



# ELECTION AND DISCLOSURE OBLIGATIONS FOR THIRD PARTIES

VERSION 3.1: AUGUST 2023



**Electoral  
Commission**  
QUEENSLAND

The Electoral Commission of Queensland (ECQ) is the independent statutory authority responsible for the impartial conduct of State, local, and industrial elections. It also works to ensure that election participants comply with funding and disclosure requirements, set out in the *Electoral Act 1992* (the Act), and the Electoral Regulation 2013 (the Regulation).

These legal requirements promote transparency and fairness, and include (amongst others):

- disclosing gifts and loans made and received,
- disclosing electoral expenditure incurred,
- use of State campaign bank accounts,
- enforcement of political donation caps,
- enforcement of expenditure caps, and
- enforcement of prohibited donor laws.

This handbook is a compilation of fact sheets to help third parties comply with their disclosure obligations at State elections and by-elections, as well as those obligations which occur all year round.

The ECQ can undertake a range of actions to ensure and enforce compliance, including conducting compliance reviews and audits, issuing penalty infringement notices (fines), recovering amounts as debts due to the State, and commencing prosecutions.

## Disclaimer

The ECQ's publications are not legal advice, nor are they intended as a substitute for the Act or Regulation. The ECQ recommends that stakeholders refer to the Act and Regulation, and if necessary, seek independent legal advice in relation to their election and disclosure obligations.

The Act and Regulation are available on the Queensland legislation website: [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

## Assistance and enquiries

The ECQ's Funding and Disclosure team 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. All electoral participants should seek their own legal advice if they are in doubt and how the law treats their particular circumstances.

---

1. State campaign bank accounts .....	Fact Sheet 03
2. Definition of gifts, loans, and political donations.....	Fact Sheet 04
3. Disclosure of gifts received by third parties.....	Fact Sheet 07
4. Disclosure of gifts made to RPPs or candidates.....	Fact Sheet 13
5. Caps on political donations.....	Fact Sheet 20
6. Definition of electoral expenditure.....	Fact Sheet 08
7. Disclosure of electoral expenditure.....	Fact Sheet 09
8. Expenditure caps for third parties.....	Fact Sheet 12
9. Information for third parties.....	Fact Sheet 14
10. Third party registration process.....	Fact Sheet 15
11. Electoral advertising and authorisation.....	Fact Sheet 16
12. Election signage.....	Fact Sheet 17
13. Record keeping requirements.....	Fact Sheet 21

## STATE CAMPAIGN BANK ACCOUNTS – THIRD PARTIES

This fact sheet relates to third parties which register, or meet the registration criteria, for State elections and by-elections. All references to legislation are to the *Electoral Act 1992*, as in force from 1 July 2022. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

All registered third parties must:

- **establish** a dedicated State campaign bank account with a financial institution, and
- **use the account to pay for all electoral expenditure.**

Unregistered third parties that meet the criteria for registration are also required to maintain a State campaign account.<sup>1</sup>

See [Fact Sheet 14](#) for information on what constitutes a third party and the registration criteria.

### When to open a State campaign account

Third parties must open a State campaign account **before** they pay for any electoral expenditure.

### When to notify the ECQ of bank account details

Registered third parties must notify the ECQ of their State campaign account details within **five business days** of registering for an election.

Bank account details can be by completing [Form QSG16C](#).

Unregistered third parties that meet the criteria for registration have **five business days** to notify the ECQ of their bank account details, from when they meet the registration criteria.

If any State campaign account details change, the ECQ must be notified within **five business days**.

Bank account details can be updated by completing [Form QSG16C](#).

### What can go into the State campaign account?

A registered third party can deposit its own funds, including gifts received, into its State campaign account.

Gifts from property developers are strictly prohibited and must not be placed into a State campaign account. See the [ECQ website](#) for more information about prohibited donations.

### What can be paid from a State campaign account?

All electoral expenditure **must** be paid from the State campaign account.<sup>2</sup>

### How long must a State campaign account stay open?

Third parties must maintain the State campaign account for a specific election until all obligations relating to electoral expenditure are fulfilled.

Third parties which regularly participate in Queensland State elections may maintain the same bank account for successive elections. A new account does not have to be opened and closed for each election event. However, all disclosure and reporting requirements must be met in full for each election.

All statements and records relating to a State campaign bank account must be kept, and made available to the ECQ on request, for a period of **five years after the record is made**.<sup>3</sup>

<sup>1</sup> See section 297 for third party registration criteria

<sup>2</sup> See section 221A

<sup>3</sup> See section 305D

## Providing bank statements

Registered third parties must provide a copy of their State campaign account bank statement with their election summary return.

The statement provided to the ECQ must cover the period that:

- starts when the first item of electoral expenditure is incurred for the election or the start of the capped expenditure period, whichever is the earlier date, and
- ends on the day before the election summary return is lodged with the ECQ.

## Offences and penalties

The maximum penalty for failing to comply with State campaign account requirements is 200 penalty units.<sup>4</sup>

Other penalties apply for failing to keep records or notify the ECQ about State campaign account details.

---

<sup>4</sup> See sections 215 and 221A

## DEFINITION OF GIFTS, LOANS, AND POLITICAL DONATIONS

This fact sheet relates to candidates, registered political parties, associated entities, third parties and donors which make or receive gifts or loans. All references to legislation are to the *Electoral Act 1992*, as in force from 1 July 2022. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

Gifts and loans that are made to election participants (including registered political parties, candidates, associated entities, and third parties) must be disclosed.

It is important for election participants (including donors) to familiarise themselves with the definitions of gifts, loans and political donations to ensure they comply with disclosure laws and donation caps.

**There is a difference between an ordinary gift/loan and a political donation. Disclosure obligations apply to gifts/loans and political donations.**

### What is a gift?

A **gift** is the disposition of property, or provision of a service, by a person to another person, for no consideration or inadequate consideration.<sup>1</sup>

A **non-monetary gift** (or gift-in-kind) is a gift of any goods or services other than money.

A gift includes:

- money given to an election participant,
- the provision of ordinarily commercial services for a less than commercial fee,
- electoral expenditure gifted to an election participant,
- uncharged interest, or an amount forgiven, on a loan,
- the part of a fundraising contribution that exceeds \$200,

- an amount (other than a loan) given to a registered political party by a federal or interstate branch or division, or a related political party, or
- an amount paid, or service provided, to a registered political party under a sponsorship arrangement.

A gift does **not** include:

- the disposition of property via a will,
- a fundraising contribution of \$200 or less, or the first \$200 of a larger fundraising contribution,
- an amount paid for a person's membership or affiliation with a registered political party,
- a compulsory levy imposed on members of the Queensland Parliament under their registered political party's constitution,
- an amount transferred from a candidate's own funds (e.g. from a personal bank account) to the candidate's own State campaign account,
- an amount contributed from an account a candidate holds jointly with their spouse (this does **not** include amounts given to the spouse by a prohibited donor) to the candidate's own State campaign account,
- volunteer labour, or incidental or ancillary use of a volunteer's vehicle or equipment, or
- gifts made in a private capacity for an individual's personal use, unless the gift is used for an electoral purpose.

<sup>1</sup> See section 201

## What is a fundraising contribution?

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

An example of a fundraising contribution includes a raffle ticket, or an amount paid for an item at a fundraising auction.

## What is gifted electoral expenditure?

See [Fact Sheet 8](#) for the definition of gifted electoral expenditure.

## Volunteer labour

Volunteer labour is generally not considered a gift. However, if a person provides a service that they normally provide on a commercial basis at a reduced or no cost, that would be considered a gift.

*Example:* A campaign volunteer, who also operates a printing business, prints 100 flyers and gives them to a candidate at no cost. The flyers are a gift and could also be a political donation.

## Gifts given in a private capacity

Gifts made in a private capacity for an individual's personal use are not gifts for electoral purposes. However, should any part of the gift be used for an electoral purpose, that part will be considered a gift.

## Sponsorship arrangements

A sponsorship arrangement, between a person (the sponsor) and a registered political party, means an arrangement:<sup>2</sup>

- that establishes a relationship of sponsorship, approval or association between the sponsor and the party, whether or not for commercial gain, or
- that confers a right on the sponsor to associate the sponsor, or the sponsor's goods or services, with
  - the party, or
  - a fundraising or other venture or event, or

- a program or event associated with a venture or event.

It does not matter whether the sponsor is entitled, under the arrangement to:

- be acknowledged as a sponsor, or
- advertising or marketing rights, or
- supply the sponsor's goods or services, or
- another benefit (e.g. entry to a particular event or function).

## Funds from a joint bank account

A candidate may pay an amount from their personal funds into their own State campaign account for use in their election campaign. This is considered **self-funding** (i.e. not a gift) and there is no limit on the amount that can be transferred from personal funds.

Amounts transferred from a **joint bank account** held by a candidate and their spouse (which includes a de facto or civil partner) into the candidate's own State campaign account are taken to be amounts contributed from the candidate's own funds. These are not considered to be gifts.

**Note:** Self-funding and joint funds cannot be used as a way to conceal gifts that are otherwise not permitted (e.g. gifts from property developers, or amounts that would otherwise be subject to caps). Significant penalties apply for circumventing electoral laws.

## What is a loan?

A **loan** is any of the following provided by a person or entity, other than a financial institution or by use of a credit card:<sup>3</sup>

- an advance of money,
- provision of credit or another form of financial accommodation,
- payment of an amount for, on behalf of, or at the request of, an entity, if there is an express or implied obligation to repay the amount, or
- another transaction that is in effect a loan of money.

<sup>2</sup> See section 200A

<sup>3</sup> See section 197



## What is a political donation?

A political donation is any gift or loan given to a registered political party or State election candidate, that is accompanied by a donor statement.

A donor statement is a written document which must:<sup>4</sup>

- be completed by the donor of the gift or loan,
- name the election participant (i.e. the registered political party or State election candidate) to whom the gift or loan is made,
- state that the gift or loan is made with the intention that it is used for an electoral purpose,
- state the relevant particulars of the donor of the gift or loan, and
- be **given** to the recipient with the gift or loan, or **within 14 days** after the gift or loan is made.

**All gifted electoral expenditure is a political donation**, even if there is no donor statement.

**There are caps on political donations.** [See Fact Sheet 20](#) for information about political donation caps.

## Anonymous gifts

It is unlawful for a candidate to receive anonymous gifts totalling \$200 or more.<sup>5</sup> This includes gifts where the name, address or other required details of the donor are not known to the candidate.

It is unlawful for a registered political party to receive anonymous gifts totalling \$1,000 or more.

If an anonymous gift is received, an amount equal to the amount, or value, of the gift/s is payable to the State.

## Gifts of foreign property

It is unlawful for a candidate or registered political party to receive a gift of foreign property.<sup>6</sup>

The location of the property immediately before the gift or transfer took place determines whether it is Australian or foreign property. Gifts of Australian property acquired in exchange for foreign property remain foreign property.

An amount equal to the amount or value of a foreign gift is payable to the State unless the gift is returned within six weeks of receipt.

## Prohibited donors

Property developers and industry organisations representing property developers, are prohibited from making a gift, loan, or political donation for the benefit of a political party, candidate, or other entity in an election.<sup>7</sup>

Significant penalties apply for anyone who makes or receives these prohibited donations. Penalties could include fines, prosecution and/or the recovery of those amounts as a debt to the State.

See the [ECQ website](#) for further information.

## Disclosure of gifts and loans

Election participants may be required to disclose the details of gifts, loans, and political donations they have received.

See [Fact Sheets 5-7](#) for information about disclosure obligations.

---

<sup>4</sup> See section 251

<sup>5</sup> See section 271

<sup>6</sup> See section 270

<sup>7</sup> See Part 11, Division 8



## DISCLOSURE OF GIFTS RECEIVED BY THIRD PARTIES

This fact sheet relates third parties involved in State elections and by-elections. All references to legislation are to the *Electoral Act 1992*, as in force from 1 July 2022. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

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

See [Fact Sheet 4](#) for information about what is and is not a gift.

### 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.

### Disclosure obligations

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

- incur expenditure for a political purpose of \$1,000 or more (during a disclosure period), **and**
- receive a gift of \$1,000 or more (either as a single amount or cumulatively during a disclosure period) to incur or reimburse that expenditure (wholly or in part).

Expenditure for a political purpose includes expenditure to:

- incur electoral expenditure (see [Fact Sheet 8](#) for further information about what is and is not electoral expenditure).
- make a gift to or for the benefit of a registered political party or State election candidate.
- make a gift to or for the benefit of another person to enable that person, or anyone else, to use all or part of the gift to do the above.

Additional disclosure obligations apply for gifts made to registered political parties and candidates. See [Fact Sheet 13](#) for further information.

### What is the disclosure period?

The disclosure period for all third parties started on 30 November 2020.<sup>1</sup>

The disclosure period for all third parties ends 30 days after election day for a State election or by-election.

### When to lodge a return

Gifts must be disclosed within **seven business days** of the gift being used to incur or reimburse expenditure.

### How to lodge a return

Returns can be lodged via the ECQ's **Self Service Portal** (accessed via: [selfserv.elections.qld.gov.au](http://selfserv.elections.qld.gov.au)).

### What must be included in a return?

Each return must include:


- the value of the gift,
- the date the gift was received, and
- the relevant particulars of the person who made the gift.

### What are 'relevant particulars'?

The relevant particulars 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.

<sup>1</sup> See section 198(3)

- 
- If the entity is a **trust fund or foundation** – the names and addresses of the trustees of the fund or the 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**

Third parties who receive gifts of any amount must keep detailed records to ensure they are fully compliant with their disclosure requirements.

See [Fact Sheet 21](#) for more information about record keeping.

## DISCLOSING GIFTS MADE TO REGISTERED POLITICAL PARTIES AND STATE ELECTION CANDIDATES

This fact sheet relates to individuals or entities which make gifts to a State election candidate or a registered political party. All references to legislation are to the *Electoral Act 1992*, as in force from 1 July 2022. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

### Who is a donor?

A donor is any individual or entity which makes a gift (including a political donation) to or for the benefit of a State election candidate or registered political party.

**There are caps on the value of political donations that can be made. See [Fact Sheet 20](#) for further information, including the difference between a gift and a political donation.**

### What must a donor disclose?

A donor must give a return to the ECQ if they make gifts of \$1,000 or more (either as a single amount or cumulatively) to either<sup>1</sup>:

- a State election candidate for an election,
- a registered political party in a reporting period, or
- another person, to enable that person to make a gift to one of the above.

Additionally, if a donor receives a gift of \$1,000 or more (either as a single amount or cumulatively) and uses it to make or reimburse one of the above gifts, the donor must lodge a return for the gift they received, as well as the gift they made.<sup>2</sup>

See [Fact Sheet 7](#) for further information.

### What is a reporting period?

There are two reporting periods each year:

- 1 January to 30 June, and
- 1 July to 31 December.<sup>3</sup>

### When to lodge a disclosure return

Donors must give a return to the ECQ **within seven business days** of making the gift.

### How to lodge a return

Returns can be lodged via the ECQ's **Self Service Portal** (accessed via: [selfserv.elections.qld.gov.au](http://selfserv.elections.qld.gov.au)).

### What details must be disclosed?

A return must include:

- the value of the gift,
- the date on which the gift was made or received (i.e. the date of payment),
- the donor's relevant particulars,
- the relevant particulars of the original source of the gift or loan (if applicable), and
- whether or not the gift or loan is a political donation.

If the gift is a political donation given to an electoral committee established by a registered political party to assist in the election of a candidate for an electoral district, the return must include the name of that district.

<sup>1</sup> See sections 264 and 265

<sup>2</sup> See section 263

<sup>3</sup> See section 197

## What are 'relevant particulars'?

The 'relevant particulars' of the donor are:

- If the donor is an **unincorporated association** – the names and addresses of the members of the executive committee (however described) of the association.
- If the donor is a **trust fund or foundation** – the names and addresses of the trustees, or the title or other description of the trust fund or the name of the foundation.
- **Otherwise** – the name and address of the entity.

## Original source of a gift

The original source of a gift or loan is the person or entity that makes a gift or loan to a donor for the main purpose of enabling them (directly or indirectly) to make a gift or loan to another person or entity.<sup>4</sup>

The relevant particulars of the original source (in addition to those of the donor) must be disclosed in returns to the ECQ.

---

<sup>4</sup> See section 205A

## POLITICAL DONATION CAPS

This fact sheet relates to registered political parties, State election candidates, associated entities and donors who make political donations from 1 July 2022. All references to legislation are to the *Electoral Act 1992*. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

Queensland's electoral laws impose limitations (caps) on the amount or value of political donations which can be made to, or accepted by, registered political parties and State election candidates.

**Please read this Fact Sheet carefully. Not all gifts or loans made to political parties or candidates are political donations. Caps only apply to political donations.**

### What is a political donation?

A political donation is any gift or loan given to a registered political party or State election candidate, that, within 14 days, is accompanied by a **Donor Statement**.

Gifted electoral expenditure is a political donation, even if there is no donor statement.

Refer to [Fact Sheet 4](#) for further information about the definition of gifts and loans.

### What is a Donor Statement?

A **Donor Statement** is a written statement which must:<sup>1</sup>

- be completed by the donor of the gift or loan,
- name the election participant (i.e. the registered political party or State election candidate) to whom the gift or loan is made,
- state that the gift or loan is made with the intention that it is used for a State electoral purpose,
- state the relevant particulars of the donor of the gift or loan, and

- be **given** to the recipient with the gift or loan, or **within 14 days** after the gift or loan is made.

For the definition of relevant particulars, refer to:

- [Fact Sheet 5 – Disclosure of gifts and loans by registered political parties.](#)
- [Fact Sheet 6 – Disclosure of gifts and loans by candidates.](#)

For the definition of gifted electoral expenditure, refer to [Fact Sheet 8](#).

### How do the political donation cap laws work?

Donors **must not make political donations** of more than the donation cap amount to the same registered political party, independent election candidate, or State election candidates endorsed by the same registered political party, during the donation cap period.

Similarly, registered political parties and State election candidates **must not accept political donations** of more than the donation cap amount from any one donor during the donation cap period.

### What is the donation cap period?

The donation cap period commenced on 1 July 2022 and will reset on 25 November 2024. A new donation cap period will commence on 26 November 2024.

### What are the political donation caps?

Between the period **1 July 2022** and **25 November 2024**, the political donation caps are:

- for a registered political party – **\$4,000**,

<sup>1</sup> See section 251

- for an independent candidate – **\$6,000**, and
- for endorsed candidates – **\$6,000** collectively for candidates endorsed by the same party.

A political donation must not exceed the cap either by itself, or when added to other political donations made by the same donor during the same period.

### Receipts for political donations

Registered political parties, candidates, or associated entities which receive political donations must issue a receipt to the donor.<sup>2</sup>

The receipt must:

- state the name of the recipient party (including the electoral committee, if applicable), candidate or associated entity,
- state the name of the donor,
- acknowledge the receipt of the donation from the donor,
- include an ECQ-approved statement about how to comply with the donation cap laws, and
- if the political donation was made to or for the benefit of an associated entity – the name of the associated registered political party or candidate.

The ECQ-approved statements can be found in [Fact Sheet 25](#).

The ECQ encourages all political donation recipients to retain a copy of any receipts issued, as these may assist in demonstrating compliance with political donation cap regulations.

### Are there caps for gifts/loans that are not political donations?

There are no caps for gifts and loans that are not political donations (i.e. those gifts/loans that are not accompanied by a donor statement, and those that do not constitute gifted electoral expenditure).

However, gifts and loans which are not political donations must **not** be placed into the State campaign account of the registered political party or candidate, and

must **not** be used to incur electoral expenditure for a State election.

As such, registered political parties and State election candidates can continue to accept any amount in gifts and loans that are not political donations.

Only political donations (and other allowable amounts) can be deposited into a State campaign account and used to incur electoral expenditure for a State election.

For further information about State campaign accounts, refer to [Fact Sheets 1–3](#).

### Examples

#### **Example 1 – Registered political parties accepting gifts**

On 1 July 2022, a registered political party accepts a political donation of \$2,000 from a donor. On 1 July 2024, the party accepts another political donation of \$2,000 from the same donor. The political party would be unable to accept any further political donations from that particular donor until after 25 November 2024.

The party would be able to accept gifts and loans that are not political donations up to any amount, though these must not be placed into the party's State campaign account or used to incur electoral expenditure for a State election.

#### **Example 2 – Independent candidates accepting gifts**

On 1 October 2024, an independent candidate accepts a political donation of \$1,000 from a donor. On 10 October 2024, the candidate accepts \$5,000 worth of election material (i.e. gifted electoral expenditure) from the same donor.

The candidate would not be able to accept any further political donations from that particular donor until after 25 November 2024.

The candidate would still be able to accept political donations from other donors up to the donation cap amount.

<sup>2</sup> See section 258



### **Example 3 – Donors making gifts to endorsed candidates**

On 1 December 2023, a donor makes a political donation of \$6,000 to a State election candidate who has been endorsed by a registered political party. The donor would be unable to make any political donations to any other candidate endorsed by that party until after 25 November 2024.

The donor would still be able to make political donations to the party itself (up to \$4,000), or to other candidates not endorsed by that party, up to the relevant donation cap amounts.

The donor would also be able to make gifts and loans that are not political donations up to any amount, but the recipient would not be able to use those amounts to incur electoral expenditure for a State election.

### **Example 4 – Donors making gifts to multiple election participants**

On 1 October 2024, a donor makes a political donation to a registered political party of \$4,000, and splits \$6,000 in political donations between all State election candidates endorsed by the same registered political party. The donor would be unable to make any additional political donations to that party or its endorsed candidates until after 25 November 2024.

However, the donor would still be able to make political donations to other candidates not endorsed by the party, and to other registered political parties, up to the donation cap amount.

The donor would also be able to make gifts and loans that are not political donations up to any amount, but the recipient would not be able to use those amounts to incur electoral expenditure.

### **Payments exceeding the cap**

If a political donation is received, and it is identified that the payment is in excess of the political donation cap, the party or candidate has **six weeks** to return the political donation.

Similarly, if a political donation is given, and it is identified that the payment is in excess of the political donation cap, the donor has

**six weeks** to ask, in writing, for the amount to be refunded.

### **Recovery of amounts over the political donation cap**

Non-compliance with the political donation caps is an offence that carries substantial penalties.<sup>3</sup>

In addition to potential prosecution, the ECQ can recover the amount by which the political donation exceeds the cap as a debt to the State.<sup>4</sup>

### **Requirement to notify donors about political donation caps**

Registered political parties, State election candidates, or their associated entities, must give donors a receipt **within 14 days** after receiving a political donation.<sup>5</sup>

The receipt must:

- state the names of the party, candidate or associated entity, and the donor,
- acknowledge receipt of the donation, and
- include a statement, in a form approved by the ECQ, that summarises the political donation cap laws.

For a political donation made to an associated entity, the receipt must also state the name of the party or candidate with which it is associated and include a statement summarising how the associated entity is taken to be part of the party or candidate.

### **Disclosure of gifts, loans and political donations**

All gifts and loans (whether they are political donations or not) must be disclosed if they exceed the disclosure threshold.

For further information about disclosure requirements, refer to:

- [Fact Sheet 5 – Disclosure of gifts and loans by registered political parties.](#)
- [Fact Sheet 6 – Disclosure of gifts and loans by candidates.](#)

<sup>3</sup> See section 259

<sup>4</sup> See section 259A

<sup>5</sup> See section 258



## DEFINITION OF ELECTORAL EXPENDITURE

This fact sheet relates to candidates, registered political parties, associated entities and third parties involved in State elections and by-elections. All references to legislation are to the *Electoral Act 1992*, as in force from 1 July 2022. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

The term 'electoral expenditure' has a specific meaning for State elections and by-elections. It affects disclosure obligations, election funding claims, electoral expenditure caps, and (in some circumstances) political donation caps.

It is important to determine what is and what is not electoral expenditure and who has incurred it. Electoral participants must ensure they do not exceed the caps on electoral expenditure. See [Fact Sheets 10 – 12](#) for information about electoral expenditure caps.

### What is electoral expenditure?

Electoral expenditure includes any of the following costs which are incurred for a campaign purpose:<sup>1</sup>

- Expenditure for designing, producing, printing, broadcasting, or publishing any kind of material for an election, including (but not limited to):
  - an advertisement for broadcast on radio or television, cinema, using the internet, email or SMS,
  - material for publication in newspapers or magazines, on billboards, or as brochures, flyers, signs, how-to-vote cards or information sheets, or
  - material for distribution in letters.
- Expenditure for the cost of distributing material for an election, including, for example, the cost of postage, sending SMS messages, or couriers.
- Expenditure for carrying out an opinion poll or research.

- Expenditure for contracted services related to an activity mentioned above (e.g. fees for consultants, or the provision of data).

Expenditure is incurred for a campaign purpose if it is incurred to:<sup>2</sup>

- promote or oppose a political party in relation to an election, or
- promote or oppose the election of a candidate, or
- otherwise influence voting at an election.

More specifically, expenditure is incurred for one of the above purposes if material produced as a result of the expenditure does any of the following in relation to an election:

- Expressly promotes or opposes:
  - political parties or candidates who advocate, or do not advocate, a particular policy or issue, or
  - political parties or candidates who have, or do not have, a particular position on a policy or issue, or
  - candidates who express a particular opinion.
- Expressly or impliedly comments about a political party, elected member or candidate or in relation to an electoral district.
- Expresses a particular position on a policy, issue, or opinion, if the position is publicly associated with a political party or candidate. This can apply whether or not the party or candidate is mentioned.

<sup>1</sup> See section 199

<sup>2</sup> See section 199A

## What is not electoral expenditure?

Electoral expenditure does not include:

- expenditure incurred employing staff for a campaign purpose (excluding consultants, depending on their roles).
- expenditure incurred substantially for, or related to the election of members of a parliament outside Queensland (i.e. another state or federal parliament), or the election of councillors.
- expenditure on factual advertising about a matter that relates mainly to the administration of a registered political party, for an organisational purpose or for selecting a candidate to nominate for election.
- expenditure for which an elected member is entitled to receive an allowance or entitlement.

## Electoral expenditure incurred by third parties

Expenditure incurred by a third party is electoral expenditure if the dominant purpose for which the expenditure is incurred is a campaign purpose.

However, expenditure incurred by a third party is not electoral expenditure if the dominant purpose for the expenditure is another purpose (e.g. to educate or raise awareness about an issue of public policy). This applies even if the expenditure is also incurred for, or achieves, a campaign purpose.

Third parties which incur more than \$6,000 in electoral expenditure for an election (or intend to do so), have additional obligations, including the obligation to register with the ECQ.

See [Fact Sheets 14 and 15](#) for more information about third parties.

## When is electoral expenditure incurred?

Electoral expenditure is incurred at the time the relevant goods or services are supplied or provided. It does not matter when the expenditure is invoiced or paid.<sup>3</sup>

For example:

- Expenditure on advertising is incurred when the advertisement is broadcast or published.
- Expenditure on the production and distribution of election material is incurred when the material is distributed.

However, electoral expenditure is taken to have been incurred when the goods are **first used for a campaign purpose** during a capped expenditure period if:

- electoral expenditure is incurred to obtain goods, and
- the goods are obtained for the dominant purpose of being used for a campaign purpose **in relation to one or more elections**, and
- the goods are supplied **before** the capped expenditure period starts.

In other words, if the goods are:

- used in the capped expenditure periods for two subsequent elections (e.g. the 2020 and 2024 State general elections), they will only count towards the **first** capped expenditure period (assuming this was the dominant purpose for obtaining the goods in the first place),
- used during the capped expenditure period, but paid for after the capped expenditure period, they are taken to be incurred during the capped expenditure period, and
- procured but never used or distributed (e.g. due to withdrawal from the election or goods become obsolete), the expenditure is taken to not have been incurred.

## Incurring electoral expenditure for another participant

If an election participant (the first participant) incurs electoral expenditure that benefits a second election participant (the recipient), the electoral expenditure is taken to have been incurred by the first participant.

---

<sup>3</sup> See section 281

However, the recipient is taken to have incurred the electoral expenditure if:

- the expenditure is incurred with the recipient's authority or consent, or the recipient accepts election material that results from the expenditure, and
- the first participant invoices the recipient for payment for the amount of the expenditure.

### **'Gifted' electoral expenditure**

If an item of electoral expenditure originally incurred by a person is 'gifted' to an election participant, the amount is taken to have been actually incurred by the recipient election participant.<sup>4</sup>

Electoral expenditure (as defined above) is 'gifted' to an election participant if:<sup>5</sup>

- the expenditure benefits the election participant, and
- the expenditure is incurred with the authority or consent of the recipient, or the election material produced by the expenditure is accepted by the recipient, and
- the person who originally incurred the expenditure does not receive payment or invoice the participant within seven days of the events outlined above.

If the electoral expenditure outlined above was incurred under an arrangement with two or more election participants, the value of expenditure is divided by the number of participants to determine the gifted amount per participant.

A donation of 'gifted' electoral expenditure is considered to have been 'made' at the end of the seven-day period outlined above, regardless of when the expenditure is incurred.<sup>6</sup>

### **Record keeping**

Detailed records must be kept by election participants who incur electoral expenditure or receive electoral expenditure as a gift.

Records should include dates relating to the ordering, delivery, invoicing, payment, publication, broadcast, distribution or first use of item.

See [Fact Sheet 21](#) for more information about record keeping requirements.

---

<sup>4</sup> See section 280A

<sup>5</sup> See section 200B

<sup>6</sup> See section 200B(3)

## DISCLOSURE OF ELECTORAL EXPENDITURE & ELECTION SUMMARY RETURNS

This fact sheet relates to registered political parties, State election candidates, associated entities and third parties which incur electoral expenditure for a State election or by-election. All references to legislation are to the *Electoral Act 1992*, as in force from 1 July 2022. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

Electoral expenditure must be disclosed by all registered political parties, candidates, associated entities, and registered third parties (including third parties which should have been registered for an election).

### When to lodge a return

All electoral expenditure incurred for an election must be disclosed in an election summary return. The return is due **within 15 weeks after election day**.

All registered political parties, candidates, associated entities, and registered third parties must lodge an election summary return, even if they did not actually incur any electoral expenditure.

### How to lodge a return

Returns should be lodged via the ECQ's **Self Service Portal** (accessed via: [selfserv.elections.qld.gov.au](http://selfserv.elections.qld.gov.au)).

### What details must be disclosed?

All electoral expenditure must be disclosed, even if it was incurred outside the capped expenditure period. See [Fact Sheets 10-12](#) for further information about capped expenditure periods.

The following must be disclosed for each item of electoral expenditure:

- the name and address of the person who supplied the goods or services,
- a description of the goods or services,
- the amount of the expenditure, and
- the date the expenditure was incurred.

A copy of the bank statement for the election participant's State campaign account must also be provided with the

return. The bank statement must cover the period that:

- starts when the first item of electoral expenditure is incurred for the election or the start of the capped expenditure period, whichever is the earlier date, and
- ends on the day before the election summary return is lodged with the ECQ.

Returns relating to registered political parties and associated entities must also include an audit certificate from a qualified auditor. See [Fact Sheet 24](#) for further information about audit certificate requirements.

### Disclosing gifted electoral expenditure

Candidates, registered political parties, associated entities and registered third parties who are taken to have incurred gifted electoral expenditure must do the following:

- If the value of the gifted expenditure is more than \$1,000 – disclose the receipt of the gift (political donation) as a gift-in-kind within seven business days of receipt.
- If the value of the gifted expenditure is more than \$1,000 – notify the person gifting the expenditure that they will also need to disclose the gift.
- Regardless of the value – disclose the gifted electoral expenditure in the election summary return (the return will allow participants to identify gifted electoral expenditure received).

See [Fact Sheet 8](#) for further information about what is and what is not electoral expenditure.

#### More information

For more information relating to funding and disclosure obligations, please visit the ECQ's website at [www.ecq.qld.gov.au](http://www.ecq.qld.gov.au), call 1300 881 665, or email [fad@ecq.qld.gov.au](mailto:fad@ecq.qld.gov.au).

## EXPENDITURE CAPS FOR THIRD PARTIES

This fact sheet relates to third parties who participate in State elections and by-elections that take place **after 30 November 2020**. All references to legislation are to the *Electoral Act 1992*. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

There are limitations (caps) on the amount of electoral expenditure that can be incurred during the capped expenditure period for a State election.

The expenditure cap amount differs depending on whether a third party is registered with the ECQ for an election.

See [Fact Sheet 14](#) for information about what is a third party and when they must be registered for an election.

See [Fact Sheet 8](#) for information about what is and what is not electoral expenditure.

### What is the capped expenditure period?

The capped expenditure period starts on<sup>1</sup>:

- For the 2024 State general election – Tuesday, 2 April 2024.
- For a by-election – the day the writ for the election is issued.

The capped expenditure period ends at 6pm on election day for both general elections and by-elections.

### What is the expenditure cap amount?

For the 2024 State general election, the expenditure cap for a registered third party is:

- **\$90,748.65 per electoral district**, and
- a total of **\$1,043,087.97** across Queensland.

For a by-election, the expenditure cap for a registered third party is **\$90,748.65**.

### Electoral expenditure relating to an electoral district

Electoral expenditure relates to an electoral district if the expenditure is for advertising or other election material that is communicated to electors in the district and is not mainly communicated to electors outside that district.<sup>2</sup>

However electoral expenditure does not relate to an electoral district if it is incurred to carry out an opinion poll or research.

### Unregistered third parties

A third party which is not registered with the ECQ for an election **must not** incur more than \$6,000 (either as a single amount or cumulatively) in electoral expenditure towards the election during the capped expenditure period.<sup>3</sup>

If a third party does incur more than \$6,000 in electoral expenditure and does not register before election day, the unregistered third party will still need to fulfil additional disclosure obligations.

Refer to [Fact Sheet 9](#) for further information about these disclosure obligations.

### Recovery of amounts over the expenditure cap

Non-compliance with electoral expenditure caps is an offence that carries substantial penalties, including potential prosecution.

An amount which is up to double that of the excess expenditure may also be recovered as a debt to the State.<sup>4</sup>

<sup>1</sup> See section 280

<sup>2</sup> See section 281B

<sup>3</sup> See section 281H

<sup>4</sup> See section 281J



## INFORMATION FOR THIRD PARTIES

This fact sheet relates to individuals and entities which make donations or incur electoral expenditure for Queensland State elections and by-elections. All references to legislation are to the *Electoral Act 1992*, as in force from 1 July 2022. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

Queensland's electoral laws regulate the activities of third parties which participate in State elections and by-elections.

This fact sheet provides a general overview of those regulations and outlines where to find additional information.

### 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.

### Does a third party need to be registered?

A third party which incurs, or intends to incur, more than \$6,000 (either as a single amount or cumulatively) in electoral expenditure during a capped expenditure period, must:

- apply to register with the ECQ before election day for an election,
- appoint an agent (if applicable),
- operate a dedicated campaign bank account, and
- fulfil a range of reporting and disclosure obligations.

Third parties that only intend to make donations to candidates or registered political parties do not need to register as a third party. However, they may still have disclosure obligations.

Refer to [Fact Sheet 8](#) for information about what is and what is not electoral expenditure.

Refer to [Fact Sheet 13](#) for further information about the disclosure obligations of donors.

Refer to [Fact Sheet 15](#) for further information about the registration process.

### Electoral expenditure caps for third parties

Third parties must not exceed the electoral expenditure cap during the capped expenditure period for a State election.

Refer to [Fact Sheet 12](#) for information about expenditure caps for third parties.

### Political donation caps

There are caps on the amount or value of political donations that can be made to registered political parties and State election candidates during a donation cap period.

Refer to [Fact Sheet 20](#) for information about donation cap regulations, and what the caps are.

### Disclosure obligations

#### Electoral expenditure disclosure


All registered third parties (including those that should have been registered) must disclose all electoral expenditure incurred for an election in their election summary return.

The return is due **15 weeks after election day** and must be lodged even if the third party has nothing to disclose.

Refer to [Fact Sheet 9](#) for information about disclosing electoral expenditure.

#### Gifts made

**Any third party** that makes a gift of \$1,000 or more (either as a single amount or cumulatively) to a registered political party during a reporting period, or a State election candidate for an election must disclose the details of the gift in a return.



Refer to [Fact Sheet 13](#) for information about disclosing gifts made.

#### Gifts received

Any third party that incurs expenditure for a political purpose of \$1,000 or more (either as a single amount or cumulatively), and receives a gift of \$1,000 or more (either as a single amount or cumulatively) to incur or reimburse that expenditure (wholly or in part), must disclose the details of the gift in a return.

Refer to [Fact Sheet 7](#) for further information about disclosing gifts received.

#### **How to lodge a return**

Returns should be lodged via the ECQ's **Self Service Portal** (accessed via: [selfserv.elections.qld.gov.au](http://selfserv.elections.qld.gov.au))

#### **Record keeping**

All third parties must keep records for five years. This is required to demonstrate compliance in relation to all electoral expenditure, political donation cap, disclosure, and State campaign account requirements.

Refer to [Fact Sheet 21](#) for information about record keeping requirements.



## THIRD PARTY REGISTRATION PROCESS

This fact sheet relates to individuals and entities which incur electoral expenditure in Queensland State elections and by-elections. All references to legislation are to the *Electoral Act 1992*, as in force from 1 July 2022. 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 outlines the registration process for those third parties which are required to register with the ECQ.

Refer to [Fact Sheet 14](#) for general information about how third parties are regulated in Queensland State elections.

### Who needs to register as a third party?

A third party which incurs or intends to incur more than \$6,000 (either as a single amount, or cumulatively) in electoral expenditure during the capped expenditure period for an election, must be registered with the ECQ for the election.

Refer to [Fact Sheet 8](#) for information, definitions, and examples about what electoral expenditure may include.

Refer to [Fact Sheet 9](#) for information about the capped expenditure period and expenditure caps for third parties.

### When to register as a third party

Applications for registration must be submitted to the ECQ before election day for an election.<sup>1</sup>

The ECQ encourages early registration where possible.

### Appointment of an agent for a third party

If a third party is an organisation, an agent for the third party **must** be appointed.<sup>2</sup> The agent is responsible for ensuring that all disclosure, cap and reporting obligations are met.

If a third party is an individual, an agent may be appointed. Where no agent is appointed, the individual is taken to be their own agent.

Should a third party organisation not have an agent appointed, all obligations under electoral legislation default to the members of the organisation's executive committee.<sup>3</sup>

### Operating a dedicated State campaign bank account

A registered third party **must** establish a dedicated State campaign bank account and use it to pay for all electoral expenditure.

The bank account details for the State campaign account must be provided to the ECQ. Refer to [Fact Sheet 3](#) for further information about State campaign account requirements for third parties.

### How to register as a third party

Registration applications can be lodged via the ECQ's **Self Service Portal** (accessed via: [selfserv.elections.qld.gov.au](https://selfserv.elections.qld.gov.au)).

The following information will be required:

- the election to which the registration applies,
- if the third party is an individual:
  - name,
  - date of birth,
  - address (as shown on the electoral roll),
  - contact details (phone number and email address),

<sup>1</sup> See section 299

<sup>2</sup> See section 208(1)

<sup>3</sup> See section 213

- if the third party is an organisation:
  - name,
  - ABN or ACN,
  - business address,
  - contact details (phone number and email address),
  - name and address of the agent,
  - the agent's signed consent and declaration that they accept and are eligible for the appointment, and
- State campaign bank account details (these can be provided to ECQ separately within five business days, if not available at the time of registration).

Upon acceptance of an application by the ECQ, the third party will be added to the Register of Third Parties for that election.

### **Changes to registration and cancellation of registration**

The third party must notify the ECQ of any changes to the appointment of an agent or any other details relating to a third party registration **within 28 days**.

Registration details can be amended via the ECQ's **Self Service Portal** (accessed via: [selfserv.elections.qld.gov.au](https://selfserv.elections.qld.gov.au)).

Third party registrations are for a specific election event. Third parties must register for each individual election they intend to participate in.

The agent of a third party may apply to the ECQ to cancel their registration for an election.

## AUTHORISATION OF ELECTION MATTER

This fact relates to any person who authors any material intending to influence an elector in relation to voting at an election, or otherwise affect the result of an election during a State election period, or State by-election period. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

Election matter means anything able to, or intended to, influence an elector in relation to voting at an election, or affect the result of an election.

It includes, but is not limited to, advertising via:

- radio,
- television,
- cinema,
- social media,
- internet,
- email,
- text message,
- newspapers,
- magazines,
- billboards,
- pamphlets,
- flyers,
- letters, or
- opinion polls or research.

Electoral advertising is subject to a range of regulations which carry significant penalties for non-compliance.

The cost of electoral advertising may also need be disclosed as electoral expenditure incurred or gifted, depending on the source of funding for the advertising.

Refer to [Fact Sheet 4](#) for information about what is and is not a gift, and [Fact Sheet 8](#) for information about what is and is not electoral expenditure.

### Authorisation of advertising and campaign materials

Any person who prints, publishes or distributes election material **during an election period** must ensure an authorisation is stated on the material.

Material can be authorised by any person.

The authorisation **must show the name and address of the person authorising the material**. The authoriser of the material must be able to be contacted at this address in person or by post. The address cannot be a post office box but must be a physical address (typically the person's own residential address).

### What is the election period?

The election period commences the day after the writ for an election is issued and ends at 6pm on election day.

The ECQ has no regulatory function outside of these dates and times.

### Examples of compliant authorisations:

- On **written** material - an authorisation stating: *'Authorised by James Smith, 1 Main Street, Brisbane'*.
  - The text must be of sufficient size to be clearly legible by a voter who wishes to read the authorisation in a way the material is intended to ordinarily be read, and must not be obstructed by other objects, such as screws or stickers.
  - On a double-sided, printed item (e.g. a flyer), the authorisation only needs to be printed on one of the sides.
- On a **television** advertisement - a written/visual and spoken authorisation at the end.
- On a **radio** advertisement - a spoken authorisation stating authoriser's name and address at the end.
- On a **social media** profile or page - an authorisation should be placed in a prominent position on the page - e.g. for a Facebook page set up for an election campaign, the authorisation should be

stated clearly in the “impressum” section of the “About” page.

- On a **website** or **app** - an authorisation should be placed on each webpage on a campaign-specific website. For a general website, the authorisation would only need to be placed on webpages containing electoral matter.
- On a **social media post, digital advertisement or digital banner** - It is not necessary to authorise every post; however, it is important to ensure that electoral matter that may be shared, forwarded or reposted carries an authorisation - e.g. an authorisation should be embedded in an image or a video so that any subsequent viewer can identify who authorised the election material. If the full text of the authorisation does not fit in the post or advertisement, a link to a website that clearly identifies the authoriser is acceptable.
- In a **robocall** (unsolicited, automated telephone messaging) - a spoken authorisation at the end of the call.
- In an **email** - the authorisation should be included in the signature block.
- In a **text message** - if an authorisation cannot be included in the text message itself, it should clearly refer to another document or notice (so they can properly be considered to be one message), contain a link to that second part of the message which is readily accessible to the recipient; and contain the authorisation details of the person who authorised the election material.

### Misleading electors

It is an offence to mislead electors by printing, publishing, distributing or broadcasting any material during an election period that is intended to, or likely to mislead an elector about the ways of voting at the election, or purports to be a representation of a ballot paper for use in an election if it is likely to induce an elector to cast an informal vote.

A person must not knowingly publish a false statement of fact about the personal character or conduct of a candidate, with the intent of affecting the election of that

candidate. Publishing includes via the internet or social media. These rules carry significant penalties for non-compliance.

### Election signage

Regulations apply to the display of election signage next to local and State-controlled roads, as well as around early voting centres and election day polling places during the election period. The ECQ is responsible for enforcing signage regulations around polling venues. Refer to [Fact Sheet 17](#) for more information.

Information on displaying election signage near State-controlled roads can be obtained from the Queensland Department of Transport and Main Roads ([www.qld.gov.au/transport/safety/signs/election-signs](http://www.qld.gov.au/transport/safety/signs/election-signs)).

Local councils determine the by-laws or other rules that apply to election signage and advertising devices (such as conflutes and billboards) displayed next to local roads, on private property and next to some State-controlled roads within their area.

Individuals and organisations planning to display election signage should ensure they are aware of the rules enforced by the relevant agencies relating to the quantity, placement, timeframes in which they can be displayed and permissions that need to be sought, prior to displaying any election signage. There are significant penalties for non-compliance with election signage regulations, including fines and prosecution.


### How-to-vote cards

There are specific regulations relating to the design, authorisation and distribution of how-to-vote cards. Refer to [Fact Sheet 18](#) for more information.

### Record keeping

All election participants must keep records of their election advertising. A **copy of the advertisement must be kept**, as well as:

- a description of the audience to which the advertisement or other material was distributed, published or broadcast; and

- 
- other details about the advertisement or other material, or its distribution, publication or broadcast, required by regulation; and
  - if the distribution, publication or broadcast relates to the election for an electoral district, the name of the electoral district.

Records may be kept in paper or electronic form and must be **kept for five years** after the day the record is made. For further information refer to [Fact Sheet 21](#).

### **Broadcasters and publishers**

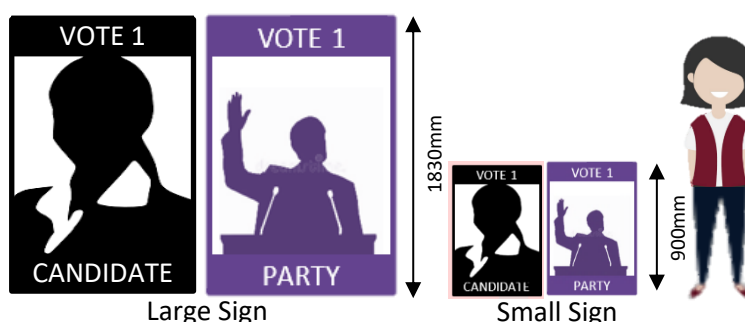
Broadcasters and publishers have disclosure obligations, including a requirement to lodge a disclosure return summarising all electoral advertising they have published or broadcast during the election period.

## ELECTION SIGNAGE AT POLLING PLACES FOR STATE ELECTIONS

Part 10, Division 2A of the *Electoral Act 1992* regulates the size, quantity and placement of election signage at polling places for State elections and by-elections. Candidates, registered political parties, associated entities, and third parties must ensure they are familiar with signage regulations prior to displaying any signage at a polling place. They must also ensure that all signage is compliant with political advertising regulations and carries an appropriate authorisation.

### What is an election sign?

An election sign is a sign that seeks to influence a person's vote, or otherwise affect the result of an election; or is the colour or colours that are ordinarily associated with a registered political party. This includes bunting, streamers, and continuous flexible signs, including 1 or more pieces joined together.



Permitted sizes:

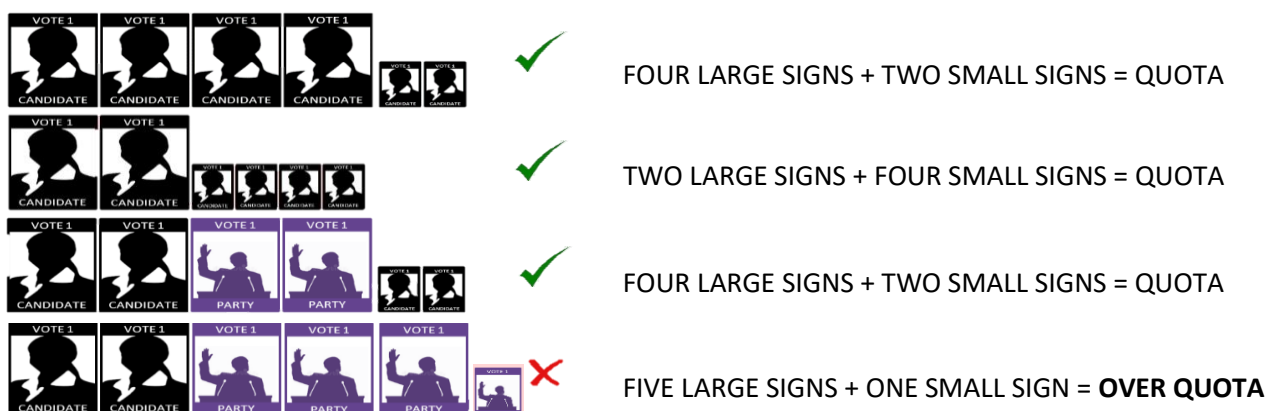
- Large signs are signs that measure up to 1830mm x 1220mm on each side.
- Small signs are signs that measure up to 900mm x 600mm on each side.
- These signs can be in portrait or landscape layout.

### How many signs can I put up at an early voting (pre-poll) voting office?

Candidates, registered political parties, and third parties may display up to **two small signs** within each designated area at an early voting location during voting hours.<sup>1</sup>

### How many election signs can I put up at an ordinary polling booth on election day?

**Candidates and registered political parties** may display up to **six signs** in each designated area, with a maximum of four of these being large signs, on election day.<sup>2</sup> Signage must not be displayed before 5am on election day.<sup>3</sup>



Note: Registered political parties and endorsed candidates share a combined quota.

<sup>1</sup> See section 185G(1)(a) of the *Electoral Act 1992*

<sup>2</sup> See section 185G(1)(b)(i) of the *Electoral Act 1992*

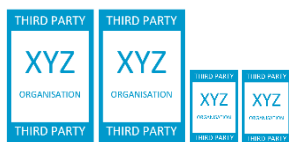
<sup>3</sup> See section 185H(1) and (2) of the *Electoral Act 1992*



## Third parties

**Third parties** may display up to **four signs** in each designated area, with a maximum of two of these signs being large signs, on election day.<sup>4</sup>

Any sign displayed by a third party must carry an authorisation.



TWO LARGE + TWO SMALL SIGNS = QUOTA

## Associated entities

Signs displayed by **associated entities** are included within the quota that applies to the candidate or registered political party that they support.<sup>5</sup>



FOUR LARGE SIGNS + TWO SMALL SIGNS = QUOTA



## A-Frame signs

An A-Frame sign is considered **ONE SIGN** whether each side is the same or different.<sup>6</sup>



ONE A-FRAME = ONE SIGN

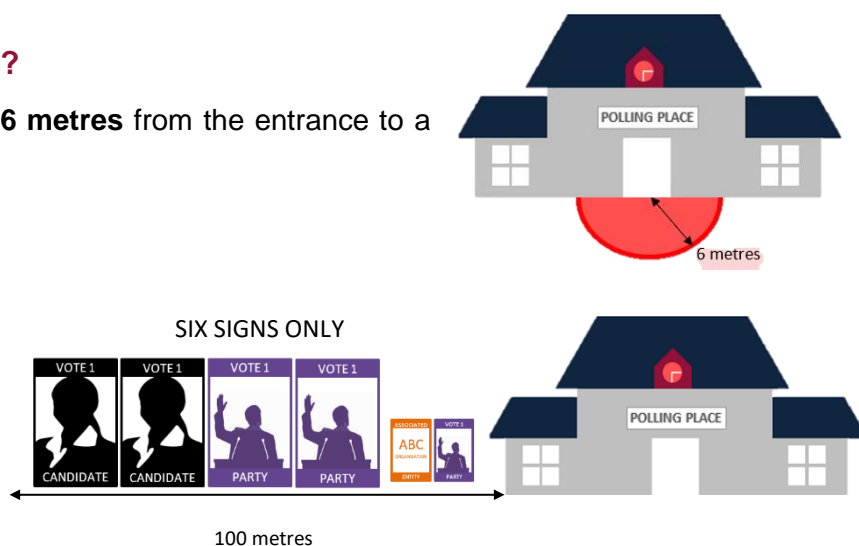
## Where can I place election signs?

All election signage must be at least **6 metres** from the entrance to a building used for voting.<sup>7</sup>

### Designated area

The designated area for a voting area extends 100 metres from the building where polling is taking place.

Candidates and parties have a quota of up to six signs in the designated signage area around the polling place.



<sup>4</sup> See section 185G(1)(b)(ii) of the *Electoral Act 1992*

<sup>5</sup> See section 185F(3) of the *Electoral Act 1992*

<sup>6</sup> See section 185G(3) of the *Electoral Act 1992*

<sup>7</sup> See section 190(1)(b) of the *Electoral Act 1992*



Election signs within the designated area at polling places do not need be accompanied by a campaign representative under the EA.

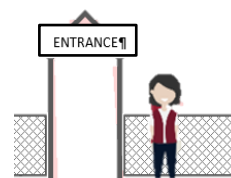
Only signage relating to a **primary election** being held at the polling place may be displayed. The election for the district in which the polling booth is located will always be considered a primary election. For a general election, the ECQ will declare which other elections are considered primary elections for each polling place where voting is taking place for more than one electoral district.

All signage displayed at an early voting (pre-poll) location must be **removed by 6pm** on the last day of early voting, even if that location is being used for voting on election day.

Note that State laws regulating election signage take precedence over council by-laws to the extent of any inconsistency between State and local laws. The ECQ is responsible for ensuring election participants comply with State laws about signs.

### What can I attach election signs to?

Election signage can be stand-alone, or can be attached to a building, fence or other permanent structure so long as permission has been given by the owner **prior** to placing an election sign on private or government property.



### What is not considered to be an election sign?

None of the following things are considered an election sign:

- an official sign, placed by authorised ECQ staff,
- an item of clothing being worn by a person,
- an umbrella or portable shade structure, or
- a small item, including, for example, a lapel pin, a badge, a hat, a pen or pencil, or a sticker.

### ECQ staff responsibilities

Electoral Commission of Queensland staff may request the removal of any signage that does not comply with the regulations.<sup>8</sup>

### Authorisation of election material

Candidates, political parties and third parties are also reminded that all election material and signage must be authorised during an election period. For further information refer to [Fact Sheet 16](#).

### More information about election signage

If you have further questions, or would like more information, [contact the ECQ](#), by phone on 1300 881 665 or by emailing [ecq@ecq.qld.gov.au](mailto:ecq@ecq.qld.gov.au).

---

<sup>8</sup> See section 185F(4) of the *Electoral Act 1992*

## RECORD KEEPING REQUIREMENTS

This fact sheet relates to candidates, registered political parties, associated entities, third parties and donors involved in State elections and by-elections. All references to legislation are to the *Electoral Act 1992*. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

### Financial and disclosure records

Candidates, registered political parties, associated entities, third parties, donors, and agents are required to keep complete and accurate records about:

- gifts made or received,
- political donations (including donor statements),
- loans,
- electoral expenditure,
- other campaign expenses,
- dedicated campaign bank accounts,
- donations made to other election participants,
- election funding claims (if applicable),
- policy development payments (if applicable),
- disclosure returns, and
- the payment, source of funding and the costs, dates, times, methods of distribution or publication of all electoral advertising.

As a guide, the following records should be kept:

- receipt books,
- invoices issued or received,
- acknowledgment books,
- deposit books,
- cheque books,
- journals,
- bank statements, and
- general ledgers.

Clear audit trails are essential to substantiate all financial transactions. Keeping detailed information and documents ensures the election participant can demonstrate that they have fully complied with their election and disclosure obligations.

All records must be in English, be accurate and be held in a way that allows them to be conveniently and properly investigated or examined by the ECQ for audit or compliance purposes.

Records may be kept in **paper or electronic form**. It is strongly recommended that a back-up copy of all electronic records is kept in a separate location at all times to ensure they can be produced to the ECQ if requested.

The records must be kept by:

- the person who makes the record, or
- the person who (with the authority of the election participant) the record is transferred to in the ordinary course of business or administration.

All records relating to an election campaign must be **kept for five years** from the day that the record is made and are subject to audits and other compliance activities conducted by the ECQ.<sup>1</sup>

There are substantial penalties for not complying with record keeping responsibilities and obligations.

### Registers

All candidates, registered political parties, associated entities and third parties are required to maintain a register of non-monetary gifts (i.e. gifts of property other than money).<sup>2</sup>

<sup>1</sup> See section 305D

<sup>2</sup> See section 305F

This register is required to contain:

- a description of the gift,
- the date the gift was received,
- the value of the gift,
- the relevant particulars of the person who made the gift, and
- if the gift has been disposed of, the date of the disposal and the amount received for the disposal.

Registered political parties are also required to maintain a register of members and affiliates.<sup>3</sup> The register must contain the name of the member or current affiliate of the party.

### **Electoral advertising record keeping obligations**

Records must be kept relating to the printing, publishing or broadcast of the advertisement or other election material and must include a copy of the advertisement or other election material.<sup>4</sup>

The copy may be kept and stored in hard-copy or electronically but must be provided to the ECQ if requested.

The records kept must contain:

- a description of the audience to which the advertisement or other material was distributed, published or broadcast, and
- other details about the advertisement or other material, or its distribution, publication or broadcast, required by regulation, and
- if the distribution, publication, or broadcast relates to the election for an electoral district, the name of the electoral district.

The maximum penalty for non-compliance with this requirement is 20 penalty units.

### **Record keeping obligations for broadcasters and publishers**

Records about electoral advertising must also be kept by the broadcasters and publishers of election material and electoral advertising, and they are required to

provide the ECQ with a disclosure return containing details of each advertisement and all related transactions.

Records must be kept for five years after the day that the record is made and are subject to audits and compliance activities conducted by the ECQ. Broadcasters and publishers are also subject to penalties should they not comply with their record keeping obligations.

---

<sup>3</sup> See section 305G

<sup>4</sup> See section 305A