

## GUIDE FOR GROUPS OF CANDIDATES

This factsheet relates to groups of candidates for local government elections, or those considering forming a group of candidates. A group of candidates is different to those candidates endorsed by a political party.

Candidates may form a group to contest a local government election in order to campaign collectively, execute common policies and achieve shared goals if elected to council. The name of the group will appear next to their name on the ballot paper and identify them as member of a group of candidates.

Under the *Local Government Electoral Act 2011*, candidates who wish to form a group **must register** with the Electoral Commission of Queensland (ECQ) **before** they begin campaigning as a group.

Candidates endorsed by a registered political party are not required to register as a group and are able to engage in group campaign activities without registering with the ECQ.

### Why register as a group?

Once candidates register a group with the ECQ, they can begin conducting group campaign activities, such as sharing campaign funds, advertising and other resources.

### When to register as a group

Candidates who wish to form a group can register their group with the ECQ at any time, up until 12pm on the last day of nominations. Candidates do not need to formally nominate as a candidate before registering as a group. Note, however, that all members of the group will need to individually nominate for the election before nominations close.

Candidates are prohibited from conducting any form of group campaign activities prior to registering as a group. Conducting

group campaign activities before registering with the ECQ could result in financial penalties of up to 100 penalty units (\$13,345 as at 1 July 2019).

### What are group campaign activities?

Only candidates who are members of a registered group (or endorsed by a political party) can conduct group campaign activities.

Group campaign activities include any of the following activities, carried out in an intentionally coordinated way by two or more candidates:

- using a common platform to promote the election of the candidates (e.g. promoting the same political policies)
- using the same advertisements (e.g. pamphlets, billboards)
- using the same campaign slogans
- using the same brands or images
- using the same how-to-vote cards
- participating in the same fundraising activities or events
- sharing the same resources for election campaigns (other than volunteers), and/or
- sharing gifts or loans.

Unplanned activities that may result in candidates having the same outcomes would not be considered group campaign activities. This sometimes occurs during election campaigns, particularly in regional and remote areas. For example, if two candidates independently choose to campaign on the same issue, and do not share policy documents, resources, advertising, or financially assist one another, the ECQ would be unlikely to

consider those candidates to be engaging in 'group campaign activities'.

### How to register a group

Groups of candidates contesting a local government election must register as a group **before** undertaking any group campaign activities.

To register as a group, the group must give a Record of Group Membership to the ECQ which:

- states the name of the group
- states the names of each member of the group
- is signed by each candidate who wishes to be a member of the group, and
- states the details of the group's dedicated bank account.

The group's dedicated bank account must be opened before the group can be registered with the ECQ.

At the time of registration, the group must complete an *Instrument of Agent Appointment* to appoint an adult as agent for the group. This Instrument is included in the *Record of Group Membership*. The agent is commonly also a candidate member of the group, though this is not essential. As part of appointing an agent, the *Instrument of Agent Appointment* must:

- state the name and address of the person to be appointed as the group's agent,
- be signed by each candidate who is a member of the group, and
- be signed by an adult who is to be appointed as the agent of the group.

Potential agents should make themselves aware of the full extent of the role's responsibilities prior to registering their appointment as a group's agent. The ECQ publishes the *Record of Group Membership*, including details of agent appointments.

### What is the penalty for non-compliance?

Candidates who are not a member of a group or endorsed by a political party are strictly prohibited from engaging in group campaign activities. Non-compliance carries a maximum penalty of 100 penalty units (\$13,345 as at 1 July 2019) and is an integrity offence.

### OBLIGATIONS FOR GROUPS OF CANDIDATES

#### What are the obligations for a group?

The disclosure obligations for a group of candidates must be managed by the agent of a group. If there is no agent for a group (i.e. the agent is removed or resigns), the candidates are all responsible for ensuring compliance with the *Local Government Electoral Act 2011*.

#### Disclosure of expenditure

Agents for groups must give the ECQ a return within a specified timeframe if the group incurs \$500 or more in electoral expenditure. Please refer to [Disclosure of electoral expenditure](#) for further information about the disclosure obligations of groups as they relate to electoral expenditure incurred by or on behalf of the group.

#### Disclosure of gifts/loans received

Agents for groups must give the ECQ a return within a specified timeframe if the group receives a gift or loan of \$500 or more. Please refer to [Disclosure of political donations](#) for further information about the disclosure obligations of groups as they relate to gifts or loans received by the group.

## Election summary return

Within 15 weeks after polling day, the agent for the group must give the ECQ a return which contains summary information for all gifts/loans received, and expenditure incurred during the group's disclosure period. This disclosure period began 30 days after polling day for the last local government quadrennial election and ends 30 days after the election.

## Campaign bank account requirements

Groups are required to maintain one dedicated bank account for the group. This bank account must be opened before the group can be registered with the ECQ.

Refer to [Campaign bank accounts and use of credit cards](#) for further information about dedicated bank account requirements.

## AGENTS FOR GROUPS OF CANDIDATES

### What is an agent?

Any adult can be an agent for a group of local government candidates. Typically, the agent is also a candidate for the election. The name of the agent will be published on the ECQ's website.

The agent is the person responsible for ensuring the group's obligations are met and is accountable and liable for financial penalties issued in the event of non-compliance.

### Appointment and removal of agents

An agent must be appointed when a group of candidates is first registered.

If circumstances change and the agent is no longer able to perform their duties, the agent can give the ECQ a signed notice stating that they have resigned as the agent. An agent can also be removed if all members of the group provide the ECQ with a signed notice stating that the agent has ceased to be appointed.

If, at any time, an agent is not appointed for a group, all members of the group assume responsibility for obligations under

the *Local Government Electoral Act 2011*, including any penalties which may be imposed for non-compliance. Once an agent resigns or is removed, a new agent can be appointed, including after the close of candidate nominations. To appoint a new agent, a new *Instrument of Agent Appointment* must be submitted.

## Responsibilities of an agent

The agent for a group 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 donors about their disclosure obligations under the *Local Government Electoral Act 2011*, including taking reasonable steps to notify the public
- maintaining all records associated with disclosure returns for five years after the election (including bank statements from the group's dedicated bank account), unless transferred to a member of the group, and
- responding to the ECQ about any matters which arise in respect of the group's compliance (before, during, and after the election).

While agents are responsible for these obligations, candidates also have an obligation to ensure agents do not give a return the candidate knows to be false or misleading. Allowing an agent to do so carries a maximum penalty of 100 penalty units (\$13,345 as at 1 July 2019). The ECQ recommends that the agent ensures all candidates in the group review their completed return before it is submitted.

## FORMS

Group registration and modifications should be completed online via the [Electronic Disclosure System](#).

Should candidates, groups and agents not be able to access the EMS, the following forms can be downloaded from the [ECQ website](#). Completed forms should be emailed to: [fad@ecq.qld.gov.au](mailto:fad@ecq.qld.gov.au).

1. [Form QLG05A - Group Registration and Record of Membership](#)

*Use this form to register a group of candidates for the first time.*

2. [Form QLG05B - Group Modification](#)

*Use this form to add or remove members of the group.*

3. [Form QLG05C - Group De-registration](#)

*Use this form to de-register a group. This is required if the group disbands following an election.*

4. [Form QLG05D - Agent Appointment or Removal](#)

*Groups of candidates can use this form to appoint a new agent or remove an existing agent.*

5. [Form QLG05E - Agent Resignation](#)

*This form is to be used by the agent of a group of candidates when removing their own details from the ECQ register of agents for groups of candidates.*