

**CANDIDATES**

## Real-time disclosure of gifts, loans & political donations

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 gifts and loans need to be disclosed?

Candidates and their associated entities must disclose any gifts or loans of \$1,000 or more received during their disclosure period.

The \$1,000 threshold applies to a single gift or loan as well as cumulative amounts if multiple gifts or loans are received from the same donor.

For disclosure purposes, all political donations are gifts or loans.

Please refer to [Fact sheet 4 – Definition of gifts, loans and political donations](#) for more information.

### What is real-time disclosure of gifts and loans?

Queensland has real-time disclosure laws which means gifts and loans are disclosed throughout the disclosure period.

Candidates must disclose a gift or loan within **7 business days** of receipt.

During the 7 business days prior to election day, gifts and loans must be disclosed within **24 hours** of receipt.

### How are gifts and loans disclosed?

Gifts and loans must be disclosed to the ECQ in a return.

If a candidate has an agent, the agent is responsible for lodging the return. Otherwise, the candidate is responsible.

Returns are lodged online via the ECQ's Electronic Disclosure System (EDS) at [disclosures.ecq.qld.gov.au](https://disclosures.ecq.qld.gov.au).

The public can view returns immediately after they have been lodged.

### Do candidates need to give anything to their donors?

Real-time disclosure is a dual obligation. Both the recipient of a gift or loan and the donor are required to disclose their gifts.

Candidates who receive a gift or loan that must be disclosed in real-time have the obligation to advise the donor in writing that the donor also must lodge a return disclosing the gift or loan.

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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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## What is included in a return?

Each real-time return must include the following details:

- the value of the gift or loan
- the date it was made
- the **relevant particulars** of the donor
- the **relevant particulars** of the original source of the gift or loan (if applicable)
- whether or not the gift or loan is a political donation.

Returns for loans must include the terms and conditions of the loan.

## What are relevant particulars?

The relevant particular of an entity are:

- if the entity is an **unincorporated association** – the names and addresses of the members of the executive committee (however described) of the association
- if the entity is a **trust fund or foundation** – the names and addresses of the trustees of the fund or foundation, or the title or other description of the trust fund or the name of the foundation
- **otherwise** – the name and address of the entity.

## Who is the original source of a gift or loan?

If someone makes a gift or loan to another person or entity for the main purpose of enabling the recipient to make a gift or loan to an election participant, the first person is referred to as the 'original source' of the gift or loan.

The relevant particulars of the original source as well as those of the person who made the gift or loan directly to the election participant, must be disclosed in returns lodged with the ECQ.

## Do candidates need to disclose gifts and loans after the election?

After an election, candidates or their agents must also disclose the total value of all gifts and loans received, including amounts less than \$1,000. This disclosure is made in the election summary return.

The election summary return is due 15 weeks after election day.

For more information, see [Fact sheet 8 – Disclosure of electoral expenditure and election summary returns](#).

## Record keeping

All election participants must keep records for 5 years. This is required to demonstrate compliance in relation to all electoral expenditure, disclosure, and state campaign bank account requirements.

See [Fact sheet 4 – Record keeping requirements](#) for more information.

### More information on state government elections

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## 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's website](#).

## For further information

This fact sheet mainly refers to part 11, division 7 of the EA. The EA 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 EA.

### RELATED FACT SHEETS

Fact sheet 4 – Record keeping requirements

Fact sheet 5 – Definition of gifts, loans and political donations

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

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

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