

THIRD PARTIES

Funding and disclosure overview for third parties

Unless otherwise stated, all references to legislation are to the *Electoral Act 1992* (EA). The information in this fact sheet does not replace legislation. If you are concerned about your circumstances, you should seek independent legal advice.

What is and is not a third party?

A third party is an individual or entity (including those outside Queensland) who makes gifts to election participants, conducts campaign activities or incurs electoral expenditure such as political advertising.

Federal elected representatives who incur electoral expenditure for Queensland state elections are considered third parties. Please refer to [Fact sheet 40 – Electoral expenditure incurred by federal Members of Parliament and Senators](#) for more information.

Registered political parties, associated entities and candidates are not considered third parties.

Does a third party need to appoint an agent?

Agents are individuals responsible for ensuring an election participant's compliance obligations under the EA are met.

Depending upon the circumstances, third parties may need to appoint an agent. Please refer to [Fact sheet 28 – Funding and disclosure overview for agents](#).

Do third parties need to be registered?

If a third party spends or intends to spend more than \$6,000 on electoral expenditure during the capped expenditure period, the third party must register with the ECQ for the election.

Third parties must register separately for each election in which they intend on incurring electoral expenditure.

Third parties that only intend to make donations to candidates or registered political parties do not need to register as a third party. However, they may still have disclosure obligations.

See [Fact sheet 7 – Definition of electoral expenditure](#) for information and examples of electoral expenditure.

See [Fact sheet 20 – Third party registration process](#) for more information about registering a third party.

See [Fact sheet 23 – Disclosure of gifts made to registered political parties and state election candidates](#) for information about disclosure obligations.

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More information

If you need more information relating to Funding, Disclosure and Compliance, please contact ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.



**Electoral
Commission**
QUEENSLAND

What are the disclosure obligations for a third party?

DISCLOSURE OF ELECTORAL EXPENDITURE

All registered third parties (including those that should be registered) must disclose all electoral expenditure incurred for an election in their election summary return.

The return is due 15 weeks after election day and must be lodged even if the third party has incurred no expenditure.

Please see [Fact sheet 8 – Disclosure of electoral expenditure and election summary returns](#) for further information.

DISCLOSURE OF GIFTS MADE

Any third party that makes a gift of \$1,000 or more (either as a single gift or cumulative smaller amounts) to a candidate or a registered political party must disclose the gift within 7 business days.

See [Fact sheet 23 – Disclosure of gifts made to registered political parties and state election candidates](#) for more details.

DISCLOSURE OF GIFTS RECEIVED

If a third party receives a gift of \$1,000 or more and uses it to incur or reimburse political expenditure, the gift must be disclosed within 7 business days of use.

Refer to [Fact sheet 22 – Real-time disclosure of gifts and loans received by third parties](#) for details.

How do third parties lodge a return?

Disclosure returns are lodged via the ECQ's Electronic Disclosure System (EDS) at disclosures.ecq.qld.gov.au.

Do third parties have electoral expenditure caps?

Third parties must not exceed the electoral expenditure cap during the capped expenditure period for a state election.

Please see [Fact sheet 24 – Electoral expenditure caps for third parties](#) for more details.

Do third parties have political donation caps?

There are limits to the amount or value of political donations that a third party can make to registered political parties or candidates during a financial year.

Third parties are not capped on the amount they can receive to fund their political expenditure.

[Fact sheet 5A – Definition of political donations and donor statements](#) and [Fact sheet 6 – Political donation caps](#) contain the details of political donations and cap regulations.

More information on state government elections

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There are caps on the value of political donations that can be made to a registered political party or candidate.

Not all gifts or loans are political donations, just those given with a donor statement.

Are there prohibited gifts or loans?

Property developers and industry organisations representing property developers are prohibited from making a gift or loan to a registered political party, unless it is accompanied by a restricted donation statement. See [Fact sheet 35 – Donations from prohibited donors](#) for more information.

What happens if a mistake is made?

If a third party or the agent of a third party realises they have incorrectly handled a funding and disclosure obligation, the person should contact the ECQ at fad@ecq.qld.gov.au. The Funding and Disclosure team can assist the election participant in amending or fulfilling their obligations. Returns must still be lodged, even if they are late.

Record keeping requirements

All election participants must keep records for 5 years. This is required to demonstrate compliance in relation to all electoral expenditure, disclosure, and reporting requirements. Refer to [Fact sheet 4 – Record keeping requirements](#) for more information.

Compliance

The ECQ is responsible for administering and enforcing the EA, which includes penalties for election participants who breach their disclosure obligations. The compliance framework is available on the [ECQ website](#).

For further information

This fact sheet mainly refers to part 11 of the EA. The Act is available in full at legislation.qld.gov.au. Participants in the electoral process should ensure they understand their obligations under the EA.

More information on state government elections

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RELATED FACT SHEETS

Fact sheet 4 – Record keeping requirements

Fact sheet 5A – Political donations and donor statements

Fact sheet 6 – Political donation caps

Fact sheet 7 – Definition of electoral expenditure

Fact sheet 8 – Disclosure of electoral expenditure and election summary returns

Fact sheet 20 – Third party registration process

Fact sheet 22 – Real-time disclosure of gifts received by third parties

Fact sheet 23 – Disclosure of gifts made to registered political parties and state election candidates

Fact sheet 24 – Electoral expenditure caps for third parties

Fact sheet 28 – Funding and disclosure overview for agents

Fact sheet 35 – Donations from prohibited donors

Fact sheets can be found on the [ECQ website](#).

More information on state government elections

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