

# Expectations and Commitments – Compliance in the 2024 Local Government Elections

## The ECQ expects candidates (and other stakeholders) to:

- Learn from previous enforcement action and warnings, and not repeat the same offences (see information below about the 2020 elections).
- Educate themselves about their obligations, including reading any correspondence issued by the ECQ.
- Seek assistance from the ECQ (if necessary) to resolve any issues or clarify obligations.
- Cooperate with the ECQ to resolve matters relating to non-compliance, including taking remedial action if requested.
- Keep any records relating to the election for the minimum period of five years, and provide them to the ECQ if requested.

## The ECQ commits to:

- Providing reasonable assistance to candidates, their agents, registered political parties, and other electoral participants, to enable them to meet their obligations.
- Responding to notifications about non-compliance by electoral participants in accordance with the ECQ's Compliance and Enforcement Policy for Funding and Disclosure Obligations, and the 2024 Local Government Election Compliance Approach (both available on the ECQ's website).
- Undertaking enforcement action (where appropriate) within statutory timeframes to ensure there is genuine incentive to comply.

The ECQ is not able to commit to resolving reports of non-compliance before election day. Reports which contain appropriate evidence (e.g. real-time photographs and/or video of non-compliant signage), correspondence, statutory declarations, etc. have a greater likelihood of being resolved quickly.

## The ECQ's role

The ECQ is the independent regulator of election participants in Queensland. As well as providing education to stakeholders, the ECQ has conducted over 400 compliance reviews for the 2020 local government elections. The ECQ has issued over **380 fines to 258 local government candidates** across Queensland. The ECQ has also commenced prosecution against several candidates for serious non-compliance.

The focus of the ECQ's resources will vary depending on the election phase. Further information about the ECQ's activities at each phase of the election is available on the ECQ's website.

## Case study 1 – Failure to complete disclosures

A candidate for the 2020 elections failed to disclose roughly \$39,000 in electoral expenditure by the due dates. Instead, the candidate disclosed each transaction in May 2020, after election day. The candidate was issued \$3,192 in fines for failing to comply, which they paid.

## Case study 2 – Failure to comply by group agent

An agent for a group of candidates failed to comply with their disclosure obligations by disclosing 17 items of electoral expenditure by the due dates. Even though the agent was not a candidate for election themselves, the agent was personally liable for over \$1,000 in fines.

### Case study 3 – Failure to use dedicated bank account

A candidate for the 2020 elections failed to use their dedicated bank account, instead using “cash in a tin” to pay for electoral expenditure. The candidate also did not disclose these transactions until contacted by the ECQ. The candidate was prosecuted, resulting in a fine of \$1,200, plus paid \$1,200 in legal fees.

### Case study 4 – Failure to authorise election material

A third-party campaigner failed to authorise election material published on social media during the 2020 election period. The ECQ contacted the third party and sought for an authorisation to be added to the materials. The third-party failed to comply with these requests and was issued a fine for each instance of publication.

#### Who to contact?

Any person who wishes to report potential non-compliance (including self-reporting) should contact the relevant authority, including:

Issue	Contact
Disclosure and bank account requirements (including notifications about potential non-compliance)	Electoral Commission of Queensland Funding, Disclosure and Compliance <a href="mailto:fad@ecq.qld.gov.au">fad@ecq.qld.gov.au</a> 1300 881 665
Expenditure caps	
Prohibited donations	
Group campaign activities (including registration of groups)	
Accessing and using the Electronic Disclosure System	
Third-party campaign activity (including registration of third parties)	
Authorisation of election material	
Candidate / candidate worker conduct	If the behaviour involves violence – Queensland Police Service (000 in emergencies)  If the behaviour is at a polling venue and is affecting voting – the Returning Officer in the first instance.
Stolen or damaged election signs	Queensland Police Service
Placement of election signs	On local roads – the local council  On a State controlled road – Department of Transport and Main Roads ( <a href="http://www.qld.gov.au/transport/safety/signs/election-signs">www.qld.gov.au/transport/safety/signs/election-signs</a> )
Complaints about the conduct of councillors and mayors who are standing for election (i.e. not all candidates).	Office of the Independent Assessor <a href="http://www.oia.qld.gov.au">www.oia.qld.gov.au</a>
Complaints about corrupt conduct	Crime and Corruption Commission <a href="http://www.ccc.qld.gov.au">www.ccc.qld.gov.au</a>