

ALL ELECTION PARTICIPANTS

Disclosure of gifts made

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 individuals or organisations that make gifts to candidates, groups of candidates, registered political parties or other third parties participating in a local government election or by-election.

What is a gift?

A gift is a present of money, property or service given without receiving something of equal (or adequate) value in return.

For more details and examples of gifts, please refer to [Fact sheet 10 – Definition of gifts and loans](#).

What gifts need to be disclosed?

If a person or organisation makes a gift to a candidate, a group of candidates, a registered political party or another third party totalling \$500 or more within the disclosure period for the election, the person or organisation must provide a disclosure return to the ECQ within 7 business days. An election summary return must also be lodged after the election.

Gifts are cumulative. It does not matter whether the gift was made in small amounts or all at once. Once the threshold of \$500 is met, all previous and future gifts made to the same election participant must be disclosed, no matter their value.

 EXAMPLES

- 1) Third Party I gives \$300 to Candidate A then later gives another gift of \$200 to Candidate A. Because Third Party I has made gifts totalling \$500 or more, they are required to lodge a return for each of the 2 gifts.
- 2) Third Party II gives \$400 to Candidate B then pays \$250 for flyers for Candidate B. Because Third Party II has made gifts and gifted electoral expenditure over \$500, they are required to lodge a return for each of the gifts.
- 3) Third Party III gave \$1000 to a non-profit organisation to use for campaign purposes. Because Third Party III has made a gift of \$500 or more, they must lodge a return for the gift.

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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.



**Electoral
Commission**
QUEENSLAND

When do gifts need to be disclosed?

Queensland has real-time disclosure laws. Gifts must be disclosed within 7 business days of reaching the \$500 threshold. Once the donor reaches this threshold, every subsequent gift made to the same election participant must be disclosed within 7 business days, regardless of value.

Donors must also lodge an election summary return within 15 weeks after the election, stating the total amount of gifts made during the disclosure period.

The \$500 threshold resets 30 days after an election. Gifts given for the 2024 local government election do not need to be counted in the gift threshold for a by-election in 2024 or beyond.

How is a gift disclosed?

Gifts must be disclosed to the ECQ in a return.

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

The public can view returns within 24 hours after they have been lodged.

What is included in a return?

A return for a gift must include the following details:

- the name of the recipient
- the value of the gift
- the date the gift was given
- the name and relevant details of the original source of the gift (if applicable).

The donor also has an obligation to provide the **relevant details** of the gift directly to the recipient. This is referred to as a **Notice of Details**.

The relevant details required in a Notice of Details include but are not limited to:

- the donor's name and address
- the value of the gift
- the date the gift was given
- whether the donor has an interest in a local government matter (and if so, the nature of the donor's interest)
- the name and relevant details of the original source of the gift (if applicable).

For the full list of relevant details, see [Fact Sheet 11 – Relevant details of gifts and loans](#).

A sample [Notice of Details](#) is available on the ECQ's website.

A Notice of Details is also required if a donor makes a loan of \$500 or more to an election participant.

The recipient of a gift or loan must also collect this information and disclose it in their own returns. The information will be published on the EDS in accordance with legislative requirements.

More information

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Record keeping

Records relating to disclosure returns must be kept and made available to the ECQ for at least 5 years after the election. Refer to [Fact sheet 8](#) for further information about record keeping requirements.

Compliance

The ECQ can issue fines for failing to lodge disclosure returns by the due date. The ECQ is responsible for administering and enforcing the LGEA and has an active donor compliance program.

Further information, including the ECQ's compliance framework is available on the [ECQ's website](#).

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 10 – Definition of gifts and loans
- Fact sheet 11 – Relevant details of gifts and loans
- Fact sheet 14 – Election summary returns

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

More information

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