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**ELECTION FUNDING AND DISCLOSURE IN AUSTRALIAN JURISDICTIONS:  
A QUICK GUIDE<sup>1</sup>**

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This Quick Guide summarises the complex funding and disclosure laws federally, and in each Australian state and territory. These laws regulate who can make and receive political donations, how and when those donations must be disclosed, how much money political parties can spend for their election campaigns, and the amount of public money they receive to fund their election campaigns and general operations.

This document does not attempt to capture every nuance of each system and is not a substitute for legal advice. The laws occasionally change, and the Guide only reflects the laws at the time of publication. Only laws covering state/territory and federal elections are considered.

While most relevant legislation refers to donations to political parties as ‘gifts’, the terms ‘donation’ and ‘gift’ are used interchangeably in this document reflecting their popular use. Gifts can take the form of money but may also include the provision of goods or services for free (or in-kind) such as providing rent-free accommodation. Volunteer labour is usually not considered to be a gift and is generally not regulated under these laws.

The analysis separates out donations and electoral expenditure, and public funding. Appendix A provides details of the regulatory settings and thresholds for each jurisdiction and a link to the relevant legislation. Indexed amounts are per the last advice published by the relevant electoral commission. The Quick Guide has been updated to reflect new legislation since the February 2022 version.

## **Donations and electoral expenditure**

### ***Federal***

The disclosure threshold, the amount over which donations must be disclosed, under the *Commonwealth Electoral Act 1918* is Consumer Price Index (CPI)-indexed and from 1 July 2022 to 30 June 2023 is \$15,200. As of 1 December 2020, donations must be deposited into a federal campaign account to be covered under the political finance laws (which are generally less prescriptive than state or territory laws).

Annual returns must be lodged with the Australian Electoral Commission (AEC) by political parties, their state and territory branches and associated entities, and members of parliament showing the details of amounts received and outstanding debts that are over the disclosure threshold, and total values of receipts, payments and debts.<sup>2</sup> Significant third parties (individuals and organisations who incur substantial amounts of electoral expenditure and who aren’t parties or candidates, who were previously called political campaigners) and associated entities must register with the AEC.

For amounts that are received above the disclosure threshold, returns must disclose the full name and address of the donor, the amount received, and whether the receipt is a ‘donation’ or ‘other receipt’.<sup>3</sup> People and organisations who make donations to members of parliament or to candidates or parties in excess of the disclosure threshold must also submit an annual donor return. Donations from foreign donors of \$1,000 or more are banned.

Third parties (who spend more than \$15,200 but not enough to register as a significant third party) must also lodge an annual return if they spend more than the disclosure threshold in a financial year. The returns must list their total political expenditure, total donations used for political expenditure,

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<sup>2</sup> Associated entities are organisations that are controlled by, operated for, or have voting rights or are financial members of a political party.

<sup>3</sup> Other receipts are any amounts received other than donations, including income from sales of goods or services, interest on bank accounts, and public funding.

and details of donors whose donations were used in whole or part for political expenditure and were above the disclosure threshold.

Independent candidates, unendorsed Senate groups and Senate groups endorsed by more than one political party must submit an election return outlining the total value of donations received, the number of donors, any individual donation that is above the disclosure threshold, and electoral expenditure incurred between the issue of the writ and election day.<sup>4</sup> Endorsed candidates are covered by their party's annual return.

Annual returns are published by the AEC on its Transparency Register at the beginning of February for the previous financial year. The AEC undertakes a range of compliance reviews to ensure the accuracy of political parties' returns. These occasionally result in amended returns, but the AEC rarely employs the coercive powers it has in relation to compliance or initiates prosecutions in relation to funding and disclosure obligations (a practice which has been criticised by the Australian National Audit Office).

### ***New South Wales***

On 1 July 2018 the Electoral Funding Act 2018 (NSW) replaced the Electoral Funding, Expenditure and Disclosures Act 1981 (NSW), which changed only some elements of the NSW political finance scheme.

Candidates and third-party campaigners must register with the NSW Electoral Commission (NSWEC) in order to accept political donations or incur electoral expenditure. Political parties are not required to be registered but must comply with political finance laws whether or not they are registered.

In NSW political donations are divided into 'small political donations', which are valued less than \$1,000, and 'reportable political donations', which are \$1,000 or more from a donor in one year. A reportable political donation includes multiple donations made by the same donor to the same recipient that in aggregate are valued at \$1,000 or more in one financial year. Loans of \$1,000 or more are also reportable. This includes donations made to political parties, associated entities, candidates, groups and third-party campaigners (only if used to incur political expenditure during the capped expenditure period) or a donation provided to another person who uses the money to make a political donation or incur electoral expenditure. Small political donations do not have to be disclosed by donors; however, all donations must be disclosed by parties, groups, candidates and associated entities.

Donations can only be made by an individual on the electoral roll, a company with an Australian Business Number (ABN), or individuals who have identified themselves to the NSWEC.

Political donations are capped for a financial year and the cap is adjusted annually for inflation. Multiple donations from the same donor to the same recipient are aggregated for the purpose of the caps. The caps vary for different recipients, and, for 2022–23, range from \$7,000 for a political party to \$3,300 for candidates and third-party campaigners. Caps also apply for party membership subscriptions and affiliation fees. During an election period (between 1 October of the year before the election and election day) donations must be disclosed within 21 days and otherwise every six months by parties, candidates, groups and associated entities, and annually by donors.

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<sup>4</sup> Throughout this paper the term 'candidate' is used to mean a non-party or independent candidate, and 'group' is used to mean a group of non-party candidates who have chosen to be listed together, particularly on an upper house ballot paper.

Certain donations are banned. These include anonymous donations over the reportable limit (\$1,000) and cash donations of more than \$100. Failure to record details of reportable donations or reportable loans is also prohibited. In addition, property developers, tobacco businesses, liquor or gambling businesses or their close associates are banned from making donations. In 2015 this ban was challenged and ruled to be constitutional by the High Court.

Electoral expenditure must be reported annually by political parties, associated entities, elected members, groups, candidates and third-party campaigners. Electoral expenditure is capped from a period commencing 1 October in the year before an election and ending on polling day for NSW state elections.

The caps for electoral expenditure are indexed and vary depending on the entity. For the period up to the 2023 state election, caps are \$12,331,800 for a party running candidates in all 93 Legislative Assembly districts, \$1,389,900 for independent groups in the Legislative Council and \$198,700 for independent candidates in a Legislative Assembly election. Within the overall cap there is an additional per-seat cap for Legislative Assembly elections of \$66,400 for a party. Electoral expenditure for an associated entity is aggregated with the party with which the entity is associated for the purpose of the expenditure cap.

A reduced cap for third-party campaigners was held to be invalid by the High Court in January 2019 and a subsequent cap scheme was introduced in October 2022. Third-party campaigner electoral expenditure is subject to caps within the capped expenditure period. For the 2023 NSW State election, the caps are \$1,288,500, if the third-party campaigner was registered before the start of the capped expenditure period (1 October 2022) or \$644,300, in any other case. Within a third-party campaigner's overall expenditure cap, the third-party campaigner can incur up to \$26,700 in electoral expenditure for a particular electoral district for the purposes of material that: explicitly mentions the name of a candidate in the election in that electoral district or the name of the electoral district; is communicated to electors in that electoral district; and is not mainly communicated to electors outside that electoral district.

Political parties, elected members, candidates, groups and third-party campaigners are required to maintain a campaign account. These accounts are used for receiving political donations and making electoral expenditure, and public funding is paid into the accounts. Expenditure must be reported yearly, within 12 weeks of the end of the annual period.

The NSWEC is atypical in Australia in that it has been relatively active in pursuing breaches of funding and disclosure laws, such as fines for not using campaign accounts, withholding public funding for breaching expenditure caps, and a \$600,000 fine for illegal donations from property developers.

## ***Victoria***

Prior to legislative change to the Electoral Act 2002 (Vic.) in late 2018, Victoria had particularly light regulation of political finance. The only requirements were that certain gambling companies could not make political donations (which has since been repealed) and that parties must lodge a copy of their AEC annual returns with the Victorian Electoral Commission (VEC).

The new funding and disclosure regime only permits donations from Australian citizens or residents and businesses with an ABN (however it does not require any proof that the donor is a permitted donor). Victoria imposes an indexed donation disclosure threshold of \$1,080 (and bans anonymous donations of \$1,080 or more) and imposes a donation cap of \$4,320 for each election period (the time

from one election to the next in four years' time). Donors may also not donate to more than six third-party campaigners (defined as third parties that spend more than \$4,320 of political expenditure in a financial year).

Parties, candidates, associated entities and third-party campaigners must maintain a state campaign account which they must use to pay for political expenditure, and donations must be paid into these campaign accounts. Donations to associated entities and third-party campaigners that are not intended to be used for political expenditure, and are not paid into the campaign account, are not subject to the donation cap. For associated entities and third-party campaigners, expenditure will only be considered to be political expenditure if it is incurred during the election campaigning period (from 1 October to 6pm on election day). If not paid into campaign accounts, membership fees and affiliation fees to parties, third-party campaigners and associated entities are not subject to the donation cap.

Donors and recipients must disclose donations within 21 days, and the donations will be published by the VEC within seven days of being received. Parties, associated entities and third-parties must also submit annual returns reporting donations over the threshold, total income and expenditures, and any outstanding debts.

Victoria's Independent Broad-based Anti-Corruption Commission (IBAC) released a report in October 2022 on corruption risks associated with political donations. It recommended, among other things, that Victoria implement better controls on donation splitting, better protections against using third party campaigners to circumvent limits, and consider expenditure caps, noting that Victoria is one of only three Australian states lacking expenditure caps.

### *Queensland*

Changes to the Queensland Electoral Act 1992 in February 2017 set the disclosure threshold for gifts and loans at \$1,000, and imposed a requirement on political parties and candidates to declare any reportable gifts or loans within seven days throughout the year (that is, not just during an election period). The change to the disclosure cap was made retrospective, reversing the \$13,000 disclosure cap which had applied in the lead-up to the 2015 election. The retrospective reduction of the disclosure cap to before the 2015 state election resulted in the Electoral Commission of Queensland (ECQ) taking legal action against the Liberal National Party to disclose donations made prior to the election. The Queensland Supreme Court upheld the legislation.

Election returns are required within 15 weeks after an election from candidates and parties listing the total amount of all gifts and fundraising contributions, the number of donors, total loans and number of entities making the loans, and the electoral expenditure. The disclosure period for a candidate who contested the previous election runs from 30 days after the polling day at the previous election to 30 days after polling day for the current election. For all other candidates the disclosure period begins either when they announce their candidature or are preselected by their party and ends 30 days after the election.

It is unlawful for a candidate or party to receive a gift of foreign property (including money), and unless the gift is returned within six weeks an amount equal to the value of the gift will be payable to the State. It is unlawful for a candidate to receive more than \$200, or a political party more than \$1,000, from an anonymous donor, or any gift where the real identity of the donor is obscured by paying through an accountant or lawyer. As of 2 October 2017 donations from property developers and property developer industry bodies are banned.

Candidates, parties and registered third-parties must use a state campaign account, and associated entities must use the campaign account of the party with which they are associated. All electoral expenditure must be from the campaign account, and for the 2020 state election, money could be deposited into the campaign account from another account or from gifts or loans.

A donation cap came into effect on 1 July 2022. A donor may not donate more than \$4,000 to any political party or \$6,000 to any candidate in the period which begins 30 days after one general election to 30 days after the next general election. The cap amount is indexed and is recalculated after each general election.

In Queensland state elections third parties, whether they are individuals or organisations, who incur expenditure of more than \$1,000 advocating voting for or against a party or candidate or drawing attention to a particular issue, must also provide a return to the ECQ reporting all gifts, gifts-in-kind, and fundraising contributions. Individuals or organisations who donate a total of \$1,000 or more to candidates or parties must also submit a return to the ECQ. Donors fall under these third-party disclosure requirements and are not covered by a separate donor return requirement.

Electoral expenditure during the capped expenditure period (from the first business day after the last Sunday in the March before the election until 6pm on polling day) is capped at \$95,964 (for the 2024 state election, indexed thereafter) per electoral district (of which there are 93), giving a maximum cap of \$8.925 million. Parties have a maximum cap for any district of \$95,964 and endorsed candidates each have an additional cap of \$60,499. Registered third parties are subject to an overall expenditure cap of \$1.043 million (\$6,000 if not registered), and \$90,749 per electoral district, and independent candidates are subject to a cap of \$90,749 (indexed). Associated entities are considered to be part of the party or candidate to which they are associated for the purpose of the caps and other reporting. Financial penalties and terms of imprisonment may be imposed for exceeding expenditure caps.

All returns are made public by the ECQ and are available on the Commission's disclosures website, and must be accompanied by an auditor's certification. ECQ is the first Australian electoral commission to use visualisations of donation data to help illustrate the source of the donations.

### ***South Australia***

Under the Electoral Act 1985 (SA) political parties, candidates and third-parties must create a designated campaign account for election campaigns. All donations must be paid into the account and all political expenditure must be made from the account. Associated entities are not required to maintain a campaign account.

All donations, gifts and loans over the threshold (currently \$5,576, indexed) must be disclosed by political parties, candidates, associated entities and third-party campaigners to the Electoral Commission SA, and they must also record information about gifts of \$200 or more and loans of \$1,000 or more. Donors must also declare gifts over \$5,576.

'Gift' is defined broadly and includes money (other than party subscription fees) and services (excluding volunteer labour). Donation amounts and who can donate are not restricted. Raising money through political access, such as meals with members of parliament and candidates, is not prohibited, but tickets to such events are capped at \$500 per person.

The disclosure scheme involves two reporting cycles for recipients of donations. Donation disclosure reports are required half-yearly outside an election period. However, from 1 January in an election year, returns are required by 5 February and thereafter on a weekly basis until 30 days after election

day. Returns must be accompanied by an audit certificate. Donors must also submit half-yearly returns.

South Australia has an opt-in public funding scheme which includes an expenditure cap for those parties and candidates who elect to receive public funding. This scheme is discussed in the South Australian entry in the Public Funding section of this paper. Disclosure obligations apply to all entities, not just those who have opted into the public funding scheme.

South Australian Labor, while in opposition announced in early 2022 that they would seek to ban all political donations if they won the election in March 2022. In August 2022 the Government stated that it was still working through constitutional issues with the ban.

### ***Western Australia***

Political parties and associated entities are required to submit annual returns and political parties, candidates, groups and other persons are required to submit election returns to the Western Australian Electoral Commission (WAEC) under the Electoral Act 1907 (WA). All entities that incur electoral expenditure are required to lodge electoral expenditure returns. The returns can be searched online and form the basis for an annual political finance report published by the WAEC.

Annual returns for parties and associated entities must include the value of all gifts and income received during the financial year, and the details of all gifts of more than the ‘specified amount’ (as determined by the Electoral Commissioner, currently \$2,600) and the details of donors who make gifts of a total value of \$2,600 or more. Anonymous gifts of \$2,600 or more are banned.

Election returns are lodged after an election or by-election and must include details of specified electoral expenditure by parties, candidates and third-parties. Electoral expenditure must be disclosed for specified categories of spending, such as broadcasting advertisements, publishing advertisements, producing material, consultant’s fees, and opinion polling. Electoral expenditure incurred producing advertising for use during an election period (from the issue of the writ to the end of polling day) must be disclosed regardless of whether the expense is incurred during the election period.

Candidates and groups must also disclose all election-related gifts received during the disclosure period (31 days after polling day of the previous election until polling day) of \$2,600 or more. The disclosure period begins one month after the previous election for candidates who were candidates in the previous election, or one year before the day of nomination for new candidates.

Third parties who incur \$500 or more of electoral expenditure during the disclosure period must also complete an election return with the details of gifts of more than \$2,600 that were used partially or wholly for electoral expenditure.

In June 2020 the Electoral Amendment Bill 2020 (WA) was introduced to the Legislative Assembly, which would have implemented expenditure caps for WA elections. The Bill was in response to a Labor election commitment from the 2017 state election, but has been linked to the spending of Clive Palmer and his United Australia Party at the 2019 federal election. The Bill failed to pass the upper house and lapsed when the parliament was dissolved for the 2021 state election. The government has flagged new political finance reform legislation, which will include monthly donation disclosure requirements.

## *Tasmania*

There is no state legislation concerning disclosure of gifts to political parties, but all parties registered federally must lodge an annual return with the AEC showing relevant receipts and expenditure.

Under the *Electoral Act 2004* (Tas.) candidates for the Legislative Council have an indexed expenditure limit (\$18,500 in 2022) and must file returns of their electoral expenditure with the Tasmanian Electoral Commission. Political parties must not incur expenditure in relation to Legislative Council elections.

In May 2018, following the 2018 state election, then Premier Will Hodgman announced the government would undertake a review of Tasmania's political finance laws. The report of the review was released on 16 February 2021 and a draft bill was released for consultation. In brief, the draft Bill would implement a disclosure threshold of \$5,000 (not indexed), with reporting of donations within seven days in an election period and six monthly otherwise. Election expenditure will have to be reported and campaign accounts will be required. The Bill was introduced to the Tasmanian Parliament in May 2022 and passed the lower house, but not the upper house before the end of 2022.

## *Australian Capital Territory*

Under the *Electoral Act 1992* (ACT) donations from a single individual or entity that collectively exceed \$1,000 are required to be disclosed, along with the name and address of the donor, to the ACT Electoral Commission. This applies to gifts received by parties, associated entities, and non-party candidates. Previously the ACT had a cap on donations of \$10,000 per financial year, however this was repealed in 2015.

Annual returns for registered parties, non-party members of the ACT Legislative Assembly (MLAs) and associated entities must list the total amount received for the financial year, the name and address of all donors who donate a total of \$1,000 or more, whether the donation was a gift, gift-in-kind or other payment, the total amount of electoral expenditure during the year, the total debts outstanding at the end of the financial year, and the names and address of any person or organisation owed more than \$1,000 at the end of the financial year, and amount owed.

In an election year there are additional disclosure periods. Donations that reach the \$1,000 threshold between 1 April and 30 June must be declared by 7 July. Donations that reach that threshold between 1 July and the end of the polling day must be declared within seven days.

Election returns must be submitted by parties, non-party MLAs, non-party candidate groups, associated entities and third-party campaigners listing electoral expenditure on specific items where the expenditure occurs during the capped expenditure period, starting on 1 January of an election year. Third-party campaigners must also submit a return detailing the total of all gifts received and the details of all gifts of \$1,000 or more, with the name and address of the donor and the date of receipt. Electoral expenditure caps of \$42,750 applied per candidate (up to a maximum of 25 candidates per party) at the 2020 election. The same caps also apply per third-party campaigner and associated entity and are indexed annually.

In 2013 the Law Society of the ACT and the Australian Home Heating Association were found to have breached electoral expenditure caps by \$600 and \$700 respectively for the 2012 ACT election. At the 2016 election UFU (United Firefighters Union) ACT, Trades Hall Building and Clubs ACT overspent the cap. The ACT Electoral Commissioner noted to a Legislative Assembly committee that



the breaches were not a criminal matter but were a debt to the ACT of twice the amount by which the caps were exceeded.

The ACT Legislative Assembly passed the Electoral Amendment Bill 2018 shortly before being dissolved for the October 2020 Territory election. The Bill enacted a ban on donations from property developers, but the ban did not come into effect until July 2021.

### *Northern Territory*

In December 2016 the Legislative Assembly resolved to conduct an inquiry into options for reforming the NT's political finance regime. The Final Report of this inquiry was delivered in June 2018 and recommended expenditure caps, donation caps and a public funding scheme. A new financial disclosure system came into effect in the NT on 1 January 2020 following the passage of the Electoral Legislation Further Amendment Bill 2019 (NT). The reforms amended the Electoral Act 2004 (NT) to cap political expenditure, increased the frequency of reporting of donations, and expanded requirements to cover third-party campaigners and associated entities. The requirements for broadcasters and publishers to submit election returns were removed by the amendments. The new reporting requirements and caps were in place for the 22 August 2020 Territory election.

Candidates, registered political parties and their associated entities and third-party campaigners must not receive anonymous donations of more than \$1,000 (\$200 for candidates) or anonymous loans of \$1,500 or more. Gifts and loans of \$1,500 or more (\$200 or more for a candidate) must be disclosed by candidates, parties, associated entities or third-party campaigners. Candidates, parties, associated entities and third-party campaigners must disclose donations at various times in the lead-up to an election, including quarterly in the first half of an election year, and more frequently during the election period.

Donors who donate gifts totalling \$1,500 or more to a candidate or party in a financial year must disclose those donations within 60 days after the end of the financial year.

Electoral expenditure, generally covering electoral communication and opinion polling and research, is capped from 1 January of an election year until 30 days after election day. Electoral expenditure is capped at 40,000 monetary units (currently \$41,600) per division in which a party has endorsed a candidate, with a maximum of \$1.04 million for parties running candidates in all 25 seats. Associated entities share the cap of the party with which they are associated. Spending and fundraising by candidates and parties must be done through a Territory campaign account. Exceeding the cap may result in a penalty of up to 1,500 penalty units for party or associated entity, or 300 penalty units and/or 18 months imprisonment for a candidate.

Third-party campaigners are required to register with the NTEC for each election if they incur or expect to incur more than \$1,000 of political expenditure during the capped expenditure period. Third-party campaigners must report their political expenditure but are not subject to an expenditure cap or required to use a campaign account.

The expenditure caps are indexed under the Monetary Units Act 2018 (NT); the disclosure thresholds are not indexed.

### **Public funding**

Two classes of public funding exist across the federal and state electoral environments. The most common is what is often referred to as 'election funding' or simply 'public funding' and involves

post-election payments of an amount based on the number of votes received, usually capped to the amount of expenditure incurred at the election. The second, ‘administrative funding’ or ‘policy development funding’, is money paid to political parties or candidates outside the election period to support parties’ routine operations. Some jurisdictions have more than one example of the latter form of public funding available.

### ***Federal***

Public funding is available for candidates and parties in federal elections who receive more than four per cent of the total vote in their electorate. The amount is CPI-indexed and calculated every six months. Currently the amount is \$3.016 per formal first preference vote (1 July 2022 to 31 December 2022).

Public funding for eligible candidates and parties of a fixed amount of \$11,029 (indexed) is paid automatically and any additional public funding, up to the per-vote cap, requires a claim based on electoral expenditure. Administrative funding does not operate in the federal electoral system.

### ***New South Wales***

NSW operates three separate public funding schemes in relation to state elections.

#### **Election campaigns fund**

The election campaigns fund is a reimbursement scheme for electoral expenditure capped at a per-vote rate (and the expenditure cap). Candidates and political parties are eligible for the election campaigns fund if they receive four per cent of the first preference vote or have a candidate elected. A claim for payment must be made within 120 days of the return of the writ for the election and requires receipts to certify the expenditure, and claims may be audited by the NSWEC.

Parties are eligible to receive an advance payment equal to 50 per cent of the rate the party was entitled to claim at the previous state general election, which is deducted from the claimed amount after the election and may have to be repaid if the party does not obtain enough votes to entitle the party to that amount.

For the four-year period to the 2023 state election, parties are entitled to \$4.66 per first preference vote in the Legislative Assembly plus \$3.50 per first preference vote in the Legislative Council. Candidates are entitled to \$4.66 per first preference vote in the Legislative Assembly and \$5.25 per vote in the Legislative Council.

#### **Administration fund**

Administration funding is paid to cover administrative and operating expenses incurred by political parties, paid quarterly, and the payment is based on how many elected members the party has and is only for the amount of expenditure incurred. In 2022 the maximum **quarterly** amounts payable under the administration fund are:

- \$93,800 if there is only one elected member endorsed by the party
- \$160,600 if there are only two elected members endorsed by the party
- \$200,600 if there are only three elected members endorsed by the party
- \$200,600 if there are more than three elected members endorsed by the party plus \$32,200 for each such member in excess of three up to a maximum of 22 members<sup>5</sup> and

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<sup>5</sup> For a maximum of \$3,636,000 per year:  $(\$200,600 + (\$32,200 \times 22)) \times 4$ .

- \$60,600 for independent elected members.

## **New Parties Fund**

The New Parties Fund is available for registered political parties for which policy development expenditure is incurred and who are not eligible to receive funding under the administration fund. The indexed maximum amounts payable in 2022 are 70 cents for each first preference vote received by any candidate at the previous State election who was endorsed by the party, or \$13,300, whichever is the greater.

### *Victoria*

Amendments to the Victorian Electoral Act 2002 in July 2018 increased the per-vote public funding and implemented both administrative and policy development funding schemes for parties, seemingly modelled on the NSW approach. All funding amounts are CPI-indexed.

## **Public funding**

Candidates and political parties are eligible for indexed public funding paid at \$6.49 per Legislative Assembly vote and \$3.24 per Legislative Council vote for 2022–23, up from \$1.668 per vote (as of 31 October 2015, the last by-election for which the rate was published) where the candidate or party received more than four per cent of the first preference vote or are elected. Candidates and parties are required to submit a statement to the Victorian Electoral Commissioner as to the amount of electoral expenditure incurred in relation to the election and public funding is only payable up to the amount of election expenditure. The Victorian Government announced in July 2022 that ‘parties will need to fulfil minimum requirements of party administration to qualify for public funding’, including memberships paid by traceable means and photo ID checks for new members, however at the time of publication had not yet introduced legislation to effect those changes.

## **Administrative expenditure funding**

The administrative funding is paid quarterly to parties and independents based on their representation in Parliament and cannot be used for electoral expenditure or paid into a state campaign account. The rate is \$216,210 annually for independents and for the first candidate elected in a party, \$75,660 for the second candidate and \$37,850 for the third through 45th candidates.<sup>6</sup> Recipients must provide a return, accompanied by an audit certificate, to the VEC annually stating whether they have incurred expenses more or less than the claimable amount, and if less repay the difference.

## **Policy development funding**

Policy development funding is available to registered political parties who are not eligible for either public funding or administrative funding and is payable annually to the amount of \$1.08 per vote or \$27,020, whichever is greater. In order to claim the funding a party must submit an audited statement to the VEC that it has incurred spending to the eligible amount.

### *Queensland*

Queensland state elections involve both per-vote public funding and policy development funding.

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<sup>6</sup> For a maximum of \$1,881,570 (216,210 + 75,660 + (37,850 \* 42)).

## **Public funding**

The election funding amount is calculated as an amount per formal first preference vote for political parties or candidates who receive more than four per cent of the total number of formal first preference votes (this was dropped from the previous level of six per cent on 1 July 2022). The amounts are CPI-adjusted from 1 July each year. From 1 July 2022 the rates are \$6.00 for registered political parties and \$3.00 for candidates. If the electoral expenditure of the party or candidate is less than the amount calculated based on the number of votes, the lesser amount is paid.

## **Policy development funding**

Policy development funding is available each financial year to parties who were registered at the last state general election and have at least one elected member endorsed by the party for the financial year. The policy development funding is drawn from a pool of \$3m, and the share for each party is calculated on the basis of their proportion of the first preference vote gained by each endorsed candidate who received more than six per cent of the first preference vote. The total amount of the pool of funding is defined under regulation.

## ***South Australia***

### **Public funding**

South Australia has a unique opt-in system whereby a political party or candidate can lodge a certificate to participate in the public funding scheme. Those parties and candidates who elect to receive public funding are also subject to an expenditure cap, and payment of public funding cannot exceed the candidate or party's actual electoral expenditure. Eligibility for public funding for a lower house election is 4 per cent of the eligible primary vote and 2 per cent for the upper house.

The funding payable is (indexed for the 2022–23 financial year):

- for a member of Parliament not endorsed by a registered political party at the dissolution of the Parliament, \$3.51 for each formal first preference vote
- for a candidate or group endorsed by a registered political party that has at least one member in either House at the dissolution of the Parliament, \$3.51 for each formal first preference vote and
- for all other candidates and groups not falling within the above two categories, \$4.09 for every formal first preference vote up to 10 per cent of the votes, and then \$3.51 for the remainder of the votes.

The expenditure cap for those parties and candidates who opt into the public funding scheme is \$583,730 for parties only running candidates in the Legislative Council or \$87,560 for each of the 47 House of Assembly districts plus up to \$583,730 for Legislative Council candidates (leading to a maximum cap of \$4,699,050). The cap amounts are indexed.

For the 2022 SA state election, the major political parties and many smaller parties contesting the election lodged a certificate to be included in the public funding scheme.

### **Special assistance funding**

SA also has a 'special assistance funding' scheme for registered political parties that have at least one member of the party who is also a member of Parliament. The amount is paid half-yearly and is for the administrative expenditure incurred by the party, up to:

- \$39,030 (indexed) in the case of a party with five or fewer members of Parliament or
- \$66,908 (indexed) in the case of a party with six or more members of Parliament.

The special assistance funding cannot be used for political expenditure.

### ***Western Australia***

Reimbursement of election expenditure is available for candidates and political parties contesting WA state elections provided that the candidate or party receives more than four per cent of the first preference vote. As of 1 July 2022, the indexed amount reimbursed is \$2.136827 per valid first preference vote up to the amount of the election expenditure. Administrative funding is not available for candidates and parties contesting WA state elections.

### ***Tasmania***

Tasmania does not operate a public funding scheme or administrative funding for state elections.

The Government's proposed Electoral Disclosure and Funding Bill 2021, discussed above, would implement a per-vote public funding payment for House of Assembly elections, where the candidate or their party is elected or receives at least four per cent of the vote. The funding rate would start at \$6 per vote and is indexed and will be a reimbursement for electoral expenditure. Administrative funding would also be available of \$132,218 for parties of six or more MPs, or \$77,128 for parties with two to five MPs and \$38,564 for a single MP or independent member.

### ***Australian Capital Territory***

#### **Public funding**

The ACT provides public funding in respect of territory elections for political party candidates and ungrouped candidates at the rate of \$9.16080 per first preference vote (from 1 July 2022 to 31 December 2022). Ungrouped candidates are eligible for public funding if they achieve at least four per cent of the vote in the electorate, and party candidates are eligible if the party's candidates together receive at least four per cent of the vote in the electorate. Public funding is not on a reimbursement basis and in February 2022 the ACT Government stated there were questions as to whether the level of public funding met community expectations after the Canberra Liberals claimed the Greens made a profit from the 2020 election campaign.

#### **Administrative funding**

Parties and non-party candidates with representation in the ACT Legislative Assembly are eligible for administrative funding paid at an amount of \$5,996.99 per quarter for each member of the Assembly (MLA) (as of 2022, indexed yearly). If an MLA is in the Assembly for only part of the year, then the amount is calculated based on the number of days the individual was an MLA.

### ***Northern Territory***

The NT does not have a public funding scheme or an administrative funding scheme. As noted above, a 2018 report commissioned by the Government has recommended adopting a public funding scheme, however such a scheme has not yet been legislated.

## Appendix A: Election funding and disclosure settings

	<u>Federal</u>	<u>NSW</u>	<u>Vic</u>	<u>Qld</u>	<u>SA</u> <sup>(a)</sup>	<u>WA</u>	<u>Tas</u> <sup>(b)</sup>	<u>ACT</u>	<u>NT</u>
Gift disclosure threshold	\$15 200	\$1 000	\$1 080	\$1 000	\$5 576	\$2 600	✗	\$1 000	\$1 500
Loan disclosure threshold	\$15 200	\$1 000	\$1 080	\$1 000	\$5 576	-	✗	\$1 000	\$1 500
Threshold indexation	✓	✗	✓	✗	✓	✓	-	✗	✗
Donation cap (to party)	✗	\$7 000	\$4 320	\$4 000 <sup>(d)</sup>	✗	✗	✗	✗	✗
Donation cap period	-	Yearly	4 years	-	-	-	-	-	-
Donor returns required	✓	✓	✓	✓	✓	✗	✗	✗	✓
Expenditure cap (max for party)	✗	\$12.3m	✗	\$8.9m	\$4.4m	✗	✗	\$1.07m	\$1.04m
Expenditure cap indexed	-	✓	-	✓	✓	-	-	✓	✓
Per seat expenditure cap	✗	\$66.4k	✗	\$96k	~\$83k	✗	✗	✗	✗
Expenditure caps for third parties	✗	\$12.3m	✗	\$1m	✗	✗	✗	\$42 750	✗
Expenditure caps for associated entities	✗	✓	✗	✗	✗	✗	✗	\$42 750	✓
Third-party campaigner returns	✓	✓	✓	✓	✓	✓	✗	✓	✓
Anonymous donations threshold	\$1 000	\$1 000	\$1 080	\$1 000	\$200	\$2 600	✗	\$1 000	\$1 000
Banned donor industries	✗	✓ <sup>(c)</sup>	✗	✓ <sup>(e)</sup>	✗	✗	✗	✓ <sup>(e)</sup>	✗

	<u>Federal</u>	<u>NSW</u>	<u>Vic</u>	<u>Qld</u>	<u>SA</u> <sup>(a)</sup>	<u>WA</u>	<u>Tas</u> <sup>(b)</sup>	<u>ACT</u>	<u>NT</u>
<b>Foreign donation restrictions</b>	✓	✓	✓	✓	✗	✗	✗	✗	✗
<b>Expenditure reporting</b>	✗	✓	✓	✓	✓	✓	✗	✓	✓
<b>Campaign account</b>	✓	✓	✓	✓	✓	✗	✗	✗	✓
<b>Per vote public funding</b>	\$2.87	\$4.66 <sup>(f)</sup>	\$6.49 <sup>(g)</sup>	\$3.36	\$3.35	\$2.1368	✗	\$8.85	✗
<b>Public funding vote threshold</b>	4%	4%	4%	4%	4%	4%	-	4%	-
<b>Public funding capped to expenditure</b>	✓	✓	✓	✓	✓	✓	-	✗	-
<b>Administrative funding (max)</b>	✗	~\$3.6m	~\$1.9m <sup>(h)</sup>	\$3m <sup>(i)</sup>	\$66 109	✗	✗	~\$600k <sup>(j)</sup>	✗
<b>Other public funding sources</b>	✗	✓	✓	✗	✗	✗	✗	✗	✗
<b>Election donation reporting</b>	✗	21 days	21 days	✓ <sup>(k)</sup>	Weekly	✓	✗	Weekly	5 days
<b>Other reporting cycle</b>	Annual	Half-yearly	Annual	Half-yearly <sup>(l)</sup>	Half-yearly	Annual	✗	Annual	Annual <sup>(m)</sup>

Notes: As applicable to political parties. Rules for candidates or upper-house non-party groups may vary. Indexed amounts as per the date of publication or most recent amounts as published by the relevant electoral commission.

(a) For parties that have opted into the SA public funding scheme.

(b) Tasmanian Legislative Assembly elections only. Different rules apply for Legislative Council elections.

(c) Property developers, gambling, tobacco, liquor industries or persons closely associated.

(d) A donation cap of \$4,000 to parties and \$6,000 to candidates during the period of one general election to the next general election.

(e) Property developers

(f) For votes in the Legislative Assembly; a rate of \$3.50 per vote applies in the Legislative Council.

(g) For votes in the Legislative Assembly; a rate of \$3.24 per vote applies in the Legislative Council.

(h) An amount of \$216,210 for the first member, \$75,660 for the second and \$37,850 for the third through 45<sup>th</sup>.

(i) Divided between eligible parties.

(j) An amount of \$5,996.99 quarterly per MLA, with a total of 25 MLAs in the Assembly.

(k) Gifts over the disclosure threshold at any time must be reported within seven days.

(l) Expenditure only.

(m) Six monthly reporting in the year prior to the election, quarterly reporting in the first half of the election year and increased reporting frequency into the election period.

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