dominant purpose of creating or communicating electoral matter, or
- the third party accepted the gift intending to use the gift for the purposes of incurring electoral expenditure, or for the dominant purpose of creating or communicating electoral matter

If a third party receives a donation from a foreign donor in contravention of the restrictions in the Electoral Act, the Act provides six weeks from the donation being made for it, or an equivalent amount, to be returned to the donor or transferred to the Commonwealth.

Third parties and the Transparency Register

If your not-for-profit organisation meets the test of a third party, it is not required to register with the AEC (unlike significant third parties, discussed below).

However, a third party will be included on the [AEC's Transparency Register](#) if it lodges a financial disclosure return for a year (or any of the previous three financial years). Third parties will remain on the Transparency Register for three years following a financial year for which it reports.

Significant third parties – registration and disclosing electoral expenditure

Your not-for-profit organisation may be a 'significant third party' (previously called 'political campaigners') if your organisation's electoral expenditure:

- exceeds \$250,000 for a financial year or any one of the previous three financial years
- is at least equal to the disclosure threshold for a financial year, and the electoral expenditure represented at least one-third of the organisation's revenue for the previous year, or
- during a financial year, the organisation operates for the dominant purpose of fundraising amounts:
 - the aggregate of which is at least equal to the disclosure threshold, and
 - that are for the purpose of incurring electoral expenditure or that are to be gifted to another person or entity for the purpose of incurring electoral expenditure

Registration of significant third parties

Any person or body who is a significant third party is required to register with and submit annual returns to the AEC.

Once your organisation's electoral expenditure has reached the threshold for a significant third party (see above), you have **90 days** to register with the AEC. Failing to register within this timeframe may result in a civil penalty.

To register, a significant third party must complete the [application to register as a significant third party form](#).

Details of registered significant third parties are listed on the [Transparency Register](#) established by the AEC.

Annual returns of significant third parties

Significant third parties must submit an annual return by 20 October each year.

A significant third party that registers within the current financial year and was not required to be registered in the previous financial year must lodge an annual return for the previous financial year **within 30 days of having been registered**.

If your organisation meets both tests relating to a third party and a significant third party, it does not need to lodge a third party return.

Significant detail is required in an annual return for significant third parties.

The annual return must include:

- the total amount received by, or on behalf of, the significant third party during the financial year
- the total amount paid by, or on behalf of, the significant third party during the financial year
- the total outstanding amount of all debts incurred by, or on behalf of, the significant third party as at the end of the financial year
- the total amount of electoral expenditure incurred by, or with the authority of, the significant third party
- details of any discretionary benefits received by, or on behalf of, the significant third party from the Commonwealth, a state or a territory during the financial year, and
- the following details in relation to amounts received (including loans) that are more than the disclosure threshold:
 - the full name and address of:
 - a person or organisation who paid an amount
 - an unincorporated association who paid an amount and the association's committee members
 - a trust or foundation who paid an amount and the trust or foundation trustees, and
 - if the total of all the amounts received from a single source is more than the disclosure threshold, details of the source (its name and the names and addresses of its executive committee)

Restriction on foreign political donations to significant third parties

The Electoral Act restricts significant third parties from receiving donations or gifts from foreign donors.

Under the Electoral Act, it may be a criminal offence for a significant third party to:

- receive a gift from a foreign donor if the amount or value of the gift is at least equal to \$100, and
 - the significant third party knows the donor is a foreign donor, and
 - the significant third party knows that the foreign donor intends the gift to be used to incur electoral expenditure, or for the dominant purpose of creating or communicating electoral matter
- receive a gift of \$1,000 above the disclosure threshold without obtaining a written affirmation from the donor that the donor is not a foreign donor, and
- receive gifts equal to or above the disclosure threshold without obtaining written affirmation and appropriate information to establish that the donor is not a foreign donor

As with third parties, if a significant third party receives a donation from a foreign donor in contravention of the restrictions in the Electoral Act, the Act provides six weeks from the donation being made for it, or an equivalent amount, to be returned to the donor or transferred to the Commonwealth.



For more information, see:

- the AEC's [webpage 'disclosure overview of key topics'](#) where the AEC's publication on [Foreign Donations](#) is published
- the AEC's [webpage 'significant parties'](#) where the [Financial Disclosure Guide for Significant Third Parties 2024-2025](#) is published

How to submit annual returns

Who is responsible for lodging the annual returns?

For **third parties**, the AEC requires a person with appropriate authority and access to financial records to sign the annual return. For example, the AEC suggests a Chief Executive Officer or company secretary. An unincorporated not-for-profit organisation could nominate a person with appropriate authority and access to financial records.

For **significant third parties**, the annual return must be submitted by the nominated financial controller. For companies, financial controller is the secretary of the company. For a trust, this is the trustee. In other cases, the financial controller is the person responsible for maintaining the entity's financial records. Further requirements for the appointment of financial controllers are set out in the Electoral Act.

What form do you use?

An annual return must be lodged using the form produced by the AEC. There are different annual return forms for third parties and significant third parties.

Annual return for third parties

The annual return form for third parties is called the '[Third Party Return of Electoral Expenditure](#)'.

The Third Party Return of Electoral Expenditure form includes two parts:

- **Part 1** – for electoral expenditure incurred for that financial year (the specific amount spent must be detailed), and
- **Part 2** – for gifts received for electoral expenditure for that financial year (the specific amount gifted, the date of the gift and the name and address of the donor must be listed).

The person completing the annual return must certify that:

- the information contained in the return is true and complete
- they have made due and reasonable inquiries of the organisation, and

- they understand it is an offence under the Commonwealth *Criminal Code Act 1995* (Cth) to provide a false or misleading return

There is no fee to lodge a Third Party Return of Electoral Expenditure form.



For more information, see the AEC's [webpage 'third parties'](#) where the [Financial Disclosure Guide for Third Parties 2024-2025](#) is published

Annual return for significant third parties

The Significant Third Party Disclosure Return is made up of eight parts and as discussed above, requires considerable detail.

The financial controller completing the annual return must certify that:

- the information contained in the return is true and complete
- they have made due and reasonable inquiries of the organisation, and
- they understand it is an offence under the Commonwealth *Criminal Code Act 1995* (Cth) to provide a false or misleading return.



To assist in completing this form, the AEC has published a '[Financial Disclosure Guide for Significant Third Parties 2024-2025](#)'.



Note

The annual return forms and guides are updated each year. Make sure you use the most up-to-date form and guide.

Where do you lodge the annual return?

Annual return options	
• Online	The AEC provides for forms to be submitted through its eReturns portal . An eReturn account is required.
• Hard copy	The AEC publishes hard copy annual return forms for each financial year on the AEC website . Forms should be posted to: Funding and disclosure, Australian Electoral Commission, Locked Bag 4007, Canberra ACT 2601



Tip

Keep records of expenditure relevant to your obligations under the Electoral Act, including, for example:

- tax invoices
- receipts
- salary records
- bank deposit books and cheque butts
- bank account statements
- credit card statements

You must keep records for at least five years.

You don't have to include these records with an annual return, but you may need to verify the information in an annual return.

When must you lodge the annual return?

Annual returns can be lodged any time from 1 July each year.

Third parties must lodge an annual return covering the financial year by **17 November**.

Significant third parties must lodge an annual return by **20 October** each year. In addition, once registered as a significant third party, a return for the previous financial year must be lodged within 30 days of the significant party becoming registered.

What happens if you don't lodge an annual return?

Your organisation may be liable for a civil penalty if it is required to submit an annual return and doesn't do this by the required date.

The maximum penalty for third parties may be up to the higher of 60 penalty units (currently \$19,800) or three times the amount not disclosed, and for significant third parties may be up to the higher of 120 penalty units (currently \$39,600) or three times the amount not disclosed.

Other consequences of failing to comply with the Electoral Act

Failure to comply with the Electoral Act may result in civil or criminal penalties. The [AEC has published a summary of breaches or offences applicable to third parties or significant third parties](#).

In certain circumstances and in addition to having to pay any penalty, your organisation may be ordered to refund to the Commonwealth amounts wrongfully obtained or made in contravention of the Electoral Act.

Are annual returns open for public inspection?

Annual returns are published on the first working day of February each year. They can be accessed online on the [Transparency Register](#).

You can also search the [Transparency Register's Annual Returns](#) by name (individual or organisation), electoral expenditure or gifts received. Annual returns are accessible as PDFs.