

STATE CAMPAIGN BANK ACCOUNTS – CANDIDATES

This fact sheet relates to candidates involved in State elections and by-elections, and their associated entities. All references to legislation are to the *Electoral Act 1992*, as in force from 1 July 2022. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

When to open a State campaign account

Candidates must open a State campaign account **before** they pay for any electoral expenditure or accept a political donation.

When to notify the ECQ of bank account details

Candidates must notify the ECQ of their State campaign account details within **five business days** of nominating as a candidate or announcing their intention to nominate as a candidate.

Bank account details can be provided by completing [Form QSG16B](#).

If any State campaign account details change, the ECQ must be notified within **five business days** of the change.

Bank account details can be updated by completing [Form QSG16B](#).

What can go into the State campaign account?

Only permitted amounts can be deposited into a candidate's State campaign account. These are:¹

- political donations (**this is mandatory** and must occur within five business days of the donor statement being received),
 - **not all gifts/loans are political donations.** See [Fact Sheet 4](#) for further information,
 - **there is a cap** on the value of political donations that a candidate can accept from a single donor. See [Fact Sheet 20](#) for further information,

- amounts received from disposing of a political donation that was not money (**this is mandatory**),
- amounts that are a return on an investment, as long as the investment was made from the State campaign account (**this is mandatory**),
- amounts transferred from a candidate's own funds (e.g. from a personal bank account) to the candidate's own State campaign account,
- amounts contributed from an account the candidate holds jointly with their spouse (this does not include amounts given to the spouse by a prohibited donor) to the candidate's own State campaign account,
- loans, other than those received from financial institutions,
- amounts of election funding paid to the candidate (this does **not** include policy development payments for elected members),
- amounts received as money via a will,
- amounts received for the disposal of other property received by the recipient via a will,
- fundraising contributions of \$200 or less (or the first \$200 of a larger fundraising contribution), per person, per event, or
- amounts that were in a State campaign account for another State election, as long as those amounts complied with this list.

¹ See Part 11, Division 3, Subdivisions 2 and 3

What can be paid from a State campaign account?

All electoral expenditure which is to be incurred (i.e. distributed) by the candidate **must** be paid from the candidate's State campaign account.²

All loans received into the State campaign account **must** be repaid from the State campaign account.³

It is common for registered political parties to purchase electoral expenditure for their State election candidates, and then invoice those candidates for payment of that electoral expenditure (or that candidate's share of the electoral expenditure).

Where this occurs, the electoral expenditure is incurred by the candidate, not the registered political party. Therefore, the transaction can be actioned in the following ways:

- The registered political party may purchase the candidate's electoral expenditure from any of their bank accounts **other than** the party's State campaign account (because the electoral expenditure will be incurred by the relevant candidate).
- The State election candidate must pay the registered political party (i.e. pay for the electoral expenditure) from the candidate's State campaign account.
- The payment from the candidate must be paid into an account other than the registered political party's State campaign account.

If a registered political party chooses to pay for a candidate's electoral expenditure from the registered political party's State campaign account, the candidate's money cannot be used to reimburse the registered political party's State campaign account, as such a payment is not one permitted by section 216.⁴

How long must a State campaign account stay open?

Candidates must maintain the State campaign bank account until all obligations relating to political donations, electoral expenditure, and loans are fulfilled.

Candidates who regularly participate in Queensland State elections may keep the same bank account for successive elections. A new account does not have to be opened for each election event. However, all disclosure, reporting and audit requirements must be met in full for each election.

Candidates **must not use** the same bank account for their State campaign account and dedicated local government campaign account.

All statements and records relating to a State campaign account must be kept, and made available to the ECQ on request, for a period of **five years after the record is made**.⁵

Providing bank statements

Candidates must provide a copy of the bank statement for their State campaign account with their election summary return.

The statement provided to the ECQ must cover the period that:

- starts when the first item of electoral expenditure is incurred for the election, or the start of the capped expenditure period, whichever is the earlier date, and
- ends on the day before the election summary return is lodged with the ECQ.

Offences and penalties

The maximum penalty for failing to comply with State campaign account requirements is 200 penalty units.⁶

Other penalties apply for failing to keep records or notify the ECQ about State campaign account details.

² See section 221A

³ See section 217

⁴ See section 216

⁵ See section 305D

⁶ See sections 215 – 220A