

POLITICAL DONATION CAPS

This fact sheet relates to registered political parties, State election candidates and donors who make political donations from **1 July 2022**. All references to legislation are to the *Electoral Act 1992*. The information in this fact sheet is a guide and does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

From 1 July 2022, Queensland's electoral laws impose limitations (caps) on the amount or value of political donations which can be made to, or received by, registered political parties or State election candidates.

This fact sheet is being published in April 2022 to assist regular donors to preparing for changes which may impact them. Further materials will be published closer to July 2022.

Please read this fact sheet carefully. The caps only apply to political donations. Not all gifts or loans made to political parties or candidates are *political donations*.

What is a political donation?

A political donation is any gift or loan given to a registered political party or State election candidate, that, within 14 days, is accompanied by a **Donor Statement**.

Gifted electoral expenditure is a political donation, even if there is no Donor Statement.

Refer to [Fact Sheet 2](#) for further information about the definition of gifts and loans.

What is a Donor Statement?

A **Donor Statement** is a written statement which must:

- be completed by the donor of the gift or loan,
- name the election participant to whom the gift or loan is made (i.e. a registered political party or State election candidate),
- state that the gift or loan is made with the intention that it is used for a State electoral purpose,

- state the relevant particulars of the donor of the gift or loan, and
- be **given** to the recipient with the gift or loan, or **within 14 days** after the gift or loan is made.

For the definition of relevant particulars, refer to [Fact Sheet 3 – Disclosure of gifts and loans](#).

For the definition of gifted electoral expenditure, refer to [Fact Sheet 5](#).

How do the political donation cap laws work?

Registered political parties and State election candidates **must not accept political donations** of more than the donation cap amount from any one donor during the donation cap period.

Similarly, donors **must not make political donations** of more than the donation cap amount to the same registered political party or State election candidate during the donation cap period.

What are the political donation caps?

Between **1 July 2022** and **25 November 2024**, the political donation caps are as follows:

- for a registered political party – **\$4,000**,
- for an independent candidate – **\$6,000**, and
- for endorsed candidates – **\$6,000** collectively for candidates endorsed by the same party.

A political donation must not exceed the cap either as a single amount, or when added to other political donations made by the same donor during the above period.

Are there caps for gifts/loans that are not political donations?

There are no caps for gifts and loans that are not political donations (i.e. those gifts/loans that are not accompanied by a donor statement, or those that do not constitute gifted electoral expenditure).

Registered political parties and State election candidates can accept any amount in gifts and loans that are not political donations.

Donors are also able to donate any amount in gifts and loans that are not political donations.

However, from 1 July 2022, gifts and loans which are not political donations cannot be used to incur electoral expenditure (e.g. advertising for a candidate) for a State election.

Only political donations (and other allowable amounts) can be used to incur electoral expenditure.

For further information about State campaign accounts, refer to [Fact Sheet 1](#).

Examples

Example 1 – Registered political parties accepting gifts

On 1 July 2022, a registered political party receives a political donation of \$2,000 from a donor. On 1 July 2024, the party receives another political donation of \$2,000 from the same donor. The political party would be unable to accept any further political donations from that particular donor until after 25 November 2024, as the \$4,000 cap has been reached for the donation period.

The party would be able to accept gifts and loans that are not political donations up to any amount, though these must not be used to incur electoral expenditure for a State election.

Example 2 – Independent candidates accepting gifts

On 1 October 2024, an independent candidate receives a political donation of \$1,000 from a donor. On 10 October 2024, the candidate accepts \$5,000 worth in election material (i.e. gifted electoral expenditure) from the same donor.

The candidate would be unable to accept any further political donations from that donor until after 25 November 2024, as the \$6,000 cap has been reached for the donation period.

The candidate would still be able to accept political donations from other donors up to the donation cap amount.

Example 3 – Donors making gifts to endorsed candidates

On 1 December 2023, a donor makes a political donation of \$6,000 to a State election candidate who has been endorsed by a registered political party. The donor would be unable to make any political donations to any other candidate endorsed by that party until after 25 November 2024.

The donor would still be able to make political donations to the party itself (up to \$4,000), or to other candidates not endorsed by that party, up to the relevant donation cap amounts.

The donor would also be able to make gifts and loans that are not political donations up to any amount.

Example 4 – Donors making gifts to multiple election participants

On 1 October 2024, a donor makes a political donation to a registered political party of \$4,000, and splits \$6,000 in political donations between all State election candidates endorsed by the same registered political party. The donor would be unable to make any additional political donations to that party or its endorsed candidates until after 25 November 2024.

However, the donor would still be able to make political donations to other candidates not endorsed by that particular party, and to other registered political parties, up to the donation cap amount.

The donor would also be able to make gifts and loans that are not political donations up to any amount.

Payments exceeding the cap

If a registered political party or candidate received a political donation exceeds the cap (either as a single amount or cumulative amount), the party or candidate has six weeks to return it.

Similarly, if a donor makes a political donation that exceeds the political donation cap, the donor has **six weeks** to ask, in writing, for the amount to be refunded.

Recovery of amounts over the political donation cap

Non-compliance with political donation caps is an offence that carries substantial penalties, including possible prosecution.

The amount by which the political donation exceeds the cap can be recovered as a debt to the State.

Requirement to notify donors about political donation caps

Registered political parties, State election candidates, and/or their associated entities, must give donors a receipt **within 14 days** after receiving a political donation.

The receipt must:

- state the names of the party, candidate or associated entity, and the donor,
- acknowledge receipt of the donation, and
- include a statement, in a form approved by the ECQ, that summarises the political donation cap laws.

For a political donation made to an associated entity, the receipt must also state the name of the party or candidate with which it is associated and include a statement summarising how the associated entity is taken to be part of the party or candidate.

Disclosure of gifts, loans and political donations

All gifts and loans (whether they are political donations or not) must be disclosed if they exceed the disclosure threshold.

For further information about disclosure requirements, refer to [Fact Sheet 3 – Disclosure of gifts and loans](#).