REGISTERED THIRD PARTIES

Real-time disclosure of electoral expenditure

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 applies to registered third parties in local government elections. When a registered third party incurs electoral expenditure of $500 or more during their disclosure period, a return covering the expenditure must be given to the ECQ.

Electoral expenditure is cumulative: it does not matter whether the expenditure was incurred in small amounts or all at once. Once the $500 threshold has been reached, all previous and future expenditure must be disclosed regardless of value.

What is a third party? Please refer to Fact sheet 31 – Funding and disclosure overview for third parties.

If the third party has an agent, the agent is responsible for completing the returns.

What is real-time disclosure?

All registered third parties who incur $500 or more in electoral expenditure must give the ECQ a return within **7 business days** of the expense being incurred. This obligation also applies to third parties who should have registered but failed to do so.

Once electoral expenditure of $500 or more has been incurred, all past and future expenditure by the third party must be disclosed by lodging a return.

When is the electoral expenditure incurred? Electoral expenditure is usually incurred when the election material is supplied or when the material is first used for a campaign purpose. For more details, please refer to Fact sheet 12 – Definition of electoral expenditure.

EXAMPLES

Example 1
Registered Third Party L incurs electoral expenditure of $500 on Wednesday when they publish an advertisement promoting Candidate A. Because the amount of electoral expenditure is $500 or more, Registered Third Party L must lodge a return by the following Friday (assuming there are no public holidays).

Example 2
Registered Third Party M incurs $150 of electoral expenditure. Three weeks later on a Tuesday, Registered Third Party M incurs another $400 of electoral expenditure. Because the total amount of electoral expenditure is $500 or more, Registered Third Party M (or their agent) must lodge returns for both amounts of expenditure by the following Thursday (assuming there are no public holidays).

What is electoral expenditure?

'Electoral expenditure' refers to money spent for a campaign purpose including but not limited to:

- designing, producing, printing, broadcasting, or publishing election material
- distributing election material
- carrying out an opinion poll or research
- contracted services relating to one of the above activities.

Please refer to Fact sheet 12 – Definition of electoral expenditure for more information.

How do I lodge a return?

Disclosures are lodged in the ECQ's **Electronic Disclosure System** (EDS) at disclosures.ecq.qld.gov.au/.

Each expenditure return requires:

- the name and business address of the supplier of goods or services
- a description of the goods or service
- the amount of the expenditure
- when the expenditure was incurred
- the purpose of the expenditure
- if the expenditure was incurred to benefit, support, or oppose a particular candidate, group of candidates or political party in the election, that fact and the name of the candidate, group, or party
- if the expenditure was incurred to support or oppose a particular issue in the election, that fact and a description of the issue.

The ECQ publishes electoral expenditure disclosures on its website.

What is the election summary return?

All registered third parties must lodge an election summary return with the ECQ within 15 weeks of election day.

This return must be given even if no electoral expenditure occurred.

For more information, see Fact sheet 14 – Election summary returns.

Record keeping

All third parties 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. Refer to Fact Sheet 8 for more information about record keeping requirements.

Compliance

The ECQ can issue fines for failing to lodge disclosure returns by the due date. 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.

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.

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 8 – Record keeping requirements
Fact sheet 9 – Disclosure of gifts made
Fact sheet 10 – Definition of gifts and loans
Fact sheet 12 – Definition of electoral expenditure
Fact sheet 31 – Funding and disclosure overview for third parties
Fact sheet 36 – Expenditure caps for third parties
Fact sheet 38 – Funding and disclosure overview for agents

All fact sheets can be found on the ECQ's website.

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.