

ALL ELECTION PARTICIPANTS

Using online fundraising platforms

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 relates to any election participant who is considering using an online payment platform to raise funds for their election campaign. Examples of payment platforms include TryBooking, GoFundMe, Humantix, Stripe and NationBuilder.

The purpose of this fact sheet is to outline how your obligations as an election participant apply in the context of these platforms and highlight the potential risks associated with using them. The ECQ does not endorse the use of any particular platform for election purposes. All election participants assume any risks associated with the platforms.

Am I allowed to use online payment platforms for my election campaign?

The LGEA does not prohibit the use of online payment platforms or fundraising websites to accept donations for an election campaign.

However, all election participants have obligations relating to disclosure, dedicated bank accounts, anonymous and prohibited donations, and record keeping. Further information about each of these obligations can be found on the [ECQ's website](#).

All election participants must ensure that any platform they use enables them to comply with all of these obligations, as discussed further below.

Disclosure

To enable you to comply with your disclosure obligations, you must ensure that every person who donates to you for your election campaign provides their relevant details. The information required to be collected is outlined in [Fact sheet 11 – Relevant details and sources of gifts and loans](#).

If your selected payment platform allows people to donate without providing these details, you assume the risk that you will not be able to comply with your disclosure obligations.

Dedicated bank accounts

Any funds raised via your selected payment platform must be placed into your dedicated campaign bank account.

You may link your platform directly to your dedicated account. Alternatively, you may link the platform to another bank account and then transfer any donations received into your dedicated account. Both approaches have risks which you must manage and ensure appropriate processes are in place to ensure compliance.

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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.



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Anonymous donations

It is unlawful for candidates and groups of candidates to receive anonymous donations to fund their election campaign. As such, you must ensure that your selected payment platform does not allow for a donor to remain anonymous to you.

Failing to ensure your selected platform is set up properly may result in an offence being committed and the donation being recovered by the ECQ as a debt payable to the State.

Prohibited donations

If accepting donations via a payment platform, there is a risk that you may receive a donation from a prohibited donor, either knowingly or unknowingly. When choosing whether to use a payment or fundraising platform, or which one to use, you should consider how to mitigate this risk.

Accepting an amount from a prohibited donor may result in an offence being committed and the donation being recovered by the ECQ.

Record keeping

All electoral participants have record keeping obligations, including records demonstrating compliance with all of the above requirements. When selecting a payment platform, check that you have the ability to extract relevant information about donors, amounts, etc. for your own records.

Similarly, when shutting down a payment platform, ensure you extract all information for your own retention. Not being able to access an old fundraising platform is not a reasonable excuse for not having records and is not a sufficient excuse against a charge of non-compliance.

CASE STUDIES

Example 1

As part of its standard compliance activities, the ECQ identified that a candidate received donations via TryBooking valued at \$9,900. This amount was disclosed in the candidate's election summary return, but not in real-time.

The candidate advised that they had not disclosed each individual donation as no single donor gave \$500 or more. The candidate was able to produce a report directly from TryBooking, which demonstrated that each donor only gave \$450.

As the candidate had demonstrated full compliance, the matter was closed.

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 CASE STUDIES CONT.

Example 2

The ECQ requested a candidate to provide records relating to \$2,660 received via a payment platform, none of which amount had been disclosed in real-time. The candidate provided the report, but upon review, identified that a single donor had donated \$250 five separate times, equating to \$1,250. The payment platform the candidate used for their campaign did not allow them to easily track multiple donations by the same person.

The candidate was required to disclose the five donations and was issued a fine for two penalty units for not complying with their disclosure obligations.

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 6 – Offences and penalties for candidates
- Fact sheet 8 – Record keeping requirements
- Fact sheet 10 – Definition of gifts and loans
- Fact sheet 11 – Relevant details of gifts and loans
- Fact sheet 17 – Dedicated campaign bank accounts for candidates
- Fact sheet 20 – Real-time disclosure of gifts and loans by candidates
- Fact sheet 23 – Dedicated campaign bank accounts for groups of candidates
- Fact sheet 25 – Real-time disclosure of gifts and loans by groups of candidates
- Fact sheet 28 – Dedicated campaign bank accounts for registered political parties
- Fact sheet 33 – Dedicated campaign bank accounts for third parties
- Fact sheet 35 – Real-time disclosure of gifts received by third parties
- Fact sheet 43 – Ban on political donations from prohibited donors

Fact sheets can be found on the [ECQ website](#).

More information

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