

## CANDIDATES

## Dedicated campaign bank accounts

Unless otherwise stated, all references to legislation are to the *Local Government Electoral Act 2011* (LGEA). The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

This fact sheet relates to candidates participating in local elections and by-elections, as well as agents and associated entities.

**COMPLIANCE WARNING**

Failure to comply with the dedicated campaign bank account requirements is an offence under the *Local Government Electoral Act 2011* that carries substantial penalties. It is also an integrity offence under the *Local Government Act 2009*. The ECQ has successfully prosecuted candidates for failing to comply with these requirements. Refer to the end of this fact sheet for a case study.

All candidates for a local government election must:

- **establish a dedicated campaign bank account** with a financial institution
- **use the account to pay for all campaign expenses** including electoral expenditure
- **use the account to receive all gifts and loans for the election.**

The account **must not** be used for any other purposes.

Credit cards **must not** be used to pay campaign expenses. Debit cards linked to the dedicated campaign bank account are acceptable.

Any funds remaining in the account at the end of the election can only be dealt with in certain ways (see below for further information).

If a candidate has an associated entity, the entity must use the candidate's dedicated campaign bank account to pay for all campaign expenses and to receive all gifts and loans. See [Fact sheet 37 – Funding and disclosure overview for associated entities](#) for further information about associated entity obligations.

**When to open a dedicated campaign bank account**

Candidates must open a dedicated campaign bank account **before** paying for any electoral expenditure or accepting any gifts or loans for the election. The bank account must be acquired before the candidate nominates for an election.

**A person cannot be nominated as a candidate unless they have dedicated campaign bank account details.**

Candidates who regularly participate in local government elections may keep the same bank account for successive local elections. A new account does not have to be opened each time. However, all disclosure and reporting requirements must be met in full for each election.

Candidates **must not** use their dedicated campaign bank account to contest state or federal elections.

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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](mailto:fad@ecq.qld.gov.au).



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## When to notify the ECQ of bank account details

Candidates (or their agent) must notify the ECQ of their dedicated campaign bank account details within **5 business days** of announcing their intention to be a candidate in the election.

If any account details change, the ECQ must be notified within 5 business days.

Bank account details can be provided or updated in the ECQ's [Self Service Portal](#).

The dedicated campaign bank account details will also need to be provided as part of the nomination process. Nominations cannot be accepted without these details.

## What can go into the dedicated campaign bank account?

All gifts (donations) or loans received for the conduct of a candidate's election campaign **must be deposited** directly into their dedicated campaign bank account.

Candidates using their own money to fund their campaign (including money held in a joint account with a spouse) must transfer the money into their dedicated campaign bank account **before** paying for any electoral expenditure.

However, candidates should consider only transferring their own funds on an as-needed basis, as any excess amounts deposited into the account cannot simply be withdrawn at the end of the election.

### NOTICE

Candidates should consider transferring their own funds only on an as-needed basis. Even after the election, funds **cannot** be transferred back into personal bank accounts.

Physical cash must be deposited into the dedicated campaign bank account before it can be used to pay for electoral expenditure.

Gifts or loans from prohibited donors must never be accepted or placed in a dedicated campaign bank account, directly or indirectly. For further information about prohibited donors, refer to the [ECQ's website](#).

## What can be paid from the account?

The dedicated campaign bank account must only be used to pay for campaign expenses relating to a local government election.

All campaign expenses including electoral expenditure **must be paid** from the dedicated campaign bank account and **only** in the following ways:

- via an electronic funds transfer
- using a debit card that withdraws the payment directly from the account
- using cash withdrawn from the account (provided the amount withdrawn does not exceed the amount to be paid, rounded up to the nearest amount an ATM can dispense, if applicable).

The use of a credit card to pay for any campaign expense is **strictly prohibited**, as is using funds in a dedicated campaign bank account to pay a charge incurred using a credit card. See [Fact Sheet 15](#) for further information about the ban on credit card use.

### More information

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## What do I do with the account after the election?

Any amounts remaining in the dedicated campaign bank account at the end of the election may **only** be dealt with in the following ways:

- be kept in the account for a future local election
- be paid to a charity
- be paid to a political party (only if the candidate was a member of the party during their disclosure period).

Excess amounts cannot be transferred, paid or withdrawn for any other purpose (even if the amounts are made up of the candidate's own funds).

Candidates who are elected, or who intend to contest a future local election, should keep the account open so that it can be used to receive any gifts or loans, or pay for any electoral expenditure, for subsequent elections. Elected candidates should only close their dedicated accounts once they are certain they will not contest the local elections.

Records relating to the dedicated campaign bank account must be kept and made available to the ECQ for at least 5 years after the election. For further information about record keeping requirements, refer to [Fact sheet 8 – Record keeping requirements](#).

## Compliance and penalties

There are significant financial penalties for not complying with the dedicated campaign bank account requirements and for using a credit card for electoral expenditure.

Failure to comply with either requirement carries a maximum penalty of 100 penalty units (valued at \$16,130 as of 1 July 2024).

Failing to comply with the dedicated campaign bank account requirements is also an integrity offence. Being convicted of an integrity offence means a person will be disqualified from becoming a councillor.

### CASE STUDIES

#### Case study 1

A candidate for the 2020 elections failed to use their dedicated bank account, instead using “cash in a tin” to pay for electoral expenditure. The candidate also did not disclose these transactions until contacted by the ECQ.

The candidate was prosecuted and fined \$1,200 plus \$1,200 in legal fees.

The candidate is now disqualified from being a councillor (or local government candidate) for 4 years.

### More information

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## CASE STUDIES CONTINUED

### Case study 2

Through its compliance activities, the ECQ identified that a candidate failed to disclose roughly \$70,000 in electoral expenditure for the election across 30 transactions. The candidate stated that they had someone working for them to complete the disclosures, but that person was not an appointed agent for the candidate. The candidate also incurred roughly \$23,500 across 19 transactions in electoral expenditure using a credit card, which is prohibited under the LGEA.

The ECQ decided to prosecute the candidate, due to the significant non-compliance. The candidate was fined \$6,500, plus had to pay legal costs of \$1,500.

### For further information

This fact sheet mainly refers to part 6, sections 126–127C of the LGEA. The Act is available in full at [legislation.qld.gov.au](http://legislation.qld.gov.au). Participants in the electoral process should ensure they understand their obligations under the LGEA.



## RELATED FACT SHEETS

Fact sheet 8 – Record keeping requirements

Fact sheet 10 – Definition of gifts and loans

Fact sheet 12 – Definition of electoral expenditure

Fact sheet 15 – Ban on use of credit cards

Fact sheet 37 – Funding and disclosure overview for associated entities

Fact sheets are available on the [ECQ website](#).

### More information

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