GROUPS OF CANDIDATES

Real-time disclosure of gifts and loans

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 agents of groups of candidates and their associated entities.

COMPLIANCE WARNING

Failure to disclose gifts or loans within the time required is an offence under the LGEA. The ECQ issued over 380 fines to candidates in the 2020 local government elections for not complying with their disclosure requirements.

What gifts and loans need to be disclosed?

Agents of groups of candidates must disclose all gifts and loans of \$500 or more received by the group during the group's disclosure period.

The \$500 threshold applies to a single gift or loan, as well as cumulative amounts if multiple gifts or loans are received from the same donor (see examples below).

For information about what is and is not a gift or loan, see Fact Sheet 10 - Definition of gifts and loans.

What is real-time disclosure of gifts and loans?

Queensland has real-time disclosure laws which means gifts and loans are disclosed upon receipt.

The agent of a group which receives a gift or loan must disclose the amount 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.



EXAMPLES

Example 1

A printer gives a group of candidates a \$750 discount when printing their election material. Since the discount is equal to or above the \$500 gift threshold, the

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EXAMPLES CONTINUED

Example 2

As the group received \$500 from the same person, the group's agent must lodge business days of receiving the second gift.

Example 3

return within 7 business days.

The supporter gives group of candidates B a \$50 gift 4 days before the March

How are gifts and loans disclosed?

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

The agent of the group is responsible for lodging the return.

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

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

The \$500 gift disclosure threshold is for each election. Any gifts received 30 or more days after an election count towards the \$500 threshold for the group's next election (no matter if it is a general election or a by-election).

What is included in a return?

Each real-time return must include the **relevant details** of the gift or loan. This includes, but is not limited to:

- the value of the gift or loan
- the date it was made
- the name and address of the donor
- whether the donor has an interest in a local government matter (and if so, the nature of the donor's interest)
- the name and relevant details of the original source of the gift or loan (if applicable).

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

For the full list of relevant details required to be included in a return, see Fact sheet 11 -Relevant details of gifts and loans.

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

After an election, the agent of a group **must complete** an election summary return.

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

For more information, see <u>Fact sheet 14 – Election summary returns</u>.

Associated entities of groups

Associated entities of groups of candidates must comply with the same reporting obligations as their groups if they receive gifts or loans of \$500 or more.

Please see <u>Fact sheet 37</u> for a funding and disclosure overview for associated entities.

Prohibited gifts and loans

It is unlawful for a group of candidates to receive anonymous gifts or loans totalling \$500 or more. This includes gifts or loans where the name, address or other required details of the donor are not known to the group.

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 dedicated campaign bank account requirements.

See <u>Fact Sheet 8</u> for record keeping requirements.

Compliance

The ECQ is responsible for administering and enforcing the LGEA 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 6 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 14 – Election summary returns

Fact sheets can be found on the **ECQ's website**.