

THIRD PARTIES**Real-time disclosure of gifts received**

Unless otherwise stated, all references to legislation are to the *Electoral Act 1992* (EA). The information in this fact sheet does not replace legislation. If you are concerned about your circumstances, you should seek independent legal advice.

What is a third party?

A third party is any individual or entity (including those outside Queensland) other than a registered political party, an associated entity or a candidate.

Third parties which incur expenditure for political purposes may have to disclose any gifts they receive to enable that expenditure.

What are a third party's disclosure obligations?

A third party must disclose the details of a gift received if the gift is:

- \$1,000 or more (either on its own or cumulatively from the same donor)

and

- used (wholly or in part) to incur or reimburse **expenditure for a political purpose** of \$1,000 or more.

Expenditure for a political purpose includes:

- electoral expenditure (e.g., money spent on political advertising)
- a gift to a candidate or a registered political party
- a gift to a person on the understanding that the gift will be used for either of the above 2 reasons.

Additional disclosure obligations apply for gifts made to registered political parties and candidates. Please refer to [Fact sheet 23 – Disclosure of gifts made to registered political parties and candidates](#) for further information.

For the definition of a gift, see [Fact sheet 5 – Definition of gifts, loans and political donations](#).

For the definition of electoral expenditure, see [Fact sheet 7 – Definition of electoral expenditure](#).

What is real-time disclosure of gifts?

Queensland has real-time disclosure laws which means gifts are disclosed throughout the election cycle.

A gift of \$1,000 or more that is used to incur or reimburse political expenditure must be disclosed within **7 business days** of using the gift. When only part of the gift is used for expenditure for a political purpose, the gift in full must be disclosed.

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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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How are gifts disclosed?

Gifts must be disclosed to the ECQ in a return.

If the third party has an agent, the agent is responsible for lodging the return. Otherwise, the third party itself is responsible.

Returns are lodged online via the ECQ's Electronic Disclosure System (EDS) at disclosures.ecq.qld.gov.au.

The public can view returns after they have been lodged.

What is included in a return?

Each real-time return must include the following details:

- the value of the gift
- the date the gift was received
- the **relevant particulars** of the entity who made the gift.

What are relevant particulars?

The relevant particular of an entity are:

- if the entity is an **unincorporated association** – the names and addresses of the members of the executive committee (however described) of the association
- if the entity 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 the name of the foundation
- **otherwise** – the name and address of the entity.

Record keeping requirements

All election participants must keep records for 5 years. This is required to demonstrate compliance in relation to all electoral expenditure, disclosure, and reporting requirements. Refer to [Fact sheet 4 – Record keeping requirements](#) for more information.

Compliance

The ECQ is responsible for administering and enforcing the EA, which includes penalties for election participants who breach their disclosure obligations. The compliance framework is available on the [ECQ's website](#).

For further information

This fact sheet mainly refers to part 11, division 7 of the EA. The EA is available in full at legislation.qld.gov.au. Participants in the electoral process should ensure they understand their obligations under the EA.

More information on state government elections

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 **RELATED FACT SHEETS**

Fact sheet 4 – Record keeping requirements

Fact sheet 5 – Definition of gifts, loans and political donations

Fact sheet 7 – Definition of electoral expenditure

Fact sheet 23 – Disclosure of gifts made to registered political parties and state election candidates

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

More information on state government elections

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