

Funding and Disclosure

HANDBOOK

FOR STATE AND LOCAL GOVERNMENT ELECTIONS AND BY-ELECTIONS



ECQ publications are not intended to substitute for the *Electoral Act 1992* or the *Local Government Electoral Act 2011*. Candidates, agents and others are advised to obtain a copy of the Acts and seek their own independent advice if necessary. The Act is available on the Queensland Legislation website: www.legislation.qld.gov.au

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Introduction

Candidates and political parties in Queensland State elections qualify for public funding if they receive 6% of the formal first preference vote.

The amount of funding available for any candidate is calculated by multiplying the number of first preference votes by the election funding amount, currently \$3.08 per vote for political parties and \$1.54 per vote for candidates. This amount is adjusted at the start of each financial year according to the CPI for the March quarter preceding it.

The maximum funding for each candidate is equivalent to their spending on goods and services essential to their campaigns. Claims must be lodged within 20 weeks after polling day.

Political parties separately qualify for policy development funding as long as the party was registered at the last State election, achieved 6% of the formal first preference vote and has at least one elected member for the full financial year the claim is made in.

All gifts and fundraising contributions received by candidates and political parties must be disclosed to ECQ within 15 weeks after the election.

Changes to the Queensland Electoral Act in February 2017 mean any gifts or loans of \$1,000 or more must be reported to ECQ within seven business days of the transaction by the party or candidate receiving them, and by the entity making them. Gifts include any fundraising contribution exceeding \$200.

A special reporting event is created when gifts or fundraising contributions from a single source reach or pass \$100,000. Such events must be reported to ECQ within seven business days.

Candidates and parties contesting local government elections are not entitled to public funding for their campaigns but must adhere to a similar regime of reporting for electoral spending, gifts and fundraising contributions.

The gift threshold for local government is \$200 for both gifts and fundraising contributions. All gifts or loans from a single source totalling this amount or more must be reported to ECQ within 15 weeks after polling day.

Funding

Election funding

Calculating election funding

Candidates and parties qualify to claim election funding when they receive 6% of the formal first preference vote. Maximum entitlements are calculated as formal first preference votes multiplied by the relevant election funding amount, currently \$3.08 for political parties and \$1.54 for candidates.

This amount is adjusted at the start of each financial year according to the CPI for the March quarter preceding it.

Candidates and parties can claim only what they spend on eligible electoral expenses essential to their campaigns, and must document their spending.

Electoral expenditure

Electoral expenditure is spending on material that advocates a vote for or against a candidate or for or against a registered political party. It doesn't have to be incurred during the election period, but it must relate to the candidate's campaign for a particular electoral district.

It must explicitly mention the name of the candidate or the electorate and be communicated mainly to voters in that electorate, not outside it.

Electoral expenditure is incurred when a liability is created. This is when the purchaser of the goods or services definitely commits to the expenditure, even if it's not paid for then.

Eligible spending is:

- advertising for the election on radio, television, newspapers, magazines, journals, theatres, the internet or social media, sporting arenas and other places of entertainment;
- production of these items;
- production of any advertisement, handbill, pamphlet or notice for the election;
- production and distribution of election material that is addressed to a particular person or entity for the election;
- postage of material that advocates a vote for a particular candidate or party;
- carrying out opinion polls and research directed mainly at promoting or opposing a candidate or party or influencing voting at the election;
- the wages of a campaign director may be considered electoral expenditure if that person's contract of employment clearly stipulates that they will be responsible for the production and distribution of electoral material as outlined above.

Electoral expenditure excludes:

- goods or services that are administration expenditure;
- candidate nomination deposits (prescribed in section 89 of the Act);
- costs for preparation and audit of disclosure returns or election funding claims as prescribed under the Act;
- factual advertising in relation to party or parliamentary administration (e.g. meetings or conferences), or expenditure incurred by MPs for duties directly related their office; and
- novelty items such as car stickers, t-shirts, lapel buttons, lapel badges, pens, pencils, balloons or items of a similar nature;
- refundable deposits are not claimable whether or not the refund is received; and
- costs that are peripheral to the establishment and delivery of an electoral expenditure item are not electoral expenditure. For example, the cost of placing an advertisement on the side of a vehicle being driven around an electorate is electoral expenditure, but the vehicle's operating costs are not.

Record keeping

Candidates and parties need to ensure that everybody incurring expenditure with their written authority keeps proper records. These records support the candidate's claim for election funding and must be kept for three years after the claim is made.

ECQ will not accept claims for expenditure incurred by anyone who doesn't have the written authority of the party or the candidate.

Clear audit trails are essential to substantiate all financial transactions. As a guide, the following source documents/records or their equivalent should be kept:

- receipt books;
- acknowledgment books;
- deposit books;
- cheque books;
- journals;
- bank statements; and
- general ledgers.

These records may be handwritten or electronic.

Funding

Supporting documentation

Evidence of electoral expenditure must be tax invoices from broadcasters, publishers, advertising agencies, printers, and other suppliers that show the expenditure is clearly within the guidelines.

Tax invoices must clearly identify the goods or services to which they refer and the name of the candidate or person incurring the expenditure.

Tax invoices for printed materials such as flyers and brochures, and newspaper advertisements must be accompanied by samples.

Claims will be processed only if the supporting tax invoices are listed on a schedule in such a way that ECQ staff can check that they have all been received. The approved form includes a schedule.

All tax invoices will be returned but ECQ will retain copies for its records.

Illegible tax invoices cannot be accepted.

Claiming election funding

Funding claims must be submitted by the candidate, the party or their agent through ECQ's electronic disclosure system, within 20 weeks after polling day.

A claim for election funding must state electoral expenditure:

- incurred by the candidate for the election; and
- for which funding is sought.



Candidates who are unable to file claims on-line should contact ECQ's Funding and Disclosure Unit: 1300 881 665, Monday to Friday, 9 am to 5 pm.

Payment of election funding

Election funding can be paid by EFT to the candidate's account or the account of their nominating party, if a payment direction is given to ECQ.

The payment can be made by cheque if EFT details are not registered with ECQ.



Refer to the Appendix for more information on: *Reconsideration where a claim is refused; Recovery of overpayments; and Revoking candidate's payment direction.*

Appointing an agent

Agents are responsible for candidates' and parties' election funding and financial disclosure obligations.

Candidates may appoint an agent before nominations close. Otherwise candidates are taken to be their own agent.

All claims and returns for a candidate must be lodged under the agent's signature and agents are the ECQ's first point of contact for funding and disclosure matters.

Agents must be adults appointed in writing on the approved form (Form QFDo4 – Notice of Appointment of an Agent by a candidate). The form requires the agent's name and address and they must sign the form declaring their consent to the appointment and their eligibility for the appointment.



Refer to the Appendix for more information on: *If a candidate's agent has been convicted of an offence; and Restrictions on a candidate's agent.*

Register of agents

ECQ keeps a register containing the names and addresses of every agent. An agent's appointment takes effect when his or her name is entered in the register and ends when their name is removed.

Agents must ensure that ECQ always has their current address and contact details.

Revoking the appointment of an agent

Candidates' agents can be removed from the register only if:

- they resign in writing to ECQ;
- they die;
- they are convicted of a funding and disclosure offence;
- the candidate or their political party notifies ECQ that the nominated person is no longer the candidate's agent.



Refer to the Appendix for more information on: *If a candidate's agent dies or resigns; and If a candidate's agent is convicted of an offence.*

Policy Development Funding

Policy development funding for political parties

Introduction

Registered political parties are eligible to receive policy development payments if the party was registered at the last State election, achieved at least 6% of the first preference vote and has at least one elected member who is endorsed by the party throughout the financial year.

State Funding

The funding pool for policy development payments is fixed by the Regulation; it is currently \$3,000,000. It is divided between eligible political parties in proportion to their share of the first preference vote.

State Policy
Development Payments

Funding entitlements for a financial year are calculated in the first three weeks of the financial year. Payments are made in two equal instalments on or before 31 July and 31 January.

Parties may ask ECQ to reconsider a decision about:

- whether the party is eligible to receive policy development funding; or
- the amount of policy development payment made to the party.

State
Financial Disclosure

Requests to reconsider a policy development payment decision must be given to ECQ in writing by 31 August. Varied or set aside decisions require recalculation of each party's entitlement. Consequent overpayments must be repaid by the party to ECQ.

Agents may advise ECQ in writing that the party wants to opt out of receiving policy development payments. The request to opt out continues in effect until it's withdrawn in writing by the agent.

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Financial disclosure

Disclosure return

The agent of a candidate must give ECQ a disclosure return detailing:

- electoral expenditure incurred by the candidate or party, or with their written authority;
- total amount of gifts including fundraising contributions and gifts in kind received by or for the candidate or party;
- number of entities or persons who gave gifts including fundraising contributions and gifts in kind received by or on behalf of the candidate or party;
- the names and addresses of people or entities who made gifts, fundraising contributions and gifts in kind to a candidate or political party;
- loans of \$1,000 or more received by or on behalf of the candidate or party, other than those from a financial institution; and
- names and addresses of the person or entity making a such loans, if they're not financial institutions;
- uncharged interest is considered a gift, and if that amount and other gifts total \$1,000 or more from a single entity, the lender must give ECQ a disclosure return;

NOTE: ECQ must be notified about all gifts and loans totaling \$1,000 or more from a single donor within seven business days of the funds being received.

Gifts totaling \$100,000 or more from a single entity to a political party or candidate constitute a special reporting event and must be reported within seven business days.

Disclosure period for electoral expenditure

The disclosure period for a candidate who stood for election in the preceding four years starts 30 days after polling day for that election and ends 30 days after polling day for the current election.

All other candidates' disclosure periods end 30 days after polling day and begins when the person:

- is preselected by their party to contest the election;
- announces their candidacy for the election; or
- nominates as a candidate for the election;

whichever is the earliest.

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Timetable for claims and disclosure

State Funding

Time	Event
30 days after last polling day	Start disclosure period (See Note)
Day after issue of writ	Start election period
Polling day	End election period
30 days after polling day	End disclosure period
15 weeks after polling day	Periodic disclosure returns due
20 weeks after polling day	End election funding claim period

State Policy
Development Payments

NOTE: For a candidate who contested an election within the preceding four years, the disclosure period starts 30 days after polling day for that election and ends 30 days after polling day for the current election. For all other candidates, the disclosure period starts the day the person announces their candidacy, is preselected by their party or the day the person nominates as a candidate for the election, whichever is the earliest, and ends 30 days after polling day for the election.

State
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Unpaid and disputed accounts

It is unnecessary that an account is paid before it is used to support a claim. However, the candidate or party must have a legal obligation to pay the account.

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Where the amount payable is disputed and unlikely to be settled before the claim is lodged with ECQ, the lesser of the amounts in dispute should be included in the claim. ECQ must be alerted to any dispute concerning an item of electoral expenditure claimed for reimbursement. ECQ may determine what amount is accepted.

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Third parties

A third party is any entity other than a candidate, registered political party or associated entity of a registered political party.

They can be individuals or organisations, in Queensland or elsewhere.

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Third Parties

Third parties incurring political purpose expenditure equal to or more than the gift threshold amount (\$1,000) must give ECQ a return reporting all gifts, including gifts in kind and fundraising contributions.

The same reporting obligation exists whether a third party advocates a vote for or against a party or candidate, or draws attention to a particular issue.

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Third parties who spend money for a political purpose during an election, who have an obligation to give a disclosure return for the election, and who apply gifts received to that expenditure must disclose the amount of those gifts. If the gifts from a single source add up to \$1,000 or more, details of the entity making those gifts must be included in the return and must be disclosed within seven business days. In these instances both third parties, i.e. the third

party who incurs the expenditure and the third party making the gift must give ECQ a disclosure return for return for the election.

A candidate or political party who receives gifts totaling \$1,000 or more from a single entity must advise the third party that they are also required to disclose the gift through the ECQ's electronic disclosure system, available on its website: www.ecq.qld.gov.au.

Gifts

ECQ must be notified about all gifts totaling \$1,000 or more from a single donor within seven business days of the funds being received.

Candidates and parties receiving gifts must tell the third party that the gifts will be listed in the candidate's disclosure return and available for public viewing through ECQ's electronic disclosure system.

If the sum of all gifts received from a third party is more than the gift threshold amount, \$1,000, the disclosure return must include details of those gifts. This includes the amount or value, the date/s given, the name and address of the third party and other details required.

Gifts made in a private capacity for a candidate's personal use, and not used for any purpose related to an election, needn't be reported.

A gift in kind is valued at the fair market value on the date given. Fair market value is commonly accepted as the highest price obtainable between a willing and knowledgeable buyer and seller in an open and unrestricted market. It may be reasonable to use an independent appraiser to value the gift.



Refer to the Appendix for more information on: *Other details required for gifts received.*

Loans

ECQ must be notified within seven business days about all loans totalling \$1,000 or more, received by candidates or parties from a single entity that is not a financial institution.

For loans greater than the gift threshold amount, ECQ must be advised of:

- the terms and conditions of the loan;
- the date the loan was made;
- the name and address of the lenders; and
- other details required by law.

If the required details are not reported, the state can recover loans of more than the gift threshold amount made by entities that are not financial institutions.

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Refer to the Appendix for more information on: *Other details required for loans.*

Rules about particular gifts and loans

Gifts that are returned within six weeks

A gift that's returned within six weeks of when it's received doesn't have to be disclosed, unless it's a gift of foreign property.

Gifts of foreign property

It is unlawful for a candidate or party, or a person acting on behalf of a candidate, to receive a gift of foreign property. The status of property as Australian or foreign is decided by reference to the position of the property immediately before the gift or transfer took place.

Gifts of Australian property acquired in exchange for foreign property remain foreign property. An amount equal to the amount or value of a foreign gift is payable to the State unless the gift is returned within six weeks. In that case the foreign gift must be included in the candidate's disclosure return with a notation that the gift was returned.



Refer to the Appendix for more information on: *Other rules for gifts of foreign property.*

Identification of real third party making gift

Care must be taken to establish who a gift is really from, especially when gifts are received from firms of solicitors or accountants.

Where the relationship between solicitor or accountant and client is that of agent and principal, money received on their client's behalf is held by them as the client's agent and trustee. As an agent the solicitor or accountant is bound to follow their client's directions in relation to the money. The solicitor or accountant is without the usual powers and discretion of a trustee. A gift of money paid by an agent at the direction of their principal to a candidate is a gift by the principal and not the agent.

The third party who must be disclosed in the candidate's disclosure return is the client. A gift by cheque drawn on a solicitor or accountant's trust account is a gift from an undisclosed principal and not the drawer of the cheque.



Gifts received from undisclosed principals are unlawful and may be recovered by the State.

Anonymous gifts

It is unlawful for a candidate, or person acting on behalf of a candidate, to receive gifts greater than the gift threshold amount, unless:

- the name, address and other required details of the giver are known; and, at the time the gift is made, the person receiving the gift has no grounds to believe the name and address given are not the true name and address of the third party.



Amounts equal to the value of an unlawful gift may be recovered by the State.

Fundraising contributions

A fundraising contribution is an amount of money paid by a person as a contribution, entry fee or other payment which entitles someone to participate in, or benefit from, a fundraising venture or function. It includes raffle tickets or an amount paid for an item at a fundraising auction. Any amount over \$200 paid as a fundraising contribution constitutes a gift. If a single donor or other entity makes contributions that total more than \$1,200, ECQ must be notified within seven business days.

Agents must give and maintain a record of receipts for each fundraising contribution. ECQ looks at the actual payment made; i.e. one receipt to a single contributor paying for 15 attendees at a function is a single payment. Individually paid and receipted contributions are viewed as 15 payments.

Volunteer labour

Disclosure of volunteer labour in a candidate's return is unnecessary.

For party members, any service they provide voluntarily and free of charge is regarded as volunteer labour.

For non-members, anything they do voluntarily that they would not normally be paid for is voluntary labour.

Auditor certification and investigatory powers

Auditor certification

Candidates' disclosure returns must include a certificate from an auditor unless the requirement is waived by ECQ. The audit certificate format is prescribed by ECQ.

An auditor is defined for funding and disclosure purposes as an individual who holds prescribed qualifications:

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- registration as an auditor under the Corporations Act;
- membership of CPA Australia, Institute of Public Accountants or The Institute of Chartered Accountants in Australia, and holds the entitlement to use the relevant credentials.

People who are or have ever been a member of a political party cannot audit a disclosure return.

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Auditors who become aware of a matter that is reasonably likely to constitute a contravention of part 11 of the Act (Funding and Disclosure) must give ECQ written notice of that matter within seven business days.

State Policy
Development Payments

ECQ may waive the audit certificate requirement if it assesses the cost of compliance is unreasonable or the return contains a statement that no gifts or loans were received and no electoral expenditure was incurred. Waiver applications are assessed individually.

Investigatory powers

ECQ is responsible for monitoring compliance with funding and disclosure provisions and can carry out investigations when it believes there may be a breach of those provisions.

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Offences and penalties

ECQ will issue infringement notices imposing fines for funding and disclosure offences including:

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- failure to give a return;
- giving a false or incomplete return;
- failure to keep proper records.

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Unpaid penalties are enforced through the State Penalties Enforcement Registry.

Non-compliance with funding and disclosure provisions will not invalidate an election.

Service of documents

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All election funding and financial disclosure notices, claims and returns must be given to ECQ through its electronic disclosure system.

Candidates, parties or donors who are unable to access the internet should contact ECQ's Funding and Disclosure Unit: 1300 881 665, between 9am and 5pm, Monday to Friday.

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Public inspection

All claims and returns (including attachments and requests for amendment) given to ECQ are public documents. They will be available for viewing on ECQ's electronic disclosure website.

Amendment of claims and returns

ECQ may amend a claim or return to correct a formal error or remove a formal defect; e.g. showing the date of the last election incorrectly.

An agent who gives ECQ a claim or return may ask permission to make a specified amendment to correct an error or omission. Written requests must be signed by the agent and given to ECQ.

Only the agent can request that an amendment be made. Requests from another person to amend a claim or return will be referred to the agent for confirmation. Liability of a person to be convicted of an offence is unchanged by amendment of a claim or return.

If such a claim is refused, an authorised ECQ officer will give agents the reasons. Agents may request a review of that decision by the Electoral Commissioner, by applying in writing within 28 days.

ECQ may seek further particulars or clarification of matters contained in a return. Agents may be asked to request amendment of a return or claim.

Interim returns are unacceptable; the first return received is taken to be the return given.

Late returns

ECQ encourages candidates and their agents to comply with these regulations and time scales, however ECQ may grant additional time to lodge a return.

Extension applications must be in writing, detailing the reasons for requesting the extension and must be filed before the due date for the return. Applications are assessed on a case by case basis. ECQ may grant an extension provided the party or candidate lodges a return including the information available at the time.

Public records will show the actual date that a return is given.

Local Government Elections

Introduction

Introduction

This handbook is issued by the Electoral Commission of Queensland (ECQ) to guide candidates and third parties/donors through the financial disclosure provisions of the *Local Government Electoral Act 2011* (“the Act”).

State Funding

Candidates and third parties/donors have an obligation to familiarise themselves with all relevant legislation. Failure to do so cannot be used as an excuse for failing to comply.

State Policy
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All disclosure returns submitted to ECQ must be completed in full through the electronic disclosure system on ECQ’s website. If they’re not complete, the candidate, group of candidates or the third party/donor must state the nature of what’s been left out and the reasons why. The names and addresses of any people who are able to provide particulars are required with this submission.

Assistance and Enquiries

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Contact Details

The Funding and Disclosure Unit is available to provide general guidance and assistance in relation to disclosure matters. ECQ will not provide specific legal, financial or other professional advice.

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Contact	Details
Postal address	GPO Box 1393 BRISBANE QLD 4000
Phone	1300 881 665
Email	fad@ecq.qld.gov.au

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Candidates

A candidate means a person whose nomination for election as a Councillor or Mayor for a local government has been certified by the returning officer as having met the prerequisites for nomination under the Act.

Group of Candidates

A group of candidates in an election means a group of individuals, each of whom is a candidate, if the group was formed:

- to promote the election of the candidates; or
- to share in the benefits of fundraising to promote the election of the candidates.

A group wishing to nominate must give the Returning Officer a record of its members after they have nominated and before nominations close; and at the same time, give the Returning Officer a written notice appointing an adult as the group's agent.

Appointing an agent

Groups of candidates contesting Local Government elections must appoint an adult as an agent by completing the approved form, available from ECQ.

The form requires the agent's name and address and they must sign the form declaring their consent to the appointment and their eligibility for the appointment.

All the candidates in the group must also sign the form.

Register of agents

ECQ keeps a register containing the names and addresses of every agent. An agent's appointment takes effect when his or her name is entered in the register and ends when their name is removed.

Agents must ensure that ECQ always has their current address and contact details.

Revoking the appointment of an agent

Candidates' agents can be removed from the register only if:

- they resign in writing to ECQ;
- they die;
- they are convicted of a funding and disclosure offence.
- the group of candidates notifies ECQ that the nominated person is no longer the candidate's agent.

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Disclosure Period

Different disclosure periods apply depending upon whether a candidate is a sitting Councillor seeking re-election, a person who has stood for election in the past, a person who is contesting an election for the first time, or who is standing for election as part of a group.

State Funding

The disclosure period for all candidates ends 30 days after polling day, unless otherwise extended.

Disclosure Period – Candidates

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For a **current Councillor** seeking re-election the disclosure period starts the day the candidate was previously elected as a Councillor and ends 30 days after the polling day for the current election.

For a **candidate who was a candidate** for a local government election within the last 5 years, the disclosure period starts 30 days after polling day for the most recent election that the candidate contested, and ends 30 days after the polling day for the current election.

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For a new candidate who hasn't stood as a candidate in the past 5 years, the disclosure period starts the earlier of:

- the day the person announces their candidacy; or
- the day the person nominates as a candidate in the election; and
- ends 30 days after the polling day for the current election.

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Disclosure Period – Group of Candidates

For a group of candidates the disclosure period starts 30 days after polling day for the last quadrennial election and ends 30 days after the polling day for the current election. The disclosure period is the same regardless of whether group members have or have not previously nominated for a local government election.

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Disclosure Returns

Candidates and groups of candidates in an election must provide a disclosure return to ECQ within 15 weeks after polling day, detailing:

- the total amount of gifts received and the number of donors;
- the total value of loans received and the number of persons who made the loans;
- the relevant details of all gifts of \$200 or more received; and
- the relevant details of all loans of \$200 or more received.

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Each gift totaling the threshold amount (\$200) or more, must be reported to ECQ within 15 weeks after polling day. So must fundraising contributions of \$200 or more.

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The disclosure return of a successful candidate in an election will be provided to the Chief Executive Officer of the local government for which the election was held.

All disclosure returns submitted to ECQ are public documents and will be posted on ECQ's website: www.ecq.qld.gov.au.

Candidates who benefit from funds controlled by other candidates must disclose the benefit received. For example the expenses incurred by one candidate purchasing corflutes or banner advertising for another candidate must be disclosed on both candidates' disclosure returns.

The agent of a group of candidates is responsible for lodging the disclosure return on behalf of a group.

Nil Returns

Where a candidate or group of candidates does not receive any gifts or loans during the disclosure period for the election, a Nil Return must be given to ECQ.

Gifts received

Gifts totaling more than \$200 from a single source to a candidate or a group of candidates must be reported to ECQ within 15 weeks after polling day.

The disclosure return must include the relevant details of the gifts received:

- the sum value of the gifts;
- the date the gifts were made;
- the name of the donor; and
- the residential or business address of the donor.

If the gift was made by an unincorporated association, additional details of:

- the association's name; and
- the names and residential or business addresses of the members of its executive committee.

If the gift was made by a trust fund or foundation, details also of:

- the title or description of the trust or foundation;
- the names and residential or business addresses of its trustees; and
- the name and residential or business address of the person under whose instructions the lawyer or accountant is making the gift.

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Loans received

Loans to a candidate or group of candidates totaling more than \$200 from anyone other than a financial institution must be reported to ECQ within 15 weeks after polling day.

The disclosure return must include the relevant details of the loan received:

- the date on which the loan was made;
- the value and terms of the loan; and
- the name and residential or business address of the person who made the loan. And if the loan was made by an unincorporated association, extra details of:
 - the association's name; and
 - the names and residential or business addresses of the members of the executive committee.

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If the loan was made by a trust fund or foundation, additional details of:

- the title or description of the trust or foundation;
- the names and residential or business addresses of the trustees; and
- the name and residential or business address of the person under whose instructions the lawyer or accountant is making the loan.

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Particular loans not to be received

It is unlawful for a candidate or group of candidates to receive a loan from any person (other than a financial institution) unless the relevant details of the loan are kept. The relevant details required are the same as those for loans of \$200 or more. Otherwise, an amount equal to the value of the loan may be recovered by the State.

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Candidate must operate a dedicated account

Candidates and groups of candidates must keep a separate account with a financial institution for the running of their election campaigns. This account is known as a dedicated account.

All reasonable steps must be taken to ensure the dedicated account is not used in any way other than those outlined below.

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What must be deposited into a dedicated account?

A candidate or group of candidates must ensure that all amounts received by them or on their behalf as a candidate during the disclosure period for the election are paid into their dedicated account. This includes:

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- all gifts received by the candidate or group of candidates for the election; and
- all amounts received as loans by the candidate or group of candidates for the election.

A candidate or group of candidates must ensure that all campaign expenditure is paid out of their dedicated account during the disclosure period.

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Third Parties

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Third Parties

A third party/donor in an election is an entity other than:

- a political party
- an associated entity of a political party
- a candidate; or
- a member of a committee whose purpose is to assist in the election campaign of a candidate or group of candidates in an election.

State Funding

State Policy
Development Payments

Third parties are most commonly people who make gifts to candidates or entities who conduct some type of campaigning activity.

Disclosure Periods

Third parties have different disclosure schedules for money they spend on electoral activity and gifts they receive for that purpose.

State
Financial Disclosure

The disclosure period for payments or gifts **from** a third party/donor starts the day after notification of the election is published in the local newspaper and ends at 6pm on polling day.

The disclosure period for gifts **received by** third parties extends from 30 days after polling day for the last election until 30 days after polling day for the current election, if they receive \$1,000 or more from a single entity.

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A third party/donor in an election must provide a disclosure return to ECQ within 15 weeks after polling day, detailing:

- the relevant details of all gifts made;
- the relevant details of all expenditure incurred for political activities; and
- the relevant details of all gifts and loans received.

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Gifts equal to or more than the threshold amount must be reported to ECQ within 15 weeks after polling day.

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All gifts totaling \$200 or more from a single source must be declared to ECQ within 15 weeks after polling day. Both the third party receiving the funds and the third party making the gift must file a return.

All disclosure returns submitted to ECQ are public documents and will be published on ECQ's website.

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Expenditure incurred for political activity

If the sum value of all expenditure incurred by a third party/donor for political activities during the disclosure period is \$200 or more, the disclosure return must include the relevant details of the expenditure:

- the total value of the expenditure;
- the date on which each expenditure occurred; and
- the particular purpose for each expenditure.

What is a political activity?

A third party/donor incurs expenditure for a political activity if the third party/donor incurs expenditure by:

- publication by any means (including radio or television, on the internet or through social media) of material which may influence voting at an election;
- public expression of views on an issue in an election; or
- a gift to a person on the understanding that it will be applied for a purpose outlined above, or for the making of a gift.

Rules about gifts

A gift may take the form of money, property or the provision of a service.

Where the gift is a gift of property, the gift is to be valued at the current market value for the property.

Where the gift is a provision of a service, the value of the gift is the amount that would be reasonably charged for the service if it was provided on a commercial basis.

Where the gift is a payment for attendance at, or participation in a fundraising activity, the value of the gift is the gross amount of the payment, regardless of the value of anything received in return for the payment.

Particular gifts not to be received

It is unlawful to accept a gift if the relevant details of the gift are not known to the person receiving it, or if, at the time a gift is made, the person receiving the gift has grounds to believe the details provided are not correct. Otherwise, an amount equal to the value of the gift may be recovered by the State.

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Within this appendix are references to sections of the *Electoral Act 1992*, the *Electoral Regulation 2013* and the *Local Government Election Act 2011* from which the subject matter has been taken.

State Funding

Where appropriate, the reader is referred to the Act for greater context or provided with a summary of the content from the Act or Regulation. The Act and Regulation are available on the Queensland Legislation website: www.legislation.qld.gov.au

State Policy
Development Payments

If a candidate's agent has been convicted of an offence

An agent convicted of an offence against part 11 of the Act is ineligible to hold office as an agent for any election.

Restrictions on a candidate's agent

There are no restrictions on endorsed candidates appointing a political party's agent to be their agent.

State
Financial Disclosure

A person appointed as an agent must be an adult and a natural person. Bodies corporate cannot be appointed as agents.

If a candidate's agent dies or resigns

Candidates whose agent dies or resigns must advise ECQ in writing immediately.

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Reconsideration where a claim is refused

Please refer to section 233, 234, 235 and 238 of the Act.

Recovery of overpayments

If a payment is made and the recipient is not entitled to receive the whole or a part of the amount paid, whether because of a false statement in a claim or otherwise, the amount or the part of the amount may be recovered by the State.

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Unlawful gifts and loans may be recovered by the State.

Revoking candidate's payment direction

A candidate's payment direction can be revoked by the candidate's agent, by written notice to ECQ, with the consent of the agent of the registered political party.

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Other details required for gifts received

Section 261 of the Act prescribes details required when gifts are received from:

- an unincorporated association, other than a registered industrial organisation;
- a trust fund or out of the funds of a foundation; or
- a trust account of a lawyer or accountant under the instructions of a person who is in substance the giver of the gift.

Other details required for loans received

Section 262 of the Act outlines details required for loans received from:

- an unincorporated association; or
- a trust fund or out of the funds of a foundation.

Other rules for gifts of foreign property

Please refer to section 267, 268, 269 and 270 of the Act.

Relevant particulars for gifts more than the gift threshold amount

Section 197 of the Act prescribes relevant particulars for gifts received of more than the gift threshold amount.

Glossary

Act means the *Electoral Act 1992*.

Agent means an agent of a candidate or party.

Approved Form means forms approved by ECQ and where required, must be used when lodging claims and returns.

Auditor means an individual who has the qualifications or experience prescribed for this definition and is not, nor has ever been a member of a political party.

Broadcaster means the Australian Broadcasting Corporation, the Special Broadcasting Service Corporation, the holder of a licence under the Broadcasting Services Act 1992, or the provider of a broadcasting service under a class licence under the Broadcasting Services Act 1992.

Campaign Purposes means in connection with promoting or opposing, directly or indirectly, a registered political party or the election of a candidate, or for the purpose of influencing, directly or indirectly, voting at an election.

Candidate in relation to funding and disclosure means an elected member or other person who has announced or otherwise indicated an intention to be a candidate in the election.

ECQ means the Electoral Commission of Queensland.

CPI means the relevant Consumer Price Index published by the Australian Statistician.

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Disclosure Period for State Government candidates who had previously been a candidate for an election in the preceding four years starts 30 days after polling day for that election and ends 30 days after polling day for the current election. For all other candidates, the disclosure period starts the day the person announces their candidacy for this election or the day the person nominates as a candidate for this election (whichever is earlier), and ends 30 days after polling day for the election.

State Funding

For Local Government candidates, the disclosure period varies depending on whether the candidate stands alone or as part of a group.

State Policy
Development
Payments

Disclosure Return means a return lodged by an electoral participant disclosing the relevant financial activity.

EFT means electronic funds transfer.

Electoral Committee means a committee established by a registered political party to help elect an endorsed candidate in an electorate.

State
Financial Disclosure

Election Period for an election means the period beginning on the day after the writ for the election is issued and ending at 6pm on the polling day for the election.

Fundraising Contribution means an amount paid by a person as a contribution, entry fee or other payment to entitle that person or another person to participate in, or otherwise obtain a benefit from, a fundraising venture or function. Includes an amount paid for a ticket in a raffle and an amount paid for an item at a fundraising auction.

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Gift means a disposition of property made by a person to someone else, other than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration. Please refer to section 201 of the Act for the complete definition.

Gift In Kind means a gift of any good or service other than money.

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Gift Threshold Amount, for the amount or value of a gift or loan, is \$1,000 for State Government elections and \$200 for Local Government elections.

Independent Member means a member of parliament who was not an endorsed candidate of any political party at the last general election and is not a member of a political party.

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Polling Day in relation to an election means the day so described in the writ for the election.

Regulation means the *Electoral Regulation 2013*.

Registered Political Party means an organisation whose object is the promotion of candidates for election to the Legislative Assembly and which is registered in the Queensland Register of Political Parties.

Third Party means an entity other than a registered political party, an associated entity or a candidate.

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