



# Financial Disclosure Guide for Candidates

*2023 Fadden by-election*

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# Introduction

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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 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 candidates, Senate groups, political parties, Members of the House of Representatives, Senators, significant third parties, associated entities, third parties and donors to lodge financial disclosure returns with the Australian Electoral Commission (AEC). The disclosure returns are then published on the [Transparency Register](#).

## The Guide

This version of the Financial Disclosure Guide for Candidates (the Guide) applies to election disclosure returns for the 2023 Fadden by-election. While the guide is intended to assist with meeting financial disclosure requirements, it does not address the whole of the Electoral Act. Stakeholders should familiarise themselves with the relevant parts of the Electoral Act and seek independent legal advice where necessary.

The Electoral Act and all guides published by the AEC are available at [www.aec.gov.au](http://www.aec.gov.au) and financial disclosure returns are also available for viewing on the [Transparency Register](#) following the public release date.

This guide incorporates text boxes to highlight important information. Each text box is prefaced with a symbol. For example:

	A warning symbol indicates information relating to a legal obligation under the Electoral Act.
	An information symbol indicates a useful tip.
	A timing symbol indicates a due date.

# Election disclosure

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## Responsibility for lodging the Candidate Return (the return)

The agent of a candidate must lodge the return. Where a candidate has not appointed an agent, the candidate is taken to be their own agent and will be responsible for lodging their own return. References in this Guide use 'agent' to mean the appointed agent or the candidate.

[Appointment of candidate agent forms](#) are available on the AEC website.



Section [289](#) of the Electoral Act provides for the appointment of agents by candidates and groups.

Section [292F](#) of the Electoral Act lists the requirements for being appointed as an agent.

## Disclosure threshold



The disclosure threshold for the 2023 Fadden by-election is for amounts of more than **\$15,200**. This figure is indexed annually.

## Due date for lodging the return

The AEC will advise agents of their obligation to lodge the return. Agents should ensure their contact details that are recorded with the AEC are kept up to date.



Completed Candidate Returns, including nil returns, must reach the AEC **no later than 15 weeks after polling day**.

Candidate Returns relating to the 2023 Fadden by-election on 15 July 2023 are **due by 30 October 2023**.

**The AEC has no legislative discretion to extend this deadline.**

## Lodging your return

Agents can prepare and lodge their returns online via the [eReturns portal](#). The eReturns portal can be accessed from <https://ereturns.aec.gov.au>. The easiest way to lodge your return accurately and on time is to use the [eReturns portal](#); it is quick, secure and allows for the importing of files, which eliminates transcription errors. To assist with completing a return online, a step-by-step guide is available on the AEC website in the form of the [eReturns Candidate Quick Reference Guide](#).

To use the eReturns portal agents will be issued a username and password.

## Penalties

The Electoral Act imposes civil penalties and, in some cases, criminal penalties if a person or entity contravenes the requirements of the Electoral Act. The AEC provides support, including this guide, to assist agents of candidates 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 candidates under the Electoral Act see [Penalties – financial disclosure](#) on the AEC website.

For further information on [compliance and enforcement](#) see [Compliance and Enforcement](#) on the AEC website



Candidates may be subject to a compliance review by the AEC to assess the completeness and accuracy of lodged disclosure returns.

# Important Information

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## Definition of a donation

A donation has the same meaning as a gift under the Electoral Act. A gift is defined as any disposition of property made by a person to another person, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration, but does not include:

- (a) a payment under Division 3; or
- (b) an annual subscription paid to a political party, to a State branch of a political party or to a division of a State branch of a political party by a person in respect of the person's membership of the party, branch or division; or
- (c) any visit, experience or activity provided for the purposes of a political exchange program.

A gift also includes a 'gift-in-kind', such as the provision of a service (other than volunteer labour) for no consideration (see [Part 1a](#) for examples).



Section [287\(1\)](#) of the Electoral Act provides the meaning of a gift.

## Foreign donations

Candidates are **restricted**:

- from receiving gifts of \$100 or more where:
  - the recipient knows the donor is a foreign donor; and
  - the recipient 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](#); and
- from receiving gifts of \$1,000 to the disclosure threshold without obtaining a written affirmation that the donor is not a foreign donor; and
- from receiving 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.


A foreign donor is a person or entity who does not have a connection with Australia, such as a person who is not an elector, an Australian citizen or an entity that does not have a significant business presence in Australia.

**Note:** For the purposes of foreign donations restrictions, candidates are taken to commence:

- the earlier of:
  - the day that is 6 months before the day the person announced their candidacy in an election; or
  - the day that is 6 months before the day the person nominated as a candidate in an election.

and ending 30 days after polling day (15 July 2023).

The [Fact Sheet on Foreign Donations](#) contains further information and is available on the AEC website.

	<p>Section <a href="#">287AA</a> of the Electoral Act provides the meaning of a foreign donor.</p> <p>Sections <a href="#">302D</a> and <a href="#">302F</a> of the Electoral Act restrict candidates and Senate groups from receiving gifts from foreign donors.</p>
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## Anti-avoidance provisions


The Electoral Act prevents schemes that are established to knowingly avoid foreign donations restrictions. The anti-avoidance provisions prohibit schemes which channel foreign donations via a relevant person or entity to:

- political entities
- members of the House of Representatives
- Senators
- significant third parties
- associated entities; or
- third parties.

It is an offence under section 302H to establish arrangements to avoid the foreign donations restrictions. The Electoral Commissioner can issue a written notice if:

- a relevant person or entity (alone or with others) enters into, begins to carry out or carries out a scheme;
- there are reasonable grounds to conclude the relevant person did so for the sole or dominant purpose of avoiding foreign donation restrictions; and
- the scheme involved donation splitting, conduit corporations or any other unspecified avoidance scheme; and
- the scheme avoids the application of a foreign donation restriction.

A person or entity who commits an offence may be subject to civil or criminal penalties.

	<p>Section <a href="#">302H</a> of the Electoral Act prohibits schemes to avoid foreign donations restrictions.</p>
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## Winding-up of a donor company

A company liquidator may take action to recover a gift from a candidate that exceeds the disclosure threshold (\$15,200 in 2022-23), which was made by a company that is wound up within one year of the gift being made.



Section [306B](#) of the Electoral Act allows a company liquidator to recover a gift over the disclosure threshold.

## Electoral matter and electoral expenditure

Electoral expenditure is expenditure incurred for the dominant purpose of creating or communicating electoral matter. Electoral matter is matter communicated or intended to be communicated for the dominant purpose of influencing the way electors vote in an election.

Further information can be found in the [Factsheet on Electoral Matter and Electoral Expenditure](#) available on the AEC website.



Section [287AB](#) of the Electoral Act provides the meaning of electoral expenditure and section [4AA](#) of the Electoral Act provides the meaning of electoral matter.

# The return

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A candidate in an election must disclose the following information in the return:

- donations received—see [Part 1](#)
- electoral expenditure—see [Part 2](#)
- discretionary benefits—see [Part 3](#)



Sections [304](#), [307](#), [309](#) and [313](#) of the Electoral Act govern the lodgement of election disclosures by agents of candidates and Senate groups.

## Endorsed candidates

Disclosure obligations may differ if candidates are endorsed by a registered political party. For example, where all transactions are made through a campaign committee (see below).

**Note:** an endorsed candidate may receive donations for use in an election campaign that are not received through the campaign committee of a registered political party. Those donations must be disclosed in the candidate return.

See [Appendix 2](#) for a summary of the disclosure scenarios for different categories of candidates.

## Campaign committee

A campaign committee in relation to a candidate means a body of persons appointed or engaged to form a committee to assist the campaign of the candidate in an election.

If donations to endorsed candidates are channelled through a campaign committee, the donations must be included in the registered political party's annual disclosure return and **not** the candidate return. However, the candidate still has an obligation to lodge a **nil** return with the AEC.

Endorsed candidates must determine whether a donation was received by the candidate or through a campaign committee. If the donation was received by the candidate, rather than through a campaign committee, it must be disclosed in the candidate return. If the donation was received through a campaign committee, then the donation must be reported in the political party's annual return.

[Appendix 2](#) presents a summary of the different disclosure scenarios that may apply to a candidate.

## Part 1: Donations received

Part 1 of the return requires the disclosure of the:

- total donations received—see [Part 1a](#)
- total number of donors—see [Part 1b](#)
- details of donations above the disclosure threshold—see [Part 1c](#).



Section [304](#) of the Electoral Act provides for the disclosure of gifts by the agent of a candidate or Senate group.

**Note:** A person or organisation that makes donations to a candidate in an election exceeding the [disclosure threshold](#) is required to lodge an Election Donor Return. A [Financial Disclosure Guide for Election Donors](#) is available on the AEC website.

## Donations made in a private capacity

Where a donation is made in a private capacity to a candidate for their **personal use**, and the donation has not, and will not be used solely or substantially for a purpose related to an election, the relevant details are **not required** to be disclosed in the return.



Section [304\(5\)\(b\)](#) of the Electoral Act provides for the disclosure of gifts made in a private capacity.

## Nil donations received

Where no donations in relation to an election are received by a candidate, **a return must still be lodged**, indicating nil donations received.



Section [307](#) of the Electoral Act requires a nil return to be lodged.

## Period within which donations received and electoral expenditure incurred must be disclosed

Candidates must report donations received and electoral expenditure incurred for the period commencing:

- the earlier of:
  - the day that is 6 months before the day the person announced their candidacy in an election; or
  - the day that is 6 months before the day the person nominated as a candidate in an election

and ending 30 days after polling day (14 August 2023).



Sections [304\(10\)-\(11\)](#) and [309\(6\)-\(7\)](#) of the Electoral Act provides for when a person is deemed to be a candidate or part of a group for the purposes of disclosure.

### Part 1a: Total of donations received

In this part, the agent must report the **total value** of **all** donations (including gifts-in-kind) received during the period that the person was a candidate in an election. This includes donations above and below the disclosure threshold (\$15,200 in 2022-23).

Donations received may include, but are not limited to:

- gifts of money
- gifts-in-kind of services or goods
- conditional loans in some circumstances.

#### Examples – gifts of money

Below are examples of donations to be included in Part 1a of the return:

- A donation of \$5,000 cash received from a donor, where the donation was made for the benefit of a candidate and not a registered political party.
- A donation of \$5,000 from a family company or trust made directly to a candidate, where the donation is used to incur campaign expenditure.
- A donation of \$2,000 made to a person who is acting on the candidate's behalf or with their authority, and the donation is for the benefit of the candidate and not a registered political party.
- Two separate donations made to a candidate and received from the same person on different days. One amount is \$9,500 and the other is \$35,000.
  - Both the \$9,500 and \$35,000 amounts are to be included in the candidate return.

## Examples – gifts-in-kind of services or goods

Gifts-in-kind may be goods or services received for which no payment (in cash or in-kind) or inadequate consideration is made. Inadequate consideration is where the benefits obtained are clearly of a lesser value than the payment made. Inadequate consideration includes discounts provided that are over and above those that would be offered under normal commercial arrangements.

These gifts are to be disclosed for an amount that reflects their fair value. That is, the normal commercial or sale value of the item or service as evidenced by arms-length transactions, or comparative quotations or expert assessment.

Examples of gifts-in-kind to be included in Part 1a of the return include (but are not limited to):

- free/discounted services such as legal advice, accounting services or web and IT services
- excessive payments received for goods, services or other benefits provided (including excessive membership fees)
- wages or salaries (including on-costs) incurred by an employer whose employee works for the party during normal working hours while continuing to receive salary or wages from the employer (but not if the employee takes paid leave to work for the party)
- free/discounted use of premises or equipment and facilities
- free use of a motor vehicle, or free fuel or servicing of a motor vehicle
- free/discounted time or production services by a broadcaster (except time provided by the ABC or SBS specifically for political broadcasting)
- free/discounted advertising by a publisher or advertising production service
- free air travel or the free use of a private aircraft
- loans provided interest free, or at rates that are less than those available in the commercial loan market
- free/discounted printing, typesetting or associated services
- free/discounted goods or services (for example, travel, artwork, sports memorabilia or electrical goods) for use in raffles or other fundraising activities.

## Which transactions are not to be reported in the return?

Transactions that do not need to be reported by the agent of a candidate as donations received include:

- personal donations to a candidate which are not used wholly or in part to fund campaign expenditure
- commercial discounts received in the normal course of business
- loans (except conditional loans in some circumstances—see [‘Example - conditional loans’](#) below)
- volunteer labour, such as persons handing out how-to-vote cards
- an offer by a broadcaster to interview a candidate


- interviews and news items published in a newspaper or broadcast in electronic media
- donations received on behalf of a political party or by the campaign committee of an endorsed candidate (details of these must be passed on to the registered political party as they are required to be disclosed by the party agent in the relevant registered political party's annual disclosure return)
- material presented on an 'advertorial' basis (that is a combination of paid advertising and interviews) should be disclosed consistent with the promotional intention of the activity.

### Example – conditional loans

Candidates may receive a loan whose repayment is conditional upon the 4 per cent of formal first preference vote election funding threshold being achieved. If less than 4 per cent of votes are received, the amount becomes a donation; if more than 4 per cent of votes are received, the amount is a loan to be repaid.

**Note:** a candidate **cannot** receive loans of more than the disclosure threshold (\$15,200 in 2022-23) from a person or entity other than a financial institution unless a record of the terms and conditions of the loan and the particulars (for example, name(s), title(s) and contact details) of the person or entity providing the loan are retained.

**Note:** A financial institution is a bank, credit union, building society or a special service provider registered with the Australian Prudential Regulation Authority (APRA). An up-to-date list is available from the [APRA website](#).

	<p>Section <a href="#">306A</a> of the Electoral Act provides for certain loans not to be received.</p> <p>Section <a href="#">306A</a> of the Electoral Act makes it unlawful for loans to be received from a person or entity other than a financial institution unless certain records are kept.</p>
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As the determination of whether 4 per cent of the formal first preference vote was received will be finalised well within the 15 week lodgement period for candidate returns, the amounts of such loans may be reported as donations if appropriate. This reflects the reality that sufficient information would be available to determine the majority of such arrangements within the reporting period applying to candidates.

## Part 1b: Total number of donors

This part requires disclosure of the **total number of donors** who made the donations included in [Part 1a: Total of donations received](#).

## Part 1c: Details of donations received

Part 1c requires disclosure of the **details** of donations received greater than the disclosure threshold (\$15,200 in 2022-23) during the period that the person was a candidate in an election. Where a candidate receives donations from a single source that total more than the disclosure threshold, the relevant details of all of those donations must be disclosed. The relevant details to be disclosed are:

- the full name and address details of the person or organisation from whom the donation was received
- the date each donation was received
- the value or amount of each donation.

### Amounts received from unincorporated associations, trusts, or foundations

Where an amount has been received from an unincorporated association (other than a registered industrial organisation), the name of the association and the names and addresses of all members of the executive committee of the association must be disclosed.

Where an amount has been received from a trust fund or foundation fund, the name and description of the trust or foundation and the names and addresses of all trustees must be disclosed.

## Part 2: Electoral expenditure

Part 2 of the return requires disclosure of the **total amount of electoral expenditure** incurred by or with the authority of the candidate in relation to an election.

Detailed information on electoral expenditure is provided in the [Electoral Matter and Electoral Expenditure Factsheet](#) available on the AEC website.



Section [309](#) of the Electoral Act provides for the disclosure of electoral expenditure incurred by candidates and groups.

## Period within which electoral expenditure must be disclosed

Candidates must report donations that are received and electoral expenditure that is incurred for the period commencing:

- the earlier of:
  - the day that is 6 months before the day the person announced their candidacy in an election; or
  - the day that is 6 months before the day the person nominated as a candidate in an election

and ending 30 days after polling day (14 August 2023).

## Examples – electoral matter and electoral expenditure

In general, any expenditure incurred by a candidate in relation to an election will be electoral expenditure.

Examples of electoral matter and electoral expenditure include, but are not limited to, the following scenarios:

- Amal is a candidate in an upcoming election. She holds a ‘meet the candidate’ street party for all the neighbours in her street, to try to convince them to vote for her. 50 neighbours attend. Amal only knew five of them beforehand but gets to know the rest at the event. Amal’s communications at the event are considered electoral matter as these are not exclusively private communications to people Amal knows.
- Amal and Jenny are next door neighbours and know each other well. Jenny is the conductor of a local choir and writes down the phone numbers of 50 choristers so that Amal can call them to seek their votes. Even though Amal tells each person on the phone list that Jenny is a mutual friend, the communication is considered electoral matter as Amal had no prior relationship with these individuals.
- A candidate engages an advertising agency to develop a campaign containing electoral matter. The expenditure incurred by the advertising agency in creating electoral matter is not electoral expenditure because the agency was engaged on a commercial basis. However, the cost of engaging the advertising agency is electoral expenditure incurred by the candidate.
- Anne owns several office blocks and leases the spaces to a number of corporate clients. One of the office spaces is leased to an independent candidate in an upcoming election who uses the space to run a call centre to communicate electoral matter. Any expenditure incurred by Anne in relation to her tenants, including the candidate, is not electoral expenditure because her dominant purpose is commercial (profiting from her investment in her office blocks). However, the rent paid by the candidate is electoral expenditure.



## What is not electoral matter?

Matter is not electoral matter if the communication or intended communication of the matter:

- forms part of the reporting of news, the presenting of current affairs or any genuine editorial content in news media; or
- is for a dominant purpose that is a satirical, academic, educative or artistic; or
- is a private communication by a person to another person who is known to the first person; or
- is or would be by or to a person who is a Commonwealth public official (within the meaning of the Criminal Code) in that person's capacity as such an official; or
- is or would be a private communication to a political entity (who is not a Commonwealth public official) in relation to public policy or public administration; or
- occurs or would occur in the House of Representatives or the Senate, or is or would be to a parliamentary committee.

Examples of what is not electoral matter or electoral expenditure include, but are not limited to, the following scenarios:

- As part of her campaign, Amal hosts a 'meet the candidate' dinner party with 50 of her friends including a mixture of people from her work, sports team and old university residence. Discussions at Amal's dinner party are not considered electoral matter as it involves private communication to people she knows.
- A registered political party invites its members to a book club night to discuss recent political biographies. As the dinner is a 'social club' activity of the party and unrelated to an election, the cost of the dinner is not electoral expenditure.

## Nil electoral expenditure

If no electoral expenditure was incurred by or with the authority of a candidate in an election, a return **must still be lodged** indicating that no electoral expenditure was incurred.



Section [313](#) of the Electoral Act requires a nil return to be lodged by candidates and Senate groups when no electoral expenditure is incurred.

## Part 3: Discretionary Benefits

Part 3 of the return requires the disclosure of the **details of any discretionary benefits** (however described) received by or on behalf of the candidate from the Commonwealth, a state or territory in an election during the period of 12 months before polling day in an election.



Section [309\(4\)](#) of the Electoral Act provides for the disclosure of the details of any discretionary benefits that are received.

### What are discretionary benefits?

Discretionary benefits include:

- grants
- contracts
- payments
- other benefits requiring the exercise of discretion by the Commonwealth or a state or territory.

**Note:** discretionary benefits are different to statutory entitlements, which are provided automatically if specified criteria are met, such as election funding.

### Period within which discretionary benefits must be disclosed

Details of discretionary benefits received during the **12 months before polling day** (15 July 2022 to 14 July 2023) must be disclosed.

### Discretionary benefit details

Discretionary benefit details to be disclosed in the return include the:

- full name and address details of the person or organisation from whom the discretionary benefit was received
- date the discretionary benefit was received
- value or amount of the discretionary benefit.

# Incomplete returns

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Where an agent is unable to obtain all the information required to fully complete the return, a Notice of Incomplete Return **must be completed** and lodged with the incomplete return.

Where it is necessary to submit a Notice of Incomplete Return:

- complete the Candidate Return as fully as possible
- complete the Notice of Incomplete Return
- lodge the Notice of Incomplete Return and the incomplete Candidate Return with the AEC at the same time.

**Note:** lodgement of a Notice of Incomplete Return does not relieve the agent of the responsibility of making reasonable efforts to obtain the information required to complete the return. The AEC may assess whether the lodgement of a Notice of Incomplete Return was used by an agent to avoid their responsibilities under the Electoral Act.



Section [318](#) of the Electoral Act provides for when a person who is required to furnish a return is unable to do so.

The Notice of Incomplete Return contains three parts:

Part 1 – requires the full details of the information believed to be missing from the return.

Part 2 – requires the:

- reason the particulars listed in Part 1 were unable to be obtained
- details of all attempts made to obtain the missing information

Part 3 – requires the:

- full name(s) and address details of the person(s) believed to possess the missing particulars
- reason why it is believed this person(s) possesses the required information.

# Amending returns

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A request may be made to, or by the AEC seeking an amendment of a return that has been lodged and subsequently found to be incomplete or incorrect.



Section [319A](#) of the Electoral Act provides for the amendment of returns.

If a candidate considers that they need to make an amendment to their Candidate Return, the agent of the candidate (if applicable) should contact the Disclosure and Compliance section at [fad@aec.gov.au](mailto:fad@aec.gov.au).

## Administration

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### Date for public inspection of election returns

Election returns are made available for public inspection on the [Transparency Register](#) 24 weeks after polling day. For the 2023 Fadden by-election that date is 2 January 2024.

### Record keeping

Candidates, like all other persons or entities, should keep adequate records.

Financial recording systems and procedures must be sufficient to enable the Candidate Return, which will be publicly available, to be properly completed.

All transactions should be supported by source documents recording the details of individual transactions. Examples of source documents include:

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

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

- date of the transaction
- name of the person and/or organisation from whom a donation was received
- name of the person and/or organisation to whom a payment was made
- name and address of the organisation that has provided a loan to the candidate
- total payment made or amount received
- amount of goods and services tax (GST)
- merchant fees.

## Retention of records

Relevant records, whether formal or informal, must be retained for a minimum of 5 years following the end of the reporting period.

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

A person or entity who fails to comply with these requirements will be subject to civil penalties.



Section [317](#) of the Electoral Act provides for the retention of records.

## Compliance Reviews

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The AEC conducts compliance reviews of election returns lodged by agents to verify the accuracy and completeness of disclosures.

Compliance reviews are undertaken 'off-site'; however, officers of the AEC may still attend agent premises to inspect original documentation and to hold an exit interview to discuss the review.

A written report will be issued detailing any findings. This may include advice to amend the Candidate Return.

Information on the AEC's [Financial Disclosure Compliance Framework and Compliance and Disclosure Policy](#) can be found on the AEC website.



Section [316\(2A\)](#) of the Electoral Act provides for the conduct of compliance reviews.

# Appendix 1 – Glossary of terms

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Term	Definition
<b>AEC</b>	Australian Electoral Commission
<b>Anti-avoidance scheme</b>	<p>Donation splitting: a foreign donor avoiding a disclosure threshold by giving multiple gifts below the disclosure threshold.</p> <p>Conduit corporations: a foreign donor forming or participating in the formation of a body corporate in Australia in order to channel gifts through an allowable donor.</p> <p>Unspecified avoidance scheme: facilitates a foreign donor making a prohibited gift, that is not donation splitting or a conduit corporation.</p>
<b>Campaign committee</b>	A campaign committee, in relation to a candidate or group, means a body of persons appointed or engaged to form a committee to assist the campaign of the candidate or group in an election.
<b>Disclosure threshold</b>	Detailed disclosure must be made of receipts totalling more than \$15,200. This threshold is indexed annually.
<b>Discretionary benefits</b>	Grants, contracts, payments and other benefits requiring the exercise of discretion by the Commonwealth or a State or Territory.
<b>Donor</b>	A person, organisation or other body other than a political party, an associated entity or a candidate in an electoral event who is under an obligation to furnish a disclosure return because they made a donation.
<b>Electoral Act</b>	<i>Commonwealth Electoral Act 1918</i>
<b>Electoral expenditure</b>	<p>Expenditure incurred for the dominant purpose of creating or communicating electoral matter.</p> <p>The <a href="#">Factsheet on Electoral Matter and Electoral Expenditure</a> on the AEC website contains further information.</p>
<b>Electoral matter</b>	<p>Matter communicated or intended to be communicated for the dominant purpose of influencing the way electors vote in a federal election.</p> <p>The <a href="#">Factsheet on Electoral Matter and Electoral Expenditure</a> on the AEC website contains further information.</p>
<b>Foreign donation</b>	<p>A donation or gift to a political entity, significant third party or third party from a foreign donor.</p> <p>The <a href="#">Factsheet on Foreign Donations</a> on the AEC website contains further information.</p>

Term	Definition
<b>Foreign donor</b>	<p>A person or entity who does not have a connection with Australia, such as a person who is not an elector, an Australian citizen or an entity that does not have significant business presence in Australia.</p> <p>The <a href="#">Factsheet on Foreign Donations</a> on the AEC website contains further information.</p>
<b>Gift-in-kind</b>	<p>Non-cash donations. For example, the receipt of an asset or service, discounts other than in the normal course of business and non-commercial or excessive payment for goods or services (including memberships). Gifts-in-kind must be disclosed for an amount that reflects the fair value, that is, normally the commercial or sale value of the item or service.</p> <p>Examples of gifts-in-kind:</p> <ul style="list-style-type: none"> <li>■ the donation of legal advice by a solicitor</li> <li>■ the donation of the use of premises to conduct campaign activities.</li> </ul>
<b>Indexation</b>	<p>The disclosure threshold is indexed to the All Groups Consumer Price Index. The <a href="#">disclosure threshold</a> is available on the AEC website.</p>
<b>Penalty Unit</b>	<p>See <a href="#">subsection 4AA(1A)</a> of the <i>Crimes Act 1914</i> for penalty unit information.</p>
<b>Public inspection</b>	<p>Disclosure returns are available for public inspection on the <a href="#">Transparency Register</a>.</p> <p>Election returns are made available 24 weeks after polling day.</p>
<b>Registered political party</b>	<p>A political party <a href="#">registered with the AEC</a> or any state or territory branch of a federally registered political party. Registration with a state or territory electoral authority does not confer federal registration.</p>
<b>Related body corporate</b>	<p><a href="#">Section 50</a> of the <i>Corporations Act 2001</i> provides that where a body corporate is:</p> <ul style="list-style-type: none"> <li>■ a holding company of another body corporate,</li> <li>■ a subsidiary of another body corporate, or</li> <li>■ a subsidiary of a holding company of another body corporate,</li> <li>■ the first-mentioned body and the other body are 'related' to each other.</li> </ul> <p>Transactions of related body corporates should be consolidated when determining whether the disclosure threshold has been reached.</p>
<b>Senate group</b>	<p>Two or more candidates for election to the Senate who made a written request to the AEC with their nominations that their names be grouped on the ballot-paper, or grouped in a specified order.</p>
<b>State branch</b>	<p>A branch or division of a federally registered political party organised on the basis of a State or Territory. State branches are treated as separate political parties for funding and disclosure purposes.</p>

Term	Definition
<b>Transparency Register</b>	A <a href="#">register</a> established and maintained by the AEC that contains information about registered political parties, significant third parties, associated entities, third parties, Members of the House of Representatives, Senators, candidates and Senate groups.
<b>Volunteer labour</b>	A service provided free of charge to a candidate by any other person where that service is not one for which that person normally receives payment. Volunteer labour provided to a registered political party does not need to be disclosed as a gift by that person or the registered political party. An example of volunteer labour would be a person handing out how-to-vote cards.



## Appendix 2 – Summary of disclosure scenarios for different categories of candidates

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Category	Obligation
Candidates endorsed by a registered political party	<ul style="list-style-type: none"><li>■ May appoint an agent to act on their behalf or be their own agent.</li><li>■ The agent must lodge a <b>Candidate Return</b> (including a 'nil' return if appropriate).</li><li>■ A 'nil' return is required when all transactions are made through a campaign committee, or all transactions are received on behalf of the registered political party, and there were no other 'personal' campaign gifts or transactions.</li><li>■ Details of any donations, expenditure, loans incurred and any discretionary benefits received on behalf of the registered political party should be provided to the party agent for inclusion in the <b>registered political party's annual return</b>.</li><li>■ See <a href="#">Election Funding Guide</a> for payment arrangements.</li><li>■ The party agent is not the agent of individual endorsed candidates unless separately appointed.</li></ul>
Unendorsed candidates	<ul style="list-style-type: none"><li>■ May appoint an agent to act on their behalf or be their own agent.</li><li>■ The agent must lodge a <b>Candidate Return</b> (including a 'nil' return if appropriate).</li></ul>