

GROUPS OF 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 registered groups of candidates participating in local elections and by-elections, as well as the group's agent 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*. All candidates in the group are responsible for ensuring compliance with these requirements. The ECQ has prosecuted candidates for failing to comply with these requirements. Refer to the end of this fact sheet for a case study.

All groups of candidates for a local government election **must**:

- **establish a group 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** received by members of the group for the election.

The account **must not** be used for any other purposes. Candidates who are members of the group **must not** use any other account to accept gifts or loans or to pay for electoral expenditure.

Credit cards **must not** be used to pay for 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 group of candidates has an associated entity, the entity must use the group'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

Groups of candidates must open a dedicated campaign bank account **before** the group registers with the ECQ. The account must also be opened **before** paying for any electoral expenditure or accepting any gifts or loans for the election.

A group cannot register with the ECQ unless they have opened a dedicated campaign bank account. Candidates in the group cannot be nominated for election unless they have dedicated bank account details.

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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.



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Groups that 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.

When to notify the ECQ of bank account details

Groups must notify the ECQ of their dedicated campaign bank account details as part of their application to register the group.

If any account details change, the agent of the group must notify the ECQ within **5 business days** of the change.

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

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

What can go into the dedicated campaign bank account?

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

Group members using their own money to fund the group's campaign (including money held in a joint account with a spouse) must transfer the money into the group's dedicated campaign bank account **before** using it to pay for any electoral expenditure.

However, group members should consider only transferring their own funds into the group's dedicated campaign bank account on an as-needed basis, as any excess amounts deposited into the account cannot simply be withdrawn at the end of the election.

NOTICE

Group members 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.

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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.

What does the group 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 each group member was a member of the party during the group's disclosure period).

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

Groups that 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.

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. Each candidate in the group is responsible for ensuring compliance with these requirements.

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.

More information

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 **CASE STUDY****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.

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. 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 14 – Election summary returns

Fact sheet 15 – Ban on credit card use

Fact sheet 37 – Funding and disclosure overview for associated entities

Fact sheets are available on the [ECQ website](http://ecq.qld.gov.au).

More information

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