



# Election & Disclosure Obligations Registered Political Parties and Associated Entities

FOR LOCAL GOVERNMENT ELECTIONS

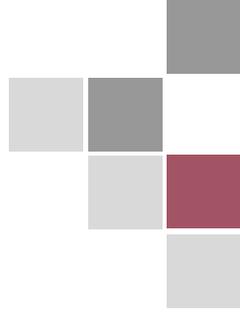
Handbook 2



**Electoral  
Commission**  
QUEENSLAND

# Contents

<b>1. Introduction</b>	<b>1</b>
How to use this handbook	1
<b>2. Overview of disclosure obligations</b>	<b>3</b>
What is a registered political party?	3
What is an associated entity?	3
What is the disclosure period for registered political parties and associated entities?	3
The Electronic Disclosure System	4
<b>3. Disclosure of electoral expenditure</b>	<b>5</b>
What is electoral expenditure?	5
When is electoral expenditure incurred?	5
Who needs to disclose electoral expenditure?	6
What needs to be disclosed?	6
When does it need to be disclosed?	7
How does it need to be disclosed?	7
Are there any additional requirements regarding election advertising?	7
<b>4. Disclosure of gifts/loans received</b>	<b>9</b>
What needs to be disclosed?	9
When do gifts/loans need to be disclosed?	9
How do gifts/loans need to be disclosed?	9
Obligations for donors	9
<b>5. Election summary return</b>	<b>11</b>
What needs to be disclosed?	11
When does it need to be disclosed?	11
How does it need to be disclosed?	12
<b>6. Gifts and loans</b>	<b>13</b>
What is a gift?	13
How is a gift valued?	14
Are any gifts prohibited?	14
Penalties related to prohibited donations	14
What is a loan?	13
<b>7. Notification Requirements</b>	<b>16</b>
Notice to donors	16



8. Record keeping .....	17
9. Compliance .....	19
10. Help and support.....	20
11. Contact us.....	20
12. Glossary .....	21

# 1. Introduction

This handbook is issued by the Electoral Commission of Queensland (ECQ) to provide guidance to registered political parties and their associated entities in complying with their disclosure obligations under the *Local Government Electoral Act 2011* (LGEA) and the *Electoral Act 1992*. In providing this information, the ECQ seeks to ensure the integrity of Queensland's electoral processes, and ensure electoral participants have adequate information to enable them to comply with their legislated obligations and responsibilities.

The 2020 Local Government Quadrennial Election will be the first election in which registered political parties and associated entities will have specific obligations under the LGEA. **All obligations under the EA continue to apply.** Agents for registered political parties and financial controllers for associated entities must familiarise themselves with their obligations. Lack of awareness of the requirements of the LGEA or EA is not an acceptable excuse for non-compliance.

All disclosure returns required to be given to the ECQ can be lodged through the Electronic Disclosure System (EDS), which can be accessed at [disclosures.ecq.qld.gov.au](https://disclosures.ecq.qld.gov.au). In addition to disclosure obligations, this handbook provides registered political parties and associated entities with information about other important obligations under Queensland's electoral legislation.

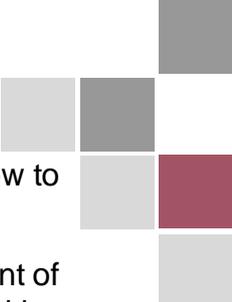
Amendments to the LGEA mean that there are now new offences applicable to all electoral participants. The ECQ can undertake a range of actions to ensure and enforce compliance. These may include issuing fines, commencing prosecution, and undertaking compliance reviews (audits).

The Prohibited Donors Scheme prohibits property developers, industry representative organisations and their close associates from making political donations to local government electoral participants.

## How to use this handbook

This handbook consists of several parts:

- Section 2 provides an overview of disclosure obligations for registered political parties which endorse candidates for a local government election, and their associated entities.
- Sections 3 - 5 provide detailed information about disclosure obligations and giving election summary returns.
- Sections 6 - 7 provide detailed information about gifts and loans, disclosing relevant details and giving notice to donors.
- Section 8 describes record keeping obligations.
- Section 9 describes the monitoring and compliance activities undertaken by the ECQ.

- 
- Sections 10 - 11 provide guidance on where to find more information and how to contact the ECQ for help and support.

Those persons responsible for administration, campaigning, or financial management of local government election campaigns for registered political parties and associated entities should familiarise themselves with all sections of this handbook.

## Assistance and Enquiries

The ECQ's Funding, Disclosure & Compliance Division is available to provide general guidance and information in relation to election and disclosure compliance matters. The ECQ will not provide specific legal, financial or other professional advice. Registered political parties and associated entities should seek their own legal advice if they are in doubt about how the law treats their particular circumstances.

## 2. Overview of disclosure obligations

Registered political parties and associated entities will have financial disclosure obligations under the LGEA if they endorse candidates for a local government election or incur electoral expenditure (again, for local government purposes) totalling \$500 or more. These obligations will include the requirement to give a disclosure return to the ECQ for:

- electoral expenditure incurred of \$500 or more (see *Section 3 - Disclosure of electoral expenditure*);
- gifts/loans received of \$1,000 or more during a reporting period (same rules and obligations apply as those imposed by the *Electoral Act 1992*) (see *Section 4 - Disclosure of gifts/loans received*); and
- total expenditure incurred (see *Section 5 - Election summary return*).

Disclosure returns are to be lodged via the ECQ's Electronic Disclosure System (EDS). The ECQ is then required to publish these returns online.

The obligations for registered political parties are separate to those required by the candidates they endorse. Candidates endorsed by registered political parties will be required to lodge their own returns through the EDS. Further information for candidates can be found in the ECQ's handbook for local government candidates, available on our website.

### What is a registered political party?

Registered political parties are those that are registered under the *Electoral Act 1992*. Political parties that are not registered are not subject to the obligations outlined in this handbook but will have obligations as a third party.

### What is an associated entity?

An associated entity is an entity that:

- is controlled by one or more registered political parties; or
- operates wholly or to a significant extent for the benefit of one or more registered political parties.

If there is doubt as to whether an entity is an associated entity of a registered political party, the ECQ may request information from political parties or the entity itself. The ECQ will make decisions about whether an entity constitutes an associated entity on a case-by-case basis.

### What is the disclosure period for registered political parties and associated entities?

When it comes to disclosing electoral expenditure, the disclosure period for registered political parties and associated entities:

- starts 30 days after election day for the last quadrennial election; and
- ends 30 days after election day for the current election.

This means that once electoral expenditure of \$500 or more is incurred for a local government election during this period, all electoral expenditure must be disclosed.

### 2020 Local Government Quadrennial Election

The 2020 Local Government Quadrennial Election will be held on 28 March 2020. Following amendments made to the LGEA, registered political parties and associated entities will have interim obligations as part of the transitional arrangements for the new legislation.

On completion of the transitional arrangements, the disclosure period for the 2020 Local Government Election will commence from the date of commencement of the new legislation and end 30 days after election day (i.e. 27 April 2020).

Refer to [Fact Sheet 10 - Transitional Disclosure Returns](#) on the ECQ website for more information.

## The Electronic Disclosure System

Under Queensland's electoral legislation, the ECQ is required to ensure that disclosures are published and made available for public view.

Disclosure returns are to be lodged by all electoral participants via the EDS, which can be accessed at [disclosures.ecq.qld.gov.au](https://disclosures.ecq.qld.gov.au).

Refer to *Section 10 - Help and support* of this handbook for instructions on how to register and lodge returns in the EDS as the agent of a registered political party or as the financial controller of an associated entity.

## 3. Disclosure of electoral expenditure

### What is electoral expenditure?

Electoral expenditure in relation to a local government election is expenditure incurred on:

- broadcasting a political advertisement;
- publishing a political advertisement in a journal (e.g. newspaper, magazine, or other periodical);
- publishing a political advertisement on the internet;
- displaying a political advertisement at a place of entertainment (e.g. theatre);
- producing and distributing any of the political advertisements mentioned above;
- producing and distributing other material that advocates a vote for or against a candidate, group of candidates or registered political party, and is required to include an authorisation; or
- carrying out an opinion poll or other research relating to the election if the dominant purpose of the opinion poll or research is to, directly or indirectly -
  - promote or oppose the election of a candidate or group of candidates;
  - promote or oppose a registered political party in relation to the election; or
  - otherwise influence voting at the election.

A political advertisement is any advertisement that advocates a vote for or against a candidate, group of candidates or registered political party.

Material requiring an authorisation is any advertisement, handbill, pamphlet, or notice which is able or intends to influence an elector about voting at an election or affect the result of the election.

### When is electoral expenditure incurred?

Electoral expenditure is incurred when the goods or services are delivered or received or, in the case of political advertising, when the advertisement is broadcast, published or posted online. Electoral expenditure may be incurred at any time, including before, during or after the election.

In some cases, a candidate may operate on a 'purchase order' basis, where the exact cost of advertising is not known until after the advertisements have run. For example, a political party may arrange for a package of advertisements to run during the election period, with the final cost being unknown until after the advertisements have run. In this case, the invoice for the exact cost would be issued at a later time.

The ECQ recommends lodging a return for the maximum amount of the purchase order at the time that the expenditure is incurred (which is when the advertisements are published, broadcast or posted) and then seeking an amendment to that return once the exact amount is known.

## Who needs to disclose electoral expenditure?

Registered political parties and associated entities which incur \$500 or more in electoral expenditure during their disclosure period must give the ECQ disclosure returns about each amount of expenditure incurred.

The \$500 threshold for reporting electoral expenditure is cumulative, meaning it does not matter whether the expenditure was incurred in small amounts or all at once.

### **Examples of registered political parties or associated entities that must give a return for electoral expenditure for a local government election**

#### **Example 1**

Registered Political Party A pays \$500 to broadcast a political advertisement on the radio during the election period. Because the total expenditure incurred is \$500 or more, Registered Political Party A must give a return for electoral expenditure, disclosing the details of the electoral expenditure incurred.

#### **Example 2**

Registered political party B pays the following amounts for political advertisements:

- \$200 to a local newspaper;
- \$200 to a community radio station; and
- \$300 to an outdoor advertising company for a billboard.

A return is required for all three amounts as they are all electoral expenditure and cumulatively exceed the \$500 threshold. It is irrelevant that each individual amount is below \$500.

## What needs to be disclosed?

When lodging a return for electoral expenditure incurred, registered political parties and associated entities will need to disclose:

- the name and business address of the supplier of the goods or services to which the expenditure relates (this will not be published);
- a description of the goods or services;
- the amount of the expenditure;
- when the expenditure was incurred; and
- the purpose for incurring the expenditure.

Registered political parties that have endorsed a candidate in the election must also give an election summary return to the ECQ after election day that states the total amount of electoral expenditure incurred (see *Section 5 - Election Summary Return*). An associated entity must also lodge an election summary return if it incurs \$500 or more in electoral expenditure during the disclosure period for the election.

### **Penalty for failure to give a return within the time required**

A person must give a return within the time required by the LGEA. The maximum penalty for non-compliance, is 20 penalty units (\$2,669 as at 1 July 2019). The ECQ has the power to issue a penalty infringement notice (a fine) for 2 penalty units.

### **Penalty for knowingly giving a return that contains false or misleading particulars**

A person must not give a return that contains particulars that are, to their knowledge, false or misleading. Non-compliance carries a maximum penalty of 100 penalty units (\$13,345 as at 1 July 2019).

## When does it need to be disclosed?

All registered political parties which endorse candidates, and associated entities, must disclose their electoral expenditure in real-time. This means that political parties and associated entities which incur electoral expenditure of \$500 or more during their disclosure period for the election must provide the ECQ a disclosure return within 7 business days of the expenditure being incurred. If the expenditure is incurred during the last 7 days before an election day, the expenditure must be disclosed within 24 hours of it being incurred.

Registered political parties which endorse candidates, and associated entities are also required to give an election summary return to the ECQ within 15 weeks after election day that states the total amount of electoral expenditure incurred during their disclosure period (refer to *Section 5 - Election summary return*).

## How does it need to be disclosed?

Returns must be lodged online via the ECQ's Electronic Disclosure System (EDS), available at [disclosures.ecq.qld.gov.au](http://disclosures.ecq.qld.gov.au).

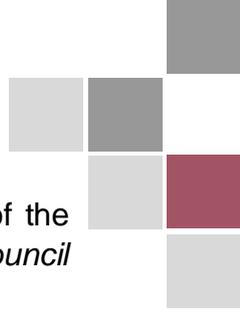
## Are there any additional requirements regarding election advertising?

### Authorisation

During the election period for an election, an authorisation must be included on any advertisement, handbill, pamphlet or notice that is able to, or intended to, influence an elector about voting, or affect the result of the election.

The authorisation must state the name and address (other than a post office box) of the person who authorised the election material.

Authorisations should be legible on the election material and delivered in the same manner as the rest of the election material (for example, a spoken video must have a spoken authorisation at its end).



Registered political parties and associated entities may wish to refer to the Office of the Independent Assessor's publication ' *Your Social Media and You: A guide for elected council members in Queensland*, available here:

<https://oia.qld.gov.au/resources/oia/for-councillors/your-social-media-and-you.pdf> .

While much of the guide is specific to sitting councillors, some sections that deal with social media requirements during an election period could provide useful information and tips other electoral participants may wish to adopt.

**Penalty for failing to authorise election material**

Non-compliance by an individual carries a maximum penalty of 20 penalty units (\$2,699 as at 1 July 2019) or 85 penalty units (\$11,343 as at 1 July 2019) for a corporation. The ECQ can also issue a penalty infringement notice (a fine) for 2 penalty units (for an individual) or 8 penalty units (for a corporation).

**Misleading electors**

During the election period for an election, a person must not print, publish, distribute, broadcast or post online anything that:

- is intended or likely to mislead an elector about the ways of voting at the election; or
- represents a ballot paper for use in the election and is likely to induce an elector to cast an informal vote.

**Penalty for misleading electors**

Non-compliance carries a maximum penalty of 40 penalty units (\$5,338 as at 1 July 2019).

## 4. Disclosure of gifts/loans received

Registered political parties and associated entities which receive gifts or loans of \$1,000 or more from a single third party (donor) during a six-month reporting period are required to give the ECQ a return. The rules which apply to registered political parties and associated entities under the *Electoral Act 1992* are not impacted by a local government election.

A **gift** is defined as the disposition of property, or provision of a service, for no consideration or inadequate consideration (further information is provided in *Section 6 – Gifts and loans*).

### What needs to be disclosed?

When lodging a return for gifts/loans received, registered political parties and associated entities will need to disclose the **relevant particulars** for the gifts. These include, the value of the gift/loan, and:

- if the donor is an individual - the name and address of the individual;
- if the donor is an unincorporated association:
  - the name of the association; and
  - the names and addresses of the members of the executive committee of the association;
- if the donor is a trust fund or foundation:
  - the names and addresses of the trustees of the fund or foundation; or
  - the title or other description of the trust fund or foundation; and
- for any other entity - their name and address.

### When do gifts/loans need to be disclosed?

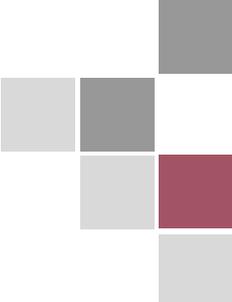
Returns about gifts/loans received must be given to the ECQ within 7 business days of the \$1,000 threshold being reached. Any subsequent gift /loan received from the same entity must be disclosed within 7 business days, regardless of value.

### How do gifts/loans need to be disclosed?

Returns must be lodged online via the ECQ's Electronic Disclosure System (EDS), available at [disclosures.ecq.qld.gov.au](http://disclosures.ecq.qld.gov.au).

### Obligations for donors

While the threshold for registered political parties remains at \$1,000, the disclosure threshold for donors is lower for local government elections. As such, registered political parties may observe donors disclosing gifts made of less than \$1,000. In the EDS, any disclosure which requires reconciliation by a registered political party will be marked as "UNREC".



### **Penalty for failure to give a return within the time required**

A person must give a return required to be given under Division 7,8,10 or 11 of the EA within the time required by the provision. The maximum penalty for agents or registered political parties who fail to give a return within the time required is 100 penalty units (\$13,345 as at 1 July 2019), or 20 penalty units (\$2,669 as at 1 July 2019) for other persons.

### **Penalty for giving an incomplete return**

A person must not give an incomplete return as required under Division 7,10 or 11 of the *Electoral Act 1992*. Non-compliance carries a maximum penalty of 20 penalty units (\$2,669 as at 1 July 2019).

### **Penalty for knowingly giving a return that contains false or misleading particulars**

A person must not give a return that contains particulars that are, to their knowledge, false or misleading. Non-compliance carries a maximum penalty of 100 penalty units (\$13,345 as at 1 July 2019).

### **Penalty for knowingly publishing false or misleading information about a gift**

A person must not publish information about a gift that the person knows is false or misleading. Non-compliance carries a maximum penalty of 100 penalty units (\$13,345 as at 1 July 2019).

## 5. Election summary return

### Who needs to give an election summary return?

Any registered political party that endorses a candidate for a local government election must give an election summary return after the election. Similarly, any associated entity which incurred electoral expenditure of \$500 or more must also lodge an election summary return.

If a registered political party has not received any gifts/loans or incurred any electoral expenditure during the disclosure period, it is still required to submit a disclosure return indicating this. This is known as a nil return.

Other electoral participants, such as candidates and third parties, may also have this obligation.

### What needs to be disclosed?

Registered political parties and associated entities are required to disclose the total amount of electoral expenditure incurred for the election.

### When does it need to be disclosed?

Election summary returns must be given to the ECQ within 15 weeks after election day for the election.

#### **Penalty for failure to give a return within the time required**

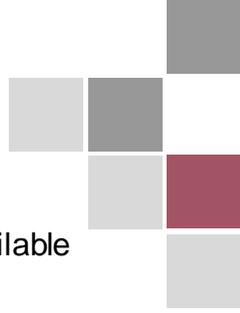
A person must give a return within the time required as set out in the LGEA. The maximum penalty for non-compliance, if the person took all reasonable steps to give the return within the required time, is 20 penalty units (\$2,669 as at 1 July 2019), otherwise 100 penalty units (\$13,345 as at 1 July 2019).

#### **Penalty for knowingly giving a return that contains false or misleading particulars**

A person must not give a return that contains particulars that are, to their knowledge, false or misleading. Non-compliance carries a maximum penalty of 100 penalty units (\$13,345 as at 1 July 2019).

#### **Penalty for knowingly publishing false or misleading information about a gift**

A person must not publish information about a gift that the person knows is false or misleading. Non-compliance carries a maximum penalty of 100 penalty units (\$13,345 as at 1 July 2019).



## How does it need to be disclosed?

Returns must be lodged online via the ECQ's Electronic Disclosure System (EDS), available at [disclosures.ecq.qld.gov.au](https://disclosures.ecq.qld.gov.au).

## 6. Gifts and loans

### What is a gift?

A gift, also known as a donation, is the transfer or disposition of property, or the provision of a service, for no consideration or inadequate consideration. Gifts can include those received from friends, family members, or other persons who have a personal relationship with the recipient if received in support of an election campaign.

A gift can be:

- monetary or non-monetary;
- services provided at no or below cost;
- uncharged interest on a loan; and
- any part of a **fundraising contribution** that exceeds \$200.

A **fundraising contribution** is the amount paid as a contribution, entry fee or other payment to entitle someone to participate in or benefit from a fundraising venture or function. This could include a raffle ticket, an amount paid at an auction, or amount paid for fundraising merchandise.

A gift does not include:

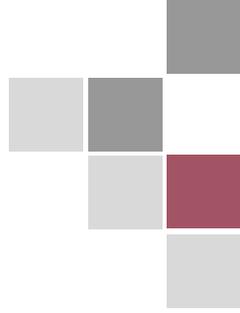
- volunteer labour (e.g. a family member handing out flyers on election day);
- the incidental use of a volunteer's vehicle or equipment;
- a fundraising contribution of \$200 or less;
- membership fees paid to a political party;
- property transferred under a will; and
- a gift made in a private capacity that is for the personal use of an individual and not for any election-related purpose. If, however, any part of this gift is property, a service or a loan that the candidate uses in support of their election campaign, it will be considered a gift and must be disclosed.

### What is a loan?

A loan is defined to be any of the following, made other than by use of a credit card:

- an advance of money;
- a provision of credit or other form of financial accommodation;
- a payment of an amount for, on account of, on behalf of or at the request of an entity, if there is an express or implied obligation to repay the amount; or
- a transaction (whatever its terms or form) that in substance effects a loan of money.

Loans received from financial institutions do not need to be disclosed.



## How is a gift valued?

Gifts are to be valued as follows:

- if the gift is money - the amount of money;
- if the gift is property other than money - the market value of the property;
- if the gift is the provision of a service - the amount that would reasonably be charged for providing the service if the service were provided on a commercial basis;
- if the gift is uncharged interest on a loan - the value of the gift is the amount of interest that would have been charged at the prevailing interest rate for a loan of that kind; or
- if the gift is a fundraising contribution - the amount of the contribution.

### Uncharged interest amount

Generally, the ECQ considers the 'prevailing interest rate' for a loan to be the Reserve Bank of Australia's cash rate, plus 3%. This means that if any loans are received with an interest rate less than this amount, a return will need to be lodged to disclose the difference as a gift-in-kind.

This is a guide only, and the ECQ will consider each matter on a case-by-case basis, taking into account the nature and terms of the loan.

## Are any gifts prohibited?

### Prohibited Donor Scheme

Gifts or loans made by property developers, their close associates, or industry representative organisations, to or for the benefit of a political party, a councillor, a candidate or group of candidates in an election is prohibited under the LGEA. Penalties apply to both the donor and the recipient of any unlawful donation or loan.

#### Penalties related to prohibited donations

A person must not accept a political donation from a property developer or their close associates or solicit a person to make a political donation. The maximum penalty for non-compliance is 400 penalty units (\$53,380 as at 1 July 2019) or 2 years imprisonment.

A prohibited donor must not make a political donation or solicit a person to make a donation on behalf of a prohibited donor. The maximum penalty for non-compliance is 400 penalty units (\$53,380 as at 1 July 2019) or 2 years imprisonment.

A person must not knowingly participate in a scheme to circumvent a prohibition on political donations. The maximum penalty for non-compliance is 1,500 penalty units (\$200,175) or 10 years imprisonment.

For further information about the Prohibited Donor Scheme, refer to the ECQ's website at [www.ecq.qld.gov.au](http://www.ecq.qld.gov.au).



Accepting gifts or loans where the relevant details are not known is also prohibited. Refer to *Section 4 – Disclosure of gifts/loans received*.

#### Gifts of foreign property

It is unlawful for a political party to receive a gift of foreign property. Foreign property is any property which is not Australian property. Australian property means:

- money standing to the credit of an account kept in Australia; or
- other money (for example, cash) that is located in Australia; or
- property, other than money, that is located in Australia.

If a gift of foreign property is received by a political party, it should be returned within 6 weeks. A return will also need to be lodged to disclose this fact.

## 7. Notification Requirements

### Notice to donors

If a registered political party receives a gift of \$1,000 or more, the party must give the donor notice that they are required to lodge a return. This notice should be in writing and must be given as soon as practicable after the gift is received.

## 8. Record keeping

Under the LGEA, any person who participates in a local government election is required to keep complete and accurate records to meet election and disclosure requirements. These records must be maintained even after the election.

Good record keeping practice promotes accountability, transparency and increases public confidence in election campaigning in local government. Retaining all relevant records and storing and managing them in a meaningful way allows electoral participants to retrieve them to properly disclose and fully meet their reporting obligations.

Election participants, including registered political parties and associated entities, must keep all relevant records for an election for 5 years after the conclusion of the election. This includes records of gifts and loans received and keeping receipts for electoral expenditure incurred.

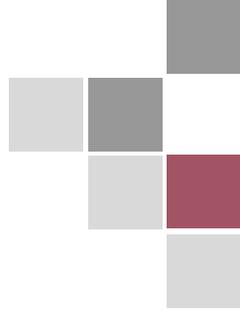
The following documents are examples of records which should be kept:

- bank statements;
- invoices;
- receipt books;
- deposit books;
- cheque books;
- ledgers; and
- notices which relate to information contained in a return.

Records may be kept in a paper or electronic form.

All relevant election disclosure records must be kept for a period of **at least five years after the election**, whether the candidate's campaign is successful or not. The ECQ may request to view these documents as part of its ongoing compliance activities, and you will be required to make your records available to the ECQ if requested to do so.

Similar provisions exist under the *Electoral Act 1992*, which requires records to be kept if the record is about a matter which contains particulars which are, or could be, required to be stated in a return. Again, records must be kept for five years after the return was made or required to be made.



### **Penalty for failure to keep records for the time required**

A person must keep records relating to a return for at least 5 years after the conclusion of the election, unless, in the normal course of business, the records are transferred to someone else.

Non-compliance carries a maximum penalty of 20 penalty units (\$2,669 as at 1 July 2019). The ECQ has the power to issue a penalty infringement notice (a fine) for 2 penalty units.

Additional penalties may apply if you fail to produce the records to the ECQ's officers when requested to do so.

## 9. Compliance

The ECQ is responsible for assisting election participants comply with their disclosure obligations under the LGEA. Compliance with these requirements greatly enhances the integrity and transparency of the election. As such, the ECQ regularly conducts compliance reviews following an election to monitor and enforce compliance.

Electoral participants may be contacted up to five years after an election to provide information or documentation relating to a disclosure matter. The information and documents provided will be reviewed by the ECQ to assess the level of compliance with disclosure laws. Where instances of non-compliance are detected, the ECQ may undertake further investigation or enforcement action where appropriate.

The ECQ will work with election participants who are willing to comply with the law. The ECQ encourages election participants to be informed and proactive in their approach to compliance, and to notify the ECQ immediately if they have any questions or become aware of any issues relating to their disclosure obligations under the LGEA.

## 10. Help and support

Other handbooks in this series:

- Candidate Handbook for Local Government Elections
- Election and Disclosure Handbook for Candidates and Groups of Candidates for Local Government Elections
- Election and Disclosure Handbook for Third Parties for Local Government Elections.

ECQ handbooks, forms and fact sheets are available on the ECQ website - <https://www.ecq.qld.gov.au/candidates-and-parties/handbooks-and-forms>

For more information about Queensland elections, voting and electoral boundaries, refer to the Electoral Commission of Queensland website - [www.ecq.qld.gov.au](http://www.ecq.qld.gov.au).

## 11. Contact us

Contact	Details
Postal address	GPO Box 1393, BRISBANE QLD 4001
Phone	1300 881 665
Email	<a href="mailto:fad@ecq.qld.gov.au">fad@ecq.qld.gov.au</a>

## 12. Glossary

### Agent

An agent refers to an agent for a group of local government candidates recorded in a register of group agents. The agent is the person responsible for ensuring the group's obligations under the LGEA are complied with.

### Australian Property

Australian property means:

- money standing to the credit of an account kept in Australia; or
- other money (for example, cash) that is located in Australia; or
- property, other than money, that is located in Australia.

### Candidate

A person whose nomination as a candidate for an election has been certified by a returning officer and, for disclosure purposes, includes a person who:

- is elected or appointed councillor at any time during the disclosure period;
- has announced or otherwise publicly indicated an intention to be a candidate in an election; or
- has otherwise indicated their intention to be a candidate in the election, including, for example by accepting a gift made for the purpose of an election.

### Close Associate

For the purposes of the prohibited donor scheme, the following persons are considered close associates of a corporation which is a property developer:

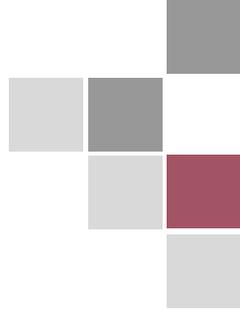
- a related body corporate of the property developer;
- a director or other officer of the property developer;
- a person with more than 20% of the voting power of the property developer or a related body corporate;
- a spouse of a person described above;
- if the corporation or a related body corporation of the corporation is a stapled entity in relation to a stapled security - the other stapled entity in relation to the stapled security;
- if the corporation is a trustee, manager or responsible entity in relation to a unit trust - a person who holds more than 20% of the units in the trust; or
- if the corporation is a trustee, manager, or responsible entity in relation to a discretionary trust - a beneficiary of the trust.

### Disclosure

A disclosure is the reporting of information to the ECQ by related to political donations and/or electoral expenditure.

### Disclosure period

For registered political parties, the disclosure period begins 30 days after the election day for the last quadrennial election and ends 30 days after the polling day for the election.



## EDS

Refer to the definition of **Electronic Disclosure System**.

## Election day

The polling day for an election. Polling places open at 8am and close at 6pm on election day. Counting of the votes commences at 6pm.

## Election material

Anything able to, or intended to, influence an elector about voting at an election or affect the result of an election. This includes all election material printed, published, distributed or broadcast, for example any advertisement, handbill, pamphlet, notice or social media post.

## Election period

An election period for an election starts upon public notice of the election and ends at the close of polls on election day.

## Election summary return

A summary disclosure return is a submission which contains details of all gifts, loans or expenditure, completed via the Electronic Disclosure System within 15 weeks after election day.

## Electoral advertising

Electoral or political advertising is any advertisement which advocates a vote for or against a candidate, group of candidates, or a registered political party. Under the LGEA, candidates, groups of candidates and campaigns must adhere to the provisions relating to political advertising during an election period. The election period for a local government election commences when the Notice of Election is published and ends when polling closes on the day of the election.

These provisions include: requirements for authorisation to be printed clearly on electoral materials, regulations relating to where signage can be placed in support of a local government campaign, procedures for the acceptance of how-to-vote cards by the ECQ and offences such as misleading electors or publishing false statements about the personal character or conduct of a candidate, with the intent to influence the outcome of an election. For more information, refer to [Local Government Fact Sheet 6 - Electoral Advertising and Signage](#).

## Electoral expenditure

Electoral expenditure is expenses incurred, including a gift-in-kind, to support an election campaign, regardless of when the expense is incurred. Electoral expenses are costs helping to advocate for or against a candidate, group or candidates or political party and can include but in this context, not limited to:

- the cost of producing and distributing political advertisements, whether broadcasted, published in physical form or electronically, displayed at a theatre or other place of entertainment (e.g. television advertising, social media advertising); or
- the cost of producing and distributing any advertisement or election material requiring the name and address of the person authorising the material (e.g. flyers, pamphlets handbills, how-to-vote cards); or

- carrying out an opinion poll or research to promote or influence voting (e.g. phone polling, data analysis, focus groups).

Electoral expenditure is incurred at the time when the goods or services are provided. For example, expenditure on advertising is incurred when the advertisement is broadcast, published or posted online and expenditure on election material is incurred when the material is distributed.

Note: 'Electoral expenditure' differs from 'Political expenditure'. Refer to the definition of **Political expenditure** for details.

### **Electronic Disclosure System (EDS)**

The online portal through which electoral participants with disclosure obligations should lodge their real-time, periodic and post-election summary disclosure returns. The EDS can be accessed via the ECQ website or at [disclosures.ecq.qld.gov.au](https://disclosures.ecq.qld.gov.au).

### **Endorsed candidate**

A candidate for a local government election who is endorsed by a registered political party.

### **Expenditure return**

Candidates, groups of candidates, registered political parties and associated entities who incur electoral expenditure of \$500 or more must provide a return to the ECQ. The return must be in the approved form and given to the ECQ by the disclosure due date for the return, and state:

- the name and business address of the person who supplied the goods or service to which the expenditure relates;
- a description of the goods or service;
- the amount of the electoral expenditure;
- when the expenditure was incurred; and
- the purpose for incurring the expenditure.

A summary expenditure return states the total amount of electoral expenditure the electoral participant incurred during the disclosure period for the election together with a copy of a bank statement with their summary return.

### **Foreign property**

Foreign property is any property which is not Australian property.

### **Fundraising contribution**

A fundraising contribution is an amount paid by a person as a contribution, entry fee or other payment to entitle the person or another person to participate in, or otherwise obtain a benefit from a fundraising venture or function.

A fundraising contribution includes:

- an amount paid for a raffle ticket; and
- an amount paid for an item at a fundraising auction.



## Gift

A gift, also known as a donation, is made to or for the benefit of a political party, a councillor, a candidate or group of candidates in an election, or made to another person or entity in order to enable them to support a political party, a councillor, a candidate or group of candidates.

A gift is any transfer of property from one entity to another with no or inadequate consideration of its reasonable value. A gift can be:

- monetary or non-monetary;
- services at no or below cost;
- uncharged interest on a loan; or
- any part of a fundraising contribution that exceeds \$200.

Where the gift is property, the gift is to be valued at the current market value.

Where the gift is a provision of a service, the value of the gift is the amount that would be reasonably charged for the service if it was provided on a commercial basis.

Where the gift is uncharged interest on a loan, the value of the gift is the amount of interest that would have been charged at the prevailing interest rate for a loan of that kind.

A fundraising contribution is the amount paid as a contribution, entry fee or other payment, which entitles someone to participate in or benefit from a fundraising venture or function.

A gift does not include:

- volunteer labour, such as friends and family members helping a candidate in a voluntary capacity (for example, handing out flyers on election day);
- the incidental use of a volunteer's vehicle or equipment;
- a fundraising contribution of \$200 or less;
- membership fees paid to a political party; or
- property transferred under a will.

## Gift-in-kind

A gift of any good or service other than money.

## How-to-vote card

A how-to-vote card is a card, handbill or pamphlet that:

- contains a representation or intended representation of a ballot paper, or part of a ballot paper;
- lists the names of some or all candidates with numbers indicating an order of voting preference; or
- directs or encourages the casting of preference votes, other than a first-preference vote.

Printed material that does not meet one of these criteria may be election material, but not a how-to-vote card. It is important to note the differences, as the rules for how-to-vote cards differ from other election material. How-to-vote cards distributed during an election period must carry an authorisation and how-to-vote cards authorised for a candidate, group or political party must have been accepted for distribution by the ECQ.

## LGEA

Refers to the *Local Government Electoral Act 2011*.

## Notice of Election

A Notice of Election is issued to formally notify the community that a local government election will occur on a specific date. It is published on the ECQ website and contains details such as of the nomination process, the timeline for the election and contact details for Returning Officers in each local government area.

## Penalty unit

The amount for an offence under Queensland State legislation and the laws of local governments is identified as a penalty unit. Queensland's *Penalties and Sentences Regulation 2015* defines the dollar value of a penalty unit and is subject to a yearly review. The penalty unit value in Queensland is \$133.45 (current from 1 July 2019).

## Political advertisement

An advertisement that advocates a vote for or against a candidate, group of candidates or registered political party. Refer to the definition of **Electoral advertising**.

## Political donation

Refer to the definition of **Gift**.

## Political expenditure

Political expenditure is:

- electoral expenditure\*; or
- a gift made to or for the benefit of:
  - a political party;
  - a candidate for an election; or
  - a group of candidates for an election, a member of the group or a person acting on behalf of the group; or
- a gift made to another person on the understanding that the person, or another person, uses the gift (directly or indirectly) to incur expenditure in support of an election campaign.

Note: 'Political expenditure' differs from 'Electoral expenditure'. Refer to the definition of **Electoral expenditure** for details.

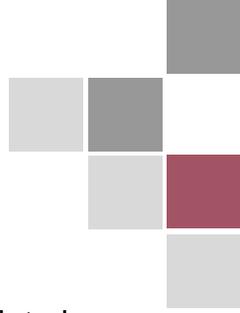
## Prohibited donor

A prohibited donor is:

- a property developer or their close associate; or
- an industry representative organisation, a majority of whose members are property developers.

A property developer is a corporation engaged in a business that regularly involves the making of relevant planning applications by or on behalf of the corporation:

- in connection with the residential or commercial development of land; and
- with the ultimate purpose of the sale or lease of the land for profit.



A close associate of a corporation means:

- a related body corporate of the property developer;
- a director or other officer of the property developer;
- a person with more than 20% of the voting power of the property developer or a related body corporate;
- a spouse of a person described above;
- if the corporation or a related body corporation of the corporation is a stapled entity in relation to a stapled security - the other stapled entity in relation to the stapled security;
- if the corporation is a trustee, manager or responsible entity in relation to a unit trust - a person who holds more than 20% of the units in the trust; or
- if the corporation is a trustee, manager, or responsible entity in relation to a discretionary trust - a beneficiary of the trust.

### Real-time disclosure

Real-time disclosure is the legislated requirement for the disclosure of gifts, loans and expenditure to the ECQ **within 7 business days of the gift or loan being received or the expenditure incurred**. In the last week of an election period, the 'real-time' requirement for political parties is reduced to within 24 hours of the expenditure being incurred.

### Summary disclosure

Refer to the definition of **Election Summary Return**.

### Third party

A third party is an individual or an entity who is a political donor or campaigner and makes a gift to an electoral participant or conducts campaigning activities, but is not:

- a political party, an associated entity or a candidate;
- a person who is a member of a committee for the election of a candidate endorsed for by a registered political party, if the committee is part of the political party; or
- a person who is a member of a committee for the election of a candidate in the election or members of a group of candidates for the election.

### Transitional disclosure returns

**New disclosure obligations commence on 20 January 2020** under the amendments to the LGEA. As part of this transition, all registered political parties who have endorsed candidates for the 2020 local government election must lodge a **transitional disclosure return within 14 days of the new laws commencing**. The due date will be **3 February 2020**.

The return must disclose all expenditure incurred in support of their campaign between 1 May 2019 and 19 January 2020.