

Third Parties



Definition of a third party

A third party is a person or organisation that:

Incurs or intends to incur more than \$10,000 in political expenditure during the designated period for an election.

Incurred more than \$10,000 in political expenditure during the designated period for the last preceding election.

Third parties are subject to expenditure caps for general elections or by-elections.



Entities not considered a third party

The following entities are excluded from the definition of a third party under the Act.

A member of parliament (House of Assembly or Legislative Council)

A government or public sector agency

A registered political party, candidate, or group

A broadcaster or datacaster

A publisher of a journal (including online publications).



State campaign account

A third party must establish a state campaign account if they receive:

Electoral donations

Money for political expenditure

Reimbursement payments.

Bank account details must be provided to ECSA.



Registration requirement

Under the *Electoral Act 1985* (the Act), a third party must register with the Electoral Commission of South Australia (ECSA) if they meet the political expenditure threshold.

Registration is mandatory before incurring political expenditure above the threshold.

Applications must be submitted by the third party's agent or authorised person, using the approved form.

Applications cannot be made less than 45 days before the end of the relevant register period.

The register is maintained and published by ECSA.

Agents must notify any changes to registration details within 30 days.



Appointing an agent

A third party may appoint a person to act as their agent for electoral purposes.

If no agent is appointed:

If the third party is an individual, they are automatically considered their own agent.

If the third party is an organisation or group, each member of its executive committee is treated as the agent.



Disclosure and reporting obligations

Registered third parties must:

- Lodge periodic returns detailing political expenditure
- Disclose donations received and their sources
- Keep accurate records of all transactions

Failure to comply may result in offences and penalties under the Act.

Steps to identify third party status

Threshold

\$10,000 in political expenditure (incurred or intended)

Registration

Mandatory if expenditure is intended or does exceed the threshold

Agent

May appoint or deemed agent by default

Campaign account

Required for all political expenditure

Disclosure

Donations and expenditure must be reported

Disclaimer: While ECSA provides information in relation to the operation of the Act, the information we provide does not constitute legal advice, an indication of liability, or an exemption of liability for offences under the Act. ECSA takes no responsibility for decisions made by recipients, donors, agents, or other entities with obligations under the Act. ECSA lawfully cannot and will not exempt any person from prosecution for any offence under the Act.

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