



Electoral Commission of South Australia
**Funding and Disclosure
General Concepts Guide**

Contents

About this guide	5
Purpose	5
Overview of recent legislative reforms	5
Purpose of Part 13A	5
Indexed amounts	5
Guidance and legal advice.....	6
Related guides and resources	6
Resources and supporting materials	6
Section 1: Overview of Part 13A	7
Section 2: Public funding	10
2.1 Overview	10
2.2 Types of public funding	10
2.3 Advance funding.....	10
2.4 Election funding	11
2.5 Administrative funding	11
2.6 Policy development funding	11
2.7 Eligibility to participate in public funding.....	12
2.8 Evidence and record-keeping	12
2.9 Administration of public funding.....	12
Section 3: Advance funding	13
3.1 Overview	13
3.2 Eligibility for advance funding.....	13
3.3 Amount of advance funding	13
3.4 Payment of advance funding	14
3.5 Use of advance funding.....	14
3.6 Repayment obligations	14
3.7 Evidence and record-keeping	14
3.8 Interaction with election funding.....	14
Section 4: Election funding	15
4.1 Overview	15
4.2 Eligibility for election funding	15
4.3 Calculating the amount payable.....	15
4.4 Evidence of political expenditure.....	15
4.5 Interaction with expenditure caps.....	16
4.6 Interaction with advance funding.....	16
4.7 Repayment obligations	16
4.8 Administration of election funding.....	16
Section 5: Administrative funding	17
5.1 Overview	17
5.2 Eligibility for administrative funding	17

5.3	Amount of administrative funding.....	17
5.4	Payment of administrative funding.....	17
5.5	Permitted use of administrative funding.....	18
5.6	Repayment obligations	18
5.7	Evidence and record-keeping	18
5.8	Administration of administrative funding.....	18
Section 6: Policy development funding		19
6.1	Overview	19
6.2	Eligibility for policy development funding.....	19
6.3	Amount of policy development funding	19
6.4	Payment of policy development funding	19
6.5	Permitted use of policy development funding	20
6.6	Repayment obligations	20
6.7	Evidence and record-keeping	20
6.8	Administration of policy development funding	20
Section 7: Political expenditure		21
7.1	Overview	21
7.2	What is political expenditure	21
7.3	Electoral matter.....	22
7.4	When political expenditure is incurred.....	22
7.5	Political expenditure and the capped expenditure period	22
7.6	Political expenditure and election funding	22
7.7	Political expenditure and disclosure obligations.....	23
7.8	Record-keeping requirements	23
Section 8: Expenditure caps		24
8.1	Overview	24
8.2	Who expenditure caps apply to	24
8.3	The capped expenditure period	24
8.4	Types of expenditure caps.....	24
8.5	What counts toward the expenditure cap.....	25
8.6	Expenditure incurred on behalf of a participant.....	25
8.7	Consequences of exceeding the expenditure cap	25
8.8	Interaction with political expenditure.....	25
8.9	Record-keeping requirements	26
Section 9: Disclosure.....		27
9.1	Overview	27
9.2	Purpose of disclosure	27
9.3	Who must disclose	27
9.4	The disclosure period.....	27
9.5	What must be disclosed	28
9.6	Disclosure of political expenditure	28
9.7	Disclosure of donations	28
9.8	Lodgement requirements.....	28

9.9	Record-keeping obligations.....	29
9.10	Administration of disclosure	29
Section 10: Agents.....		30
10.1	Overview	30
10.2	Who must have an agent.....	30
10.3	Appointment of agents.....	30
10.4	Responsibilities of agents	31
10.5	Authority of agents.....	31
10.6	Changing or revoking an agent.....	31
10.7	Record-keeping obligations.....	31
10.8	Offences and liabilities	32
10.9	Administration of agent appointments.....	32
Section 11: State campaign accounts		33
11.1	Overview	33
11.2	Who must have a state campaign account.....	33
11.3	Purpose of the state campaign account.....	33
11.4	Requirements for operating a state campaign account.....	33
11.5	Funds that must not be deposited	34
11.6	Interaction with political expenditure.....	34
11.7	Record-keeping requirements	34
11.8	Offences and non-compliance.....	34
11.9	Administration of state campaign accounts	34
Section 12: Record-keeping		35
12.1	Overview	35
12.2	Purpose of record-keeping	35
12.3	Who must keep records	35
12.4	Records that must be kept	35
12.5	Format and accessibility of records.....	36
12.6	Retention period.....	36
12.7	Offences and non-compliance.....	36
12.8	Administration of record-keeping obligations	36
Definitions.....		37

About this guide

Purpose

This guide, and others in this series, assist political parties, candidates (including groups, third parties, their agents, associated entities and other interested persons in understanding the requirements of Part 13A of the [Electoral Act 1985](#) (the Act) and the [Electoral Regulations 2024](#) (Regulations).

A comprehensive **Definitions** section is provided at the back of this guide.

Overview of recent legislative reforms

The [Electoral \(Accountability and Integrity\) Amendment Act 2024](#) (Accountability and Integrity Amendment Act) introduced significant reforms to the Act. These reforms, which took effect from **1 July 2025**, are intended to strengthen transparency, accountability and fairness within South Australia's electoral system. Key changes include:

- new public funding streams
- updated definitions of electoral donations and loans
- strengthened prohibitions on certain donations and loans
- revised expenditure caps
- expanded disclosure obligations
- updated rules for associated entities and nominated entities.

Purpose of Part 13A

Part 13A of the Act sets out the framework for election funding, political expenditure and disclosure of financial information. The Electoral Commission of South Australia (ECSA) administers the rights and obligations of participants under Part 13A to achieve the following objects:

1. Enhancing public confidence in the electoral process by fairly and effectively regulating electoral funding, expenditure and disclosure.
2. Promoting integrity and accountability, and reducing the risk and perception of undue influence, by:
 - prohibiting electoral donations and electoral loans to certain participants and limiting others.
 - providing public funding for elections and administrative expenditure for eligible participants.
 - imposing caps on political expenditure.
3. Ensuring transparency in the sources of funding and political expenditure of participants.
4. Reducing the need for fundraising, enabling participants to better represent their constituents and perform their functions as office holders and candidates.
5. Promoting electoral participation by all electors, including those with limited means.

Unless specified otherwise, all section and regulation references are to the Act and Regulations.

Indexed amounts

Where a monetary amount is followed by the word '**indexed**' (in this guide or in the Act), the amount is adjusted annually on 1 July in line with the Consumer Price Index (CPI). A table of current indexed amounts is available on the ECSA website.

Guidance and legal advice

The information in this guide is general. ECSA provides guidance on its administration of Part 13A but cannot provide legal advice. Users should refer to the wording of the Act and Regulations and seek independent legal or professional advice where interpretation is required.

Related guides and resources

Additional guides in this series provide detailed information on advance funding, election funding, administrative funding, policy development funding, expenditure caps and disclosure obligations.

Resources and supporting materials

Guides in this series

These guides provide detailed information on specific Part 13A requirements, including public funding, advance funding, administrative funding, policy development funding, expenditure caps and disclosure obligations.

- Election Funding – Administrative Funding Guide
- Election Funding – Advance Funding Guide
- Election Funding – Policy Development Funding Guide
- Election Funding – Prescribed Details Guide
- Election Funding – Public Funding Guide

Issues covered in this guide

This guide explains general concepts under Part 13A, including:

- Public funding streams
- Electoral donations and loans
- Political expenditure
- Expenditure caps
- Disclosure obligations
- State campaign accounts
- Agents
- Associated entities and nominated entities
- Indexation
- Compliance, auditing and enforcement.

Information sheets

Additional information sheets are available to assist participants.

- Funding and Disclosure – Agents
- Funding and Disclosure – Associated Entities
- Funding and Disclosure – Candidates and Groups
- Funding and Disclosure – Disclosure of Political Expenditure
- Funding and Disclosure – Donations and Loans to Certain Participants
- Funding and Disclosure – Expenditure Caps
- Funding and Disclosure – Registered Political Parties
- Funding and Disclosure – Third Parties

Section 1: Overview of Part 13A

1.1 Overview

Part 13A of the Act establishes South Australia’s framework for public funding, political expenditure and financial disclosure in state elections. It regulates how public funding is provided, how political expenditure is controlled, and how participants must report electoral donations, electoral loans and campaign spending. Together, these measures promote transparency, integrity and fairness by reducing reliance on private fundraising, limiting political expenditure and ensuring that the sources and uses of political funding are publicly disclosed.

Part 13A applies to registered political parties, candidates (including groups), third parties, associated entities and other participants involved in electoral campaigning.

1.2 Public funding under Part 13A

Public funding refers to payments made under the Act to support eligible participants in meeting the costs of election campaigns and administrative activities. It does **not** include private donations, loans or other fundraising activities.

Part 13A provides 4 types of public funding.

1. **Advance funding** – early access to public funding during the capped expenditure period
2. **Election funding** – reimbursement of political expenditure for eligible candidates, groups and registered political parties
3. **Administrative funding** – half-yearly payments to eligible registered political parties and independent members to support administrative expenditure
4. **Policy development funding** – annual reimbursement for eligible registered political parties for policy development activities

Each funding stream has its own eligibility criteria, payment structure, timing requirements and compliance obligations.

1.3 Participation in the public funding scheme

Participation in the election funding scheme is voluntary. A registered political party, candidate or group may only participate if their agent lodges the required certificate within the prescribed timeframe. Once lodged, a certificate cannot be withdrawn.

Advance funding, administrative funding and policy development funding each have separate eligibility requirements and do not require participation in the election funding scheme.

1.4 Capped expenditure period

The capped expenditure period is the period during which expenditure caps apply to participants who opt into the election funding scheme.

For a **general election**, the capped expenditure period:

- begins on **1 July** in the year before polling day, and
- ends **30 days after polling day**.

Different rules apply for by-elections.

Participants who opt into the election funding scheme must ensure that political expenditure incurred during this period does not exceed their applicable expenditure cap.

1.5 Disclosure period

The disclosure period is the period during which electoral donations, electoral loans and political expenditure must be disclosed. The length of the disclosure period varies depending on the type of participant, including:

- associated entities
- endorsed candidates
- groups
- registered political parties
- third parties
- unendorsed candidates

For candidates and groups, the disclosure period is linked to the date they announce their candidacy, nominate, or apply to be grouped. For registered political parties, the disclosure period is continuous.

1.6 Election funding

Election funding reimburses eligible participants for political expenditure incurred during an election campaign, up to the applicable expenditure cap.

The amount payable is the lesser of:

- the entitlement calculated on a per-vote basis (less any penalties), or
- the amount of political expenditure incurred (less any penalties).

Election funding is only payable if the participant:

- is elected, or
- receives the minimum required percentage of eligible votes, and
- provides satisfactory evidence of political expenditure.

1.7 Interaction between funding, expenditure caps and disclosure

The public funding scheme operates alongside expenditure caps and disclosure obligations.

Participants must:

- comply with expenditure caps during the capped expenditure period
- disclose electoral donations, electoral loans and political expenditure
- maintain a state campaign account (where required)
- retain records for the prescribed period
- ensure their agent fulfils all obligations under the Act.

Failure to comply may result in:

- reduced funding
- repayment obligations
- loss of eligibility for future funding
- penalties or prosecution.

1.8 Role of agents

Agents play a central role in ensuring compliance with Part 13A. An agent is responsible for:

- lodging certificates to participate in funding schemes
- ensuring expenditure caps are observed
- maintaining the state campaign account
- lodging disclosure returns
- providing evidence of political expenditure
- ensuring compliance with all obligations under the Act.

Where no agent is appointed, the participant is taken to be their own agent.

Section 2: Public funding

2.1 Overview

Public funding under Part 13A supports eligible participants with the costs of election campaigns, administrative activities and policy development. It is designed to reduce reliance on private fundraising, promote transparency and ensure that the electoral process is conducted fairly.

Public funding is available to registered political parties, candidates, groups of candidates and independent members of parliament. Each funding stream has its own eligibility criteria, payment structure and compliance obligations.

2.2 Types of public funding

Part 13A establishes 4 distinct forms of public funding. Although each stream serves a different purpose, they operate together to support participants throughout the electoral cycle:

- Administrative funding
- Advance funding
- Election funding
- Policy development funding.

2.3 Advance funding

Advance funding provides early access to public funding during the capped expenditure period. It helps participants meet campaign costs before their final election funding entitlement is known.

Advance funding is available to:

- registered political parties
- endorsed candidates
- unendorsed candidates
- groups.

Separate rules apply for general elections and by-elections.

Advance funding must be repaid if:

- the participant does not qualify for election funding, or
- the participant's election funding entitlement is less than the amount advanced.

2.4 Election funding

Election funding reimburses eligible participants for political expenditure incurred during an election campaign.

A participant is eligible for election funding if they:

- are elected, or
- receive the required minimum percentage of eligible votes, and
- provide satisfactory evidence of political expenditure incurred within their applicable expenditure cap.

The amount payable is the lesser of:

- the entitlement calculated on a per-vote basis (less any penalties), or
- the amount of political expenditure incurred (less any penalties).

Election funding is reduced if a participant exceeds their expenditure cap.

2.5 Administrative funding

Administrative funding supports the ongoing operational costs of eligible registered political parties and independent members of parliament. It is paid half-yearly and may be used only for administrative expenditure.

Key features include:

- eligibility requirements for registered political parties
- restrictions on the use of funds
- a structured payment scale based on parliamentary representation
- a one-off payment available between 1 July 2025 and 3 August 2026
- repayment obligations in certain circumstances.

Administrative funding must not be used for political or electoral expenditure.

2.6 Policy development funding

Policy development funding reimburses eligible registered political parties for policy development expenditure incurred during a calendar year.

Key features include:

- annual reimbursement of up to the indexed amount
- eligibility requirements
- restrictions on use
- a requirement to submit a claim within 30 days after the end of the calendar year.

Policy development funding must not be paid into a state campaign account and cannot be used for political or electoral expenditure.

2.7 Eligibility to participate in public funding

Eligibility varies depending on the funding stream. In general:

- Registered political parties must be registered for the relevant period.
- Candidates and groups must lodge a certificate to participate in the election funding scheme (where required).
- Independent members may be eligible for administrative funding.
- Policy development funding is available only to eligible registered political parties.

Participants must comply with all obligations under Part 13A, including:

- expenditure caps
- disclosure requirements
- record-keeping obligations.

2.8 Evidence and record-keeping

To receive public funding, participants must provide:

- prescribed particulars
- evidence of political expenditure (for election funding)
- audit certificates (where required)
- claims in the approved form.

Participants must retain records for the period required under the Act and Regulations.

2.9 Administration of public funding

The Electoral Commission of South Australia:

- administers all public funding entitlements
- assesses claims and supporting documentation
- determines eligibility
- makes payments in accordance with the Act
- monitors compliance with expenditure caps and disclosure obligations
- may require repayment of funding in certain circumstances.

All public funding amounts are indexed annually on 1 July in line with the CPI.

Section 3: Advance funding

3.1 Overview

Advance funding provides eligible participants with early access to public funding during the capped expenditure period. It assists participants to meet legitimate campaign costs before their final election funding entitlement is known. Advance funding is not an additional form of public funding; it is an advance payment of a participant's future election funding entitlement. If the participant ultimately receives less election funding than the amount advanced, the difference must be repaid.

Advance funding is available for both general elections and by-elections, although the rules, calculation methods and eligibility requirements differ between the two.

3.2 Eligibility for advance funding

Eligibility depends on the type of participant and the type of election.

For **general elections**, advance funding is available to:

- registered political parties
- endorsed candidates
- unendorsed candidates
- groups.

For **by-elections**, advance funding is available to:

- endorsed candidates
- unendorsed candidates
- groups.

Registered political parties do not receive advance funding for by-elections.

Participants must also meet any certificate-lodgement requirements under Part 13A and comply with all associated obligations, including expenditure caps and disclosure requirements.

3.3 Amount of advance funding

The amount of advance funding varies depending on the participant and the type of election.

For **general elections**, the amount is based on:

- the participant's type (party, candidate or group) and
- the applicable advance funding rate (indexed).

For **by-elections**, the amount is based on:

- the designated amount for the district (indexed) or
- 80% of the notional amount (indexed), where applicable.

These amounts are intended to reflect the expected cost of campaigning in the relevant election.

3.4 Payment of advance funding

Advance funding is paid once per election. Payments are made to the participant's state campaign account, where required.

Advance funding cannot be paid unless:

- the participant is eligible and
- the required certificate has been lodged (where applicable).

Payments are made as soon as reasonably practicable after eligibility is confirmed.

3.5 Use of advance funding

Advance funding may only be used for political expenditure incurred during the capped expenditure period. It must not be used for:

- administrative expenditure
- personal expenses
- expenditure incurred outside the capped expenditure period
- any purpose prohibited under Part 13A.

Participants must keep accurate records of all expenditure funded by advance payments.

3.6 Repayment obligations

Because advance funding is an advance on a participant's future election funding entitlement, repayment may be required. Repayment is required if:

- the participant does not qualify for election funding
- the participant's election funding entitlement is less than the amount advanced
- the participant fails to comply with expenditure caps or other requirements under Part 13A
- the participant receives an overpayment.

Repayments must be made within the timeframe specified by the Electoral Commissioner. Failure to repay may result in recovery action, penalties or ineligibility for future funding.

3.7 Evidence and record-keeping

Participants must retain records of all political expenditure funded by advance payments. This includes invoices, receipts, contracts and any other documentation required to substantiate expenditure when claiming election funding. Participants must also lodge the required returns and provide prescribed particulars in the approved form.

3.8 Interaction with election funding

Advance funding is deducted from the participant's final election funding entitlement. If the participant's election funding entitlement exceeds the amount advanced, the balance is paid. If the entitlement is less than the amount advanced, the difference must be repaid. If the participant is not entitled to any election funding, the full amount of advance funding must be repaid.

Section 4: Election funding

4.1 Overview

Election funding reimburses eligible participants for political expenditure incurred during an election campaign. It is designed to support a fair electoral process by ensuring that participants who achieve a measurable level of electoral support can recover a portion of their campaign costs. Election funding is not an additional entitlement; it is a reimbursement based on electoral performance and verified political expenditure.

Election funding is available to registered political parties, candidates and groups who meet the eligibility requirements and comply with all obligations under Part 13A.

4.2 Eligibility for election funding

A participant is eligible for election funding if they:

- are elected or
- receive the required minimum percentage of eligible votes and
- provide satisfactory evidence of political expenditure incurred within their applicable expenditure cap.

The minimum vote thresholds differ for the House of Assembly (HA) and the Legislative Council (LC). These thresholds ensure that election funding is provided only to participants who demonstrate a sufficient level of electoral support.

Participants must also comply with all obligations under Part 13A, including expenditure caps, disclosure requirements and record-keeping obligations.

4.3 Calculating the amount payable

The amount of election funding payable is the lesser of:

- the participant's entitlement calculated on a per-vote basis (less any penalties) or
- the amount of political expenditure actually incurred (less any penalties).

This ensures that participants cannot receive more funding than they have spent, and that public funding remains proportionate to electoral support.

The per-vote amount is indexed annually on 1 July in line with the CPI.

4.4 Evidence of political expenditure

To receive election funding, participants must provide evidence of political expenditure incurred during the capped expenditure period. Evidence may include invoices, receipts, contracts, distribution records and other documentation demonstrating that expenditure was incurred for political purposes.

Participants must also lodge the required returns and prescribed particulars in the approved form. Failure to provide adequate evidence may result in reduced funding or ineligibility for payment.

4.5 Interaction with expenditure caps

Election funding is closely linked to the expenditure cap framework. Participants who opt into the election funding scheme must ensure that political expenditure incurred during the capped expenditure period does not exceed their applicable expenditure cap.

If a participant exceeds their expenditure cap, their election funding entitlement is reduced. This reduction is calculated in accordance with the Act and is intended to discourage overspending and promote fairness between participants.

4.6 Interaction with advance funding

Advance funding is deducted from a participant's final election funding entitlement. If the participant's election funding entitlement exceeds the amount advanced, the balance is paid. If the entitlement is less than the amount advanced, the difference must be repaid. If the participant is not entitled to any election funding, the full amount of advance funding must be repaid.

This ensures that advance funding operates as an advance payment rather than an additional entitlement.

4.7 Repayment obligations

Repayment of election funding may be required if:

- the participant is not entitled to the amount received
- an overpayment occurs
- the participant fails to comply with expenditure caps or other requirements under Part 13A
- the participant does not provide adequate evidence of political expenditure.

Repayments must be made within the timeframe specified by the Electoral Commissioner. Failure to repay may result in recovery action, penalties or ineligibility for future funding.

4.8 Administration of election funding

The Electoral Commission of South Australia:

- administers all election funding entitlements
- assesses claims and supporting documentation
- verifies political expenditure
- determines eligibility
- makes payments in accordance with the Act
- may require repayment where necessary.

All election funding amounts are indexed annually on 1 July in line with the CPI.

Section 5: Administrative funding

5.1 Overview

Administrative funding supports the ongoing operational activities of eligible registered political parties and independent members of parliament. It is designed to strengthen organisational capacity, reduce reliance on private fundraising and promote the effective functioning of political parties between elections.

Administrative funding is not campaign funding. It cannot be used for political or electoral expenditure and must be applied only to administrative expenditure as defined under the Act.

5.2 Eligibility for administrative funding

Eligibility for administrative funding depends on the participant's status and parliamentary representation.

Administrative funding is available to:

- eligible registered political parties
- independent members of parliament.

Registered political parties must meet the eligibility requirements set out in the Act, including registration for the relevant period. Independent members may also qualify for administrative funding in accordance with the Act.

Participants must comply with all obligations under Part 13A, including disclosure and record-keeping requirements.

5.3 Amount of administrative funding

Administrative funding is paid half-yearly and is calculated using a structured payment scale based on parliamentary representation. The amount payable to a registered political party depends on:

- the number of members elected to the HA and the LC
- the applicable administrative funding rate (indexed).

A one-off administrative funding payment is also available between 1 July 2025 and 3 August 2026, as provided for in the Act.

All administrative funding amounts are indexed annually on 1 July in line with the CPI.

5.4 Payment of administrative funding

Administrative funding is paid directly to the eligible participant. Payments are made:

- half-yearly, in accordance with the Act
- as soon as reasonably practicable after eligibility is confirmed.

Administrative funding must not be paid into a state campaign account.

5.5 Permitted use of administrative funding

Administrative funding may only be used for administrative expenditure, which includes expenditure incurred for the general operation and management of a registered political party or independent member's office.

Administrative funding must not be used for:

- political expenditure
- electoral expenditure
- campaign-related activities
- personal expenses
- any purpose prohibited under Part 13A.

Participants must ensure that administrative funding is applied strictly in accordance with the Act.

5.6 Repayment obligations

Repayment of administrative funding may be required if:

- the participant is not entitled to the amount received
- an overpayment occurs
- the funds are used for a prohibited purpose
- the participant fails to comply with obligations under Part 13A.

Repayments must be made within the timeframe specified by the Electoral Commissioner. Failure to repay may result in recovery action or ineligibility for future funding.

5.7 Evidence and record-keeping

Participants must keep accurate and complete records of all administrative expenditure funded through administrative payments. Records may include:

- invoices and receipts
- contracts and agreements
- payroll and staffing records
- financial statements
- internal accounting documentation.

Records must be retained for the period required under the Act and Regulations. Adequate record-keeping is essential for demonstrating compliance.

5.8 Administration of administrative funding

The Electoral Commission of South Australia:

- administers all administrative funding entitlements
- determines eligibility
- makes payments in accordance with the Act
- monitors compliance with expenditure restrictions and disclosure obligations
- may require repayment where necessary.

Section 6: Policy development funding

6.1 Overview

Policy development funding supports eligible registered political parties to undertake policy development activities outside the election period. It is designed to strengthen the quality of public policy by enabling parties to invest in research, consultation and analysis without relying solely on private fundraising.

Policy development funding is not campaign funding. It cannot be used for political or electoral expenditure and must be applied only to policy development expenditure as defined under the Act.

6.2 Eligibility for policy development funding

Policy development funding is available only to eligible registered political parties. To qualify, a party must:

- be registered for the relevant period
- meet the eligibility requirements set out in the Act
- comply with all obligations under Part 13A, including disclosure and record-keeping requirements.

Independent members and candidates are not eligible for policy development funding.

6.3 Amount of policy development funding

Policy development funding is provided as an annual reimbursement of policy development expenditure, up to the indexed maximum amount for the calendar year.

The maximum reimbursable amount is indexed annually on 1 July in line with the CPI.

The reimbursement must not exceed the lower of:

- the party's actual policy development expenditure for the year or
- the indexed maximum amount.

6.4 Payment of policy development funding

Policy development funding is paid once per calendar year. To receive payment, an eligible registered political party must:

- incur policy development expenditure during the calendar year
- submit a claim in the approved form
- lodge the claim within 30 days after the end of the calendar year
- provide all prescribed particulars and supporting documentation.

Payments are made as soon as reasonably practicable after the claim is assessed and approved.

Policy development funding must not be paid into a state campaign account.

6.5 Permitted use of policy development funding

Policy development funding may only be used for policy development expenditure, including:

- research and analysis
- consultation and stakeholder engagement
- development of policy proposals
- expert advice or consultancy services
- preparation of policy documents.

It must not be used for:

- political expenditure
- electoral expenditure
- campaign-related activities
- administrative expenditure
- personal expenses
- any purpose prohibited under Part 13A.

Parties must ensure that policy development funding is used strictly in accordance with the Act.

6.6 Repayment obligations

Repayment of policy development funding may be required if:

- the party is not entitled to the amount received
- an overpayment occurs
- the funds are used for a prohibited purpose
- the party fails to comply with obligations under Part 13A.

Repayments must be made within the timeframe specified by the Electoral Commissioner. Failure to repay may result in recovery action or ineligibility for future funding.

6.7 Evidence and record-keeping

Parties must keep accurate and complete records of all policy development expenditure, including:

- invoices and receipts
- contracts and consultancy agreements
- research or policy development documentation
- internal accounting records.

Records must be retained for the period required under the Act and Regulations. Adequate record-keeping is essential for demonstrating compliance and supporting claims.

6.8 Administration of policy development funding

The Electoral Commission of South Australia:

- administers all policy development funding entitlements
- assesses claims and supporting documentation
- determines eligibility
- makes payments in accordance with the Act
- monitors compliance with expenditure restrictions and disclosure obligations
- may require repayment where necessary.

Section 7: Political expenditure

7.1 Overview

Political expenditure is a central concept under Part 13A. It determines:

- what expenditure counts toward a participant’s expenditure cap
- what expenditure may be reimbursed through election funding
- what must be disclosed during the disclosure period.

Political expenditure includes spending for the purpose of influencing the result of an election, promoting or opposing a participant, or otherwise engaging in electoral campaigning. The definition is broad and captures a wide range of activities, materials and services.

Participants must understand what constitutes political expenditure to ensure compliance with expenditure caps, disclosure obligations and funding requirements.

7.2 What is political expenditure

Political expenditure generally includes expenditure incurred for the purpose of:

- promoting or opposing a registered political party, candidate or group
- influencing the voting intention of electors
- producing, distributing or publishing electoral matter
- carrying out campaign activities during the capped expenditure period
- conducting research, polling or data analytics for electoral purposes.

Political expenditure may be incurred by the participant or by another person on their behalf.

Examples of political expenditure include:

- advertising (print, digital, broadcast or outdoor)
- campaign materials such as flyers, posters, signs and merchandise
- direct mail, SMS and email campaigns
- social media advertising and content production
- campaign events, rallies and public meetings
- polling, research and data analytics
- design, printing and distribution costs
- campaign staff and consultancy services.

This list is not exhaustive. Whether expenditure is political depends on its purpose and connection to electoral campaigning.

7.3 Electoral matter

Political expenditure often involves the production or distribution of *electoral matter*. Electoral matter is material that is intended or likely to affect voting in an election. It includes content that:

- expressly promotes or opposes a participant
- contains election-related messaging
- refers to an issue in a way that is connected to an election
- includes a participant's name, image, logo or branding in an electoral context.

Electoral matter may be communicated in any form, including printed material, digital content, audio-visual media, signage or merchandise.

Understanding whether material is electoral matter is essential for determining whether expenditure is political expenditure.

7.4 When political expenditure is incurred

Political expenditure is incurred when a participant becomes legally liable to pay for goods or services, even if payment occurs later. This is important for:

- determining whether expenditure falls within the capped expenditure period
- calculating election funding entitlements
- meeting disclosure obligations.

For example, expenditure is incurred when a contract is signed, an order is placed, or a booking is confirmed, rather than when the invoice is paid.

7.5 Political expenditure and the capped expenditure period

Participants who opt into the election funding scheme must ensure that political expenditure incurred during the capped expenditure period does not exceed their applicable expenditure cap. Political expenditure incurred **outside** the capped expenditure period does not count toward the cap but may still need to be disclosed if it falls within the disclosure period.

Participants must monitor expenditure closely to avoid exceeding their cap. Exceeding the cap may result in:

- reduced election funding
- repayment obligations
- penalties or prosecution.

7.6 Political expenditure and election funding

Election funding reimburses eligible participants for political expenditure incurred during the capped expenditure period. Only expenditure that meets the definition of political expenditure and is supported by satisfactory evidence can be claimed.

Political expenditure cannot be reimbursed if it is:

- not incurred during the capped expenditure period or
- not supported by adequate documentation.

7.7 Political expenditure and disclosure obligations

All participants must disclose political expenditure incurred during the disclosure period. Disclosure requirements vary depending on the type of participant, but generally include:

- the total amount of political expenditure
- prescribed particulars relating to the expenditure
- supporting documentation where required.

Disclosure ensures transparency in how participants fund and conduct their campaigns.

7.8 Record-keeping requirements

Participants must keep accurate and complete records of all political expenditure, including:

- invoices and receipts
- contracts and agreements
- distribution records
- digital advertising reports
- evidence of publication or communication.

Records must be retained for the period required under the Act and Regulations. Failure to maintain adequate records may affect eligibility for funding and compliance with disclosure obligations.

Section 8: Expenditure caps

8.1 Overview

Expenditure caps limit the amount of political expenditure that participants may incur during the capped expenditure period. They are a central mechanism in Part 13A, designed to promote fairness, prevent excessive spending, and reduce the influence of private fundraising on electoral processes.

Expenditure caps apply only to participants who opt into the election funding scheme. Participants who do not opt in are not subject to caps but are also not eligible for election funding.

8.2 Who expenditure caps apply to

Expenditure caps apply to:

- registered political parties
- endorsed candidates
- unendorsed candidates
- groups.

Third parties and associated entities are subject to separate expenditure rules and are not covered by the caps that apply to participants in the election funding scheme.

8.3 The capped expenditure period

The capped expenditure period is the timeframe during which expenditure caps apply.

For a **general election**, the capped expenditure period:

- begins on **1 July** in the year before polling day and
- ends **30 days after polling day**.

Different rules apply for by-elections.

Only political expenditure incurred during this period counts toward the expenditure cap.

8.4 Types of expenditure caps

Expenditure caps differ depending on the type of participant. Caps may apply:

- per candidate
- per district
- per registered political party
- per group (Legislative Council).

The Act sets out the applicable caps and the method for calculating them. All caps are indexed annually on 1 July in line with the CPI.

8.5 What counts toward the expenditure cap

Political expenditure incurred during the capped expenditure period counts toward the expenditure cap. This includes expenditure on:

- advertising and promotional material
- campaign events and activities
- research, polling and data analytics
- design, printing and distribution
- digital and social media advertising
- campaign staff and consultancy services.

Only expenditure that meets the definition of political expenditure is counted. Administrative expenditure and policy development expenditure do not count toward the cap.

8.6 Expenditure incurred on behalf of a participant

Political expenditure incurred by another person **on behalf of** a participant counts toward that participant's expenditure cap. This includes expenditure by:

- volunteers
- supporters
- associated entities
- third parties acting with the participant's authority or knowledge.

Participants must take reasonable steps to ensure that expenditure incurred on their behalf is monitored and recorded.

8.7 Consequences of exceeding the expenditure cap

Exceeding the expenditure cap may result in:

- reduced election funding
- repayment obligations
- penalties or prosecution
- ineligibility for future funding.

The reduction to election funding is calculated in accordance with the Act and is intended to discourage overspending.

8.8 Interaction with political expenditure

Political expenditure and expenditure caps are closely linked:

- Only political expenditure counts toward the cap.
- Only political expenditure incurred during the capped expenditure period is subject to the cap.
- Expenditure incurred outside the capped expenditure period does not count toward the cap but may still need to be disclosed.

Participants must understand the definition of political expenditure to ensure they do not inadvertently exceed their cap.

8.9 Record-keeping requirements

Participants must keep accurate and complete records of all political expenditure incurred during the capped expenditure period. Records must be retained for the period required under the Act and Regulations.

Adequate record-keeping is essential for demonstrating compliance with expenditure caps and supporting election funding claims.

Section 9: Disclosure

9.1 Overview

Disclosure is a key transparency mechanism under Part 13A. It ensures that the public can see how participants fund and conduct their electoral activities, and it supports accountability across the electoral system.

Participants must disclose political expenditure, donations and other prescribed information during the disclosure period. Disclosure obligations vary depending on the type of participant but apply to all participants in the election funding scheme.

9.2 Purpose of disclosure

Disclosure requirements are designed to:

- promote transparency in electoral funding
- reduce the risk of undue influence
- ensure public confidence in the electoral process
- support compliance monitoring by ECSA.

Disclosure complements expenditure caps and public funding by providing visibility over how participants finance and conduct their campaigns.

9.3 Who must disclose

Disclosure obligations apply to:

- registered political parties
- endorsed candidates
- unendorsed candidates
- groups
- independent members (in certain circumstances)
- associated entities and third parties (under separate provisions).

The specific disclosure requirements differ for each participant type.

9.4 The disclosure period

The disclosure period is the timeframe during which political expenditure and other prescribed matters must be disclosed.

For a **general election**, the disclosure period:

- begins on **1 July** in the year before polling day and
- ends **30 days after polling day**.

Different rules apply for by-elections.

Political expenditure incurred during this period must be disclosed, regardless of whether it falls within the capped expenditure period.

9.5 What must be disclosed

Participants must disclose:

- **political expenditure** incurred during the disclosure period
- **donations** received during the disclosure period (where required)
- **prescribed particulars** relating to expenditure and donations
- **details of persons** who incur political expenditure on behalf of the participant
- **any other information** required under the Act or Regulations.

Disclosure must be complete, accurate and lodged in the approved form.

9.6 Disclosure of political expenditure

Participants must disclose the total amount of political expenditure incurred during the disclosure period. This includes expenditure:

- incurred directly by the participant
- incurred by another person on their behalf
- incurred for the production or distribution of electoral matter
- incurred for campaign activities, research or advertising.

Only political expenditure needs to be disclosed; administrative and policy development expenditure are not included.

9.7 Disclosure of donations

Participants must disclose donations received during the disclosure period where the value of the donation meets or exceeds the applicable disclosure threshold. This includes:

- monetary donations
- donations of property or goods
- services provided without charge or at a reduced charge
- loans or other financial arrangements
- payments made on behalf of the participant.

Donations disclosure thresholds and requirements vary depending on the participant type.

9.8 Lodgement requirements

Disclosure returns must be:

- lodged in the **approved form**
- submitted **within the timeframe** specified in the Act
- accompanied by any required supporting documentation
- complete and accurate at the time of lodgement.

Late or incomplete lodgements may result in penalties.

9.9 Record-keeping obligations

Participants must keep records sufficient to substantiate all information disclosed, including:

- invoices and receipts
- contracts and agreements
- bank statements
- donation records and correspondence
- evidence of publication or distribution of electoral matter.

The disclosure period for *new candidates* starts on the date they announce their intention to run or are formally nominated. For *returning candidates*, the disclosure period begins 30 days after the polling day of the previous election. All records must be kept for a minimum of four years from the polling day of that election.

9.10 Administration of disclosure

The Electoral Commission of South Australia:

- receives and assesses disclosure returns
- monitors compliance with disclosure obligations
- may request additional information or documentation
- publishes disclosure information in accordance with the Act
- may take enforcement action where necessary.

Disclosure supports transparency and accountability across the electoral system.

Section 10: Agents

10.1 Overview

Agents play a central role under Part 13A. They are responsible for managing a participant's compliance with key obligations, including disclosure, political expenditure, donations and public funding. An agent acts as the authorised representative of a registered political party, candidate, group or third party for the purposes of the Act.

Participants must ensure that an agent is appointed where required and that the agent understands their responsibilities.

10.2 Who must have an agent

Participants must have an agent in accordance with the Act. An agent may be appointed, and if no appointment is made, the Act specifies who is taken to be the agent.

An agent applies to:

- registered political parties
- endorsed candidates (through their party agent)
- unendorsed candidates
- groups of candidates
- third parties that incur political expenditure above the threshold
- associated entities.

Who can be their own agent

Some participants are taken to be their own agent if they do not appoint one, including:

- unendorsed candidates
- third parties that are natural persons
- the first-listed member of a group of candidates (if no group agent is appointed).

Independent members are treated as candidates for agent purposes and are taken to be their own agent unless they appoint someone else.

10.3 Appointment of agents

Agents must be appointed:

- in the approved form
- by the participant or, for endorsed candidates, by the registered political party
- before undertaking any activity that requires an agent under the Act.

An appointment takes effect when it is accepted by ECSA. Participants must ensure that their agent's details remain current.

10.4 Responsibilities of agents

Agents are responsible for ensuring compliance with the participant's obligations under Part 13A, including:

- lodging disclosure returns
- managing political expenditure records
- ensuring donations are handled and disclosed correctly
- overseeing compliance with expenditure caps (where applicable)
- ensuring claims for public funding are accurate and supported
- maintaining required records and documentation.

Agents must act with due care and diligence, as their actions are taken to be the actions of the participant.

10.5 Authority of agents

An agent is authorised to:

- receive and give notices on behalf of the participant
- lodge returns and claims
- make declarations required under the Act
- act as the primary point of contact with ECSA.

The participant is bound by the acts and omissions of their agent.

10.6 Changing or revoking an agent

A participant may change or revoke an agent's appointment by lodging the appropriate form with ECSA. A change takes effect only when accepted by ECSA.

Until the change is effective:

- the existing agent remains responsible
- the participant remains bound by the existing agent's actions.

Participants must ensure that any change is lodged promptly to avoid compliance gaps.

10.7 Record-keeping obligations

Agents must ensure that records are kept to substantiate:

- political expenditure
- donations
- public funding claims
- any other information required to be disclosed.

Records must be retained for the period required under the Act and Regulations.

10.8 Offences and liabilities

Agents may be subject to offences under the Act if they:

- fail to lodge required returns
- lodge false or misleading information
- fail to maintain required records
- do not comply with obligations relating to expenditure caps or donations.

Participants may also be liable for the acts or omissions of their agent.

10.9 Administration of agent appointments

The Electoral Commission of South Australia:

- receives and processes agent appointments
- maintains the register of agents
- provides guidance on agent responsibilities
- monitors compliance with agent-related obligations
- may take enforcement action where necessary.

Agents are a key compliance mechanism under Part 13A and support the integrity of the electoral funding and disclosure framework.

Section 11: State campaign accounts

11.1 Overview

State campaign accounts are a central integrity mechanism under Part 13A. They ensure that political expenditure, donations and public funding are managed transparently and separately from other financial activities. Participants who opt into the election funding scheme must operate a state campaign account and use it for all political expenditure incurred during the capped expenditure period.

The state campaign account supports compliance with expenditure caps, disclosure obligations and public funding requirements.

11.2 Who must have a state campaign account

A state campaign account is required for:

- registered political parties
- endorsed candidates (through their party's state campaign account)
- unendorsed candidates
- groups.

Independent members may also be required to operate a state campaign account in certain circumstances.

Participants who do not opt into the election funding scheme are not required to maintain a state campaign account.

11.3 Purpose of the state campaign account

The state campaign account must be used to:

- receive donations intended for state electoral purposes
- receive election funding and advance funding
- pay political expenditure incurred during the capped expenditure period
- hold funds used for electoral campaigning.

The account provides a clear financial trail for compliance and audit purposes.

11.4 Requirements for operating a state campaign account

Participants must ensure that the state campaign account:

- is held with an approved financial institution
- is used exclusively for electoral purposes
- is kept separate from all other accounts
- records all transactions clearly and accurately
- is maintained in accordance with the Act and Regulations.

All political expenditure incurred during the capped expenditure period must be paid from the state campaign account.

11.5 Funds that must not be deposited

Certain funds must **not** be deposited into a state campaign account, including:

- administrative funding
- policy development funding
- any funds not intended for state electoral purposes.

These funding streams must be kept separate to ensure they are not used for political expenditure.

11.6 Interaction with political expenditure

The state campaign account is directly linked to political expenditure obligations:

- all political expenditure during the capped expenditure period must be paid from the account
- expenditure paid from outside the account may be treated as non-compliant
- accurate account records support election funding claims and disclosure returns.

Using the account correctly is essential for demonstrating compliance with expenditure caps.

11.7 Record-keeping requirements

Participants must keep records that substantiate all transactions in the state campaign account, including:

- bank statements
- invoices and receipts
- contracts and agreements
- donation records
- evidence of political expenditure.

Records must be retained for the period required under the Act and Regulations.

11.8 Offences and non-compliance

Failure to operate a state campaign account in accordance with the Act may result in:

- ineligibility for election funding
- repayment obligations
- penalties or prosecution
- compliance action by ECSA.

Participants are responsible for ensuring that all account requirements are met.

11.9 Administration of state campaign accounts

The Electoral Commission of South Australia:

- provides guidance on account requirements
- monitors compliance
- may request account records or supporting documentation
- assesses whether political expenditure has been paid correctly
- may take enforcement action where necessary.

Section 12: Record-keeping

12.1 Overview

Record-keeping is a fundamental compliance requirement under Part 13A. Participants must keep accurate, complete and accessible records to substantiate political expenditure, donations, public funding claims and disclosure returns. Good record-keeping supports transparency, enables effective auditing and reduces the risk of non-compliance.

12.2 Purpose of record-keeping

Record-keeping requirements are designed to:

- support accurate disclosure
- substantiate political expenditure and donation records
- demonstrate compliance with expenditure caps
- support claims for public funding
- enable ECSA to verify information when required.

Records must be maintained in a way that allows them to be easily inspected and understood.

12.3 Who must keep records

Record-keeping obligations apply to:

- registered political parties
- endorsed candidates
- unendorsed candidates
- groups
- independent members (in certain circumstances)
- associated entities and third parties (under separate provisions)
- agents acting on behalf of participants.

Each participant is responsible for ensuring that their records meet the requirements of the Act.

12.4 Records that must be kept

Participants must keep records sufficient to substantiate:

- **political expenditure**, including invoices, receipts, contracts and evidence of publication or distribution
- **donations**, including monetary donations, donations of property or goods, services provided without charge or at a reduced charge, loans and payments made on their behalf
- **state campaign account transactions**, including bank statements and supporting documentation
- **public funding claims**, including evidence of political expenditure incurred during the capped expenditure period
- **agent appointments and authorisations**
- **any other information** required to be disclosed under the Act or Regulations.

Records must be detailed enough to allow ECSA to verify the accuracy of returns and claims.

12.5 Format and accessibility of records

Records may be kept in physical or electronic form, provided they are:

- accurate
- complete
- secure
- readily accessible for inspection.

Participants must ensure that electronic systems are reliable and that records can be produced promptly if requested.

12.6 Retention period

Records must be retained for the period specified in the Act and Regulations. Participants must ensure that records remain accessible for the full retention period, even if:

- an agent changes
- a candidate ceases to be endorsed
- a party deregisters
- a campaign concludes.

Failure to retain records for the required period may result in non-compliance.

12.7 Offences and non-compliance

Failure to keep adequate records may result in:

- penalties
- repayment of public funding
- ineligibility for future funding
- compliance or enforcement action by ECSA.

Participants are responsible for ensuring that their record-keeping practices meet legislative requirements.

12.8 Administration of record-keeping obligations

The Electoral Commission of South Australia:

- provides guidance on record-keeping requirements
- may request records to verify disclosure returns or funding claims
- monitors compliance with record-keeping obligations
- may take enforcement action where necessary.

Effective record-keeping supports transparency, accountability and the integrity of the electoral funding and disclosure framework.

Definitions

For the purposes of **Part 13A – Election Funding, Expenditure and Disclosure** of the Act, the following terms have the meanings set out below:

ACNC registered entity

An entity registered under the *Australian Charities and Not-for-profits Commission Act 2012 (Cth)*.

Administrative expenditure

Expenditure incurred for the administration and day-to-day operations of a registered political party or a non-party member of parliament, including staffing, office accommodation, equipment, compliance, training and interest payments.

It **excludes** political expenditure, campaign costs, policy development expenditure, parliamentary allowances and other prescribed exclusions.

Agent

A natural person appointed under Division 2 of Part 13A to act on behalf of a registered political party, candidate, group, third party or associated entity for funding, expenditure and disclosure compliance.

Applicable expenditure cap

The maximum amount of political expenditure a participant may incur during the capped expenditure period, calculated in accordance with section 130Z.

Associated entity

An entity controlled by, operating wholly or partly for the benefit of, or financially connected to a registered political party. An associated entity may also be treated as a third party if it incurs more than \$10,000 in political expenditure during a designated period.

Auditor

A person with prescribed qualifications or experience who is not, and has not been within the last 10 years, a member of a political party.

Capped expenditure period

For a general election, the period beginning on 1 July in the financial year of polling day and ending 30 days after polling day. For any other election, the period begins when the vacancy is announced and ends 30 days after polling day.

Credit card

For the purposes of expenditure and loans, each credit card transaction is treated as a separate loan.

Designated participant

Includes an entitled registered political party, an entitled candidate, an entitled group, or a third party for the purposes of Part 13A obligations.

Designated period

For a general election, the period from 1 January in the election year to 30 days after polling day. For other elections, the period begins with the announcement of the vacancy and ends 30 days after polling day.

Donation

A disposition of property made without, or for inadequate, consideration. This includes discounted or free services, fundraising payments, membership fees, guarantees and transfers between parties or entities. It excludes small membership fees (below the indexed threshold), levies, certain allowances and other prescribed exclusions.

Electoral donation

A donation made for state electoral purposes as defined under Division 6A of Part 13A.

Electoral loan

A loan made for state electoral purposes under Division 6A, including financial advances or credit arrangements, but excluding loans from financial institutions or intra-party loans.

Election

A Legislative Council or House of Assembly election.

Entity

An incorporated or unincorporated association or the trustee(s) of a trust.

Financial controller

The secretary, trustee or other officer responsible for maintaining financial records of an entity.

Financial institution

An authorised deposit-taking institution (ADI) or any other prescribed body.

Loan

An advance of money, the provision of credit or other financial accommodation (excluding loans provided by financial institutions or between members of the same political party structure).

Nominated entity

An entity registered under the *Register of Nominated Entities* to receive or manage funds for a registered political party (maximum of 2 per party).

Non-party member

A member of parliament who is not a member of a registered political party.

Political expenditure

Expenditure incurred for the purpose of:

- publicly expressing views on political parties, candidates or electoral issues
- producing or distributing political material
- undertaking opinion polling or political research
- any prescribed electoral purpose

Political expenditure excludes GST, administrative expenditure, policy development expenditure and some employee-related costs.

Public funding

Funding provided under Part 13A, including election funding, advance funding, administrative funding and policy development funding.

Relevant entity

A registered political party, an associated entity or a third party.

State campaign account

An account that must be kept by a political party, candidate, group or third party for receiving political donations and public funding and for paying political expenditure relating to state electoral purposes. Administrative and policy development funds must **not** be deposited into this account.

State electoral purposes

Purposes related to state elections and not federal or local government electoral activities.

Third party

A person or entity (other than a political party, candidate, MP, broadcaster or publisher) that incurs more than \$10,000 in political expenditure during a designated period.



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