

## EXPENDITURE CAPS FOR REGISTERED POLITICAL PARTIES AND ENDORSED CANDIDATES - 2021 UPDATE

This fact sheet relates to registered political parties and party-endorsed candidates contesting State elections and by-elections that take place **after 30 November 2020**.

Under part 11, division 9 of Queensland's *Electoral Act 1992* there are limitations (caps) on the amount of electoral expenditure that political parties and endorsed candidates can incur during the **capped expenditure period** for a State election.

Electoral expenditure is **cumulative**, meaning it does not matter whether the expenditure was incurred as a single amount, or in smaller amounts which are aggregated. For more information, definitions and examples of electoral expenditure, refer to section 281G, and [Fact sheet 5 - Definition of electoral expenditure](#).

### When does the capped expenditure period commence and end?

Under section 280, for an ordinary **general election**, the capped expenditure period starts on the first business day after the last Saturday in the preceding March and ends at 6pm on the polling day for the election.

For a **by-election**, the expenditure cap period commences on the day the writ for the election is issued and ends at 6pm on the polling day for the election.

### When do the new cap amounts apply?

The following expenditure cap amounts apply to State general elections and by-elections that take place **after 30 November 2020**, in line with a CPI increase which is applied 30 days after each general election (under section 281F).

### What is the expenditure cap amount?

#### Expenditure cap for a registered political party

For a **general election**, the expenditure cap for a **registered political party is \$95,964.09**, multiplied by the number of electoral districts for which the party has endorsed a candidate (section 281C (1)); and up to a maximum of \$95,964.09 for any one electoral district (section 281B(1) and 281C(1)(b)).

Example: A political party endorses one candidate in 67 electoral districts across Queensland for the general election; therefore, the maximum amount the party can spend towards the election is 67 x \$95,964.09, totalling \$6,429,594.03.

For a **by-election**, under section 281L, where a registered political party endorses a candidate, electoral expenditure incurred by the party counts towards and is limited to the endorsed candidate's cap.

#### Expenditure cap for a candidate endorsed by a registered political party

For a **general election**, the expenditure cap for an **endorsed candidate is \$60,499.10**. This amount is allowed in addition to the \$95,964.09 per electoral district that the political party may spend in support of their endorsed candidates.

If more than one candidate is endorsed by the same political party in a district, this expenditure is divided by the number of endorsed candidates.

Example: Three candidates endorsed by the same political party are contesting the general election in a single electoral district. The total amount per district of \$60,499.10 would be divided among the 3 candidates.

For a **by-election**, the expenditure cap for a **candidate endorsed by a political party is \$90,748.65**.

Expenditure cap amounts are CPI adjusted 30 days after each general election.

#### **Note on elected members**

Registered political parties should note that under section 281K, electoral expenditure incurred by or for an elected member during a capped expenditure period is taken to have been incurred by or for the registered political party, should the member indicate their intention not to contest the election or if they do not nominate for the election.

#### **Recovery of amounts over the expenditure cap**

Under section 281J, non-compliance with the caps during a capped expenditure period for an election is an offence with substantial penalties. In addition to potential prosecution, the ECQ may recover amounts above the permitted caps as a debt to the State.

The amount which may be recovered as a debt due to the State is double the value of the expenditure that exceeded the cap.

#### **Who is liable for recovery or penalty when an expenditure cap is exceeded?**

Under section 213(2), if a registered political party incurs unlawful electoral expenditure, double the amount of unlawful electoral expenditure may be payable to the State by the registered party, the party's agent or, if there is no agent, each member of the executive committee of the registered political party.