

AGENTS

Funding and disclosure overview

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 participants in local elections and by-elections, who may be acting on behalf of candidates, groups of candidates, registered political parties or third parties.

What is an agent?

An agent is the person responsible for ensuring an election participant's obligations under the LGEA are met.

Election participants and their agents have a responsibility to familiarise themselves with all relevant and current legislative provisions. Failure to do so cannot be used as an excuse for failing to comply with any legislative requirement.

What are an agent's responsibilities?

An agent is responsible for:

- ensuring all disclosure returns for gifts, loans, and expenditure are lodged by the due date before, during, and after the election
- ensuring all information contained in the returns is complete and accurate
- informing their participant (and any of their associated entities) about the obligations that apply to them under the LGEA
- establishing and maintaining appropriate systems to support their participant (and any of their associated entities) to comply with their obligations
- informing donors about their disclosure obligations under the LGEA, and taking reasonable steps to notify the public
- maintaining records for 5 years after the election, demonstrating that they have taken reasonable action as an agent to fulfil their above responsibilities, and
- responding to the ECQ about any matters which arise in respect of their participant's compliance (before, during, and after the election).

While agents are responsible for these obligations, election participants also have an obligation to ensure agents do not give information to the ECQ that the participant knows to be false or misleading. Allowing an agent to do so carries a maximum penalty of 100 penalty units (\$16,130 as at 1 July 2024) under section 195 of the LGEA. The ECQ recommends that an agent ensures their participant/s review any completed returns before they are submitted.

The ECQ has provided [a range of fact sheets and handbooks](#) so election participants can be familiar with their disclosure, expenditure cap and dedicated campaign bank account obligations during local government elections. Agents should refer to the information for their relevant election participant to understand their obligations.

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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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Who can be an agent?

An agent must be an adult who has consented to their appointment in writing, and signed a declaration that they are eligible for appointment.

Any person who has been convicted of an electoral funding or financial disclosure offence against the LGEA is not eligible for appointment as an agent.



Appointment of agents

This table summarises division 2 of the LGEA, which sets out the election participants that either **must** or **may** appoint an agent and when they should do so.

Election participant	Requirement to appoint an agent:		Information about appointment
	MUST	MAY	
Individual candidate			Notification to the ECQ is only required if the candidate chooses to appoint an agent. An agent can be appointed via Form FAD3B found at ecq.qld.gov.au/factsheets .
Group of candidates			The appointment of an agent must be included with the group's notice to the ECQ of their formation under section 42 of the LGEA. Each candidate in the group must sign this notice.
Registered political party			This will be the agent appointed under the <i>Electoral Act 1992</i> .
Registered third party (an individual)			Notification to the ECQ is only required if the registered third party (individual) chooses to appoint an agent. An agent can be appointed via Form FAD3C found at ecq.qld.gov.au/factsheets .

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Election participant	Requirement to appoint an agent:		Information about appointment
	MUST	MAY	
Registered third party (not an individual)			If a registered third party is not an individual, they must include a notice of the appointment of an agent with their application to ECQ for registration for an election under section 127F of the LGEA.
Unregistered third party			Notification to the ECQ is only required if the unregistered third party chooses to appoint an agent. An agent can be appointed by contacting the ECQ.

Change or removal of agents

If circumstances change and the agent is no longer able to perform their duties, they can give the ECQ a signed notice stating that they have resigned as the agent. An agent can also be removed if the entity that appointed the agent provides the ECQ with a signed notice stating that the agent's appointment has ceased. Once an agent resigns or is removed, a new agent can be appointed, including after the close of candidate nominations.

If, at any time, an agent is not appointed for an entity that must have an agent, then each member of the executive committee (for registered political parties and third party organisations) or each member of the group (for a group of candidates) assume responsibility for the obligations under the LGEA, including any penalties which may be imposed for non-compliance. Notice of appointment of another agent must be given to the ECQ within 28 days.

An agent is appointed for one election only. Agents must be re-appointed for each election if desired by the election participant or required by the LGEA.

Record keeping

All agents must keep records for 5 years. This is required to demonstrate compliance in relation to all electoral expenditure cap, disclosure, and dedicated campaign bank account requirements. See [Fact sheet 8 – Record keeping information](#) for further details.

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 website](#).

More information

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For further information

This fact sheet mainly refers to Part 6 of the LGEA. The LGEA 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 16 – Funding and disclosure overview for candidates

Fact sheet 21 – Funding and disclosure overview for groups of candidates

Fact sheet 26 – Funding and disclosure overview for registered political parties

Fact sheet 31 – Funding and disclosure overview for third parties

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

More information

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