

CANDIDATES

Funding and disclosure overview

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 candidates contesting local elections and by-elections who are not part of a group.

Who is a candidate?

A candidate is a person whose nomination as a candidate for an election has been certified by a returning officer. A candidate also includes a person who:

- is elected or appointed councillor at any time during the disclosure period
- has announced or publicly indicated an intention to be a candidate in an election
- 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.

Additional information can be found in [Fact sheet 1 – Eligibility to become a candidate](#) and [Fact sheet 2 – Guide to nominating as a candidate for local government elections](#).

Should a candidate nominate an agent?

An agent is an individual responsible for ensuring an election participant's compliance obligations under the LGEA are met. A candidate may appoint an agent (with that person's consent) or act as their own agent.

For further information for and about agents, please refer to [Fact sheet 38 – Funding and disclosure overview for agents](#).

What is an associated entity?

Associated entities are controlled by, or operate for the benefit of, a candidate or group of candidates for an election. Associated entities may also be controlled by or operate wholly or to a significant extent for the benefit of a registered political party. There are specific regulations that apply to associated entities that the candidate and the entity need to be aware of.

Refer to [Fact sheet 37 – Funding and disclosure overview for associated entities](#) for further details.

Does a candidate need a dedicated campaign bank account?

All candidates must open a dedicated campaign bank account. All electoral expenditure must be paid from this account, and all gifts or loans must be deposited into the account.

For more information, please refer to [Fact sheet 17 – Dedicated campaign bank accounts for candidates](#).

Version: February 2024

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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What disclosure obligations do candidates have?

DISCLOSURE OF GIFTS AND LOANS

Candidates or their agents must disclose all gifts and loans of \$500 or more received during their disclosure period. Candidates must lodge their disclosure returns with the ECQ within 7 business days of reaching the \$500 threshold.

All future gifts and loans received from the same donor must also be disclosed within 7 business days. If a disclosable gift or loan is received during the 7 business days before the election, a return must be lodged within 24 hours.

For more information, please refer to [Fact sheet 20 – Disclosure of gifts and loans by candidates](#).

DISCLOSURE OF ELECTORAL EXPENDITURE

Once electoral expenditure of \$500 or more has been incurred by a candidate, all electoral expenditure must be disclosed to the ECQ.

Expenditure disclosures are lodged as returns in the ECQ's Electronic Disclosure System (EDS) at disclosures.ecq.qld.gov.au.

Returns must be given within 7 business days of incurring expenditure. If electoral expenditure is incurred during the 7 business days before the election, a return must be lodged within 24 hours.

For more information, please refer to [Fact sheet 18 – Real-time disclosure of electoral expenditure by candidates](#).

ELECTION SUMMARY RETURNS

Within 15 weeks of election day, candidates must lodge an election summary return. This return **must** be completed even if the candidate was not elected, spent no money on the campaign or received no gifts and loans.

For more information, please refer to [Fact sheet 14 – Election summary returns](#).

Are there expenditure caps for local government elections?

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

See [Fact sheet 19 – Expenditure caps for individual candidates](#) or [Fact sheet 29 – Expenditure caps for registered political parties and endorsed candidates](#).

Are any gifts prohibited?

It is unlawful to accept a gift or loan from a property developer or an industry organisation representing property developers. See the [ECQ website](#) for more information.

It is unlawful for a candidate to receive anonymous gifts or loans totalling \$500 or more. This includes gifts or loans where the name, address or other required details of the donor are not known to the candidate.

More information

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What happens if a mistake is made?

If a candidate or another election participant realises they have incorrectly handled a funding and disclosure obligation, the participant should contact the ECQ at fad@ecq.qld.gov.au. The Funding and Disclosure team can assist the election participant in amending or fulfilling their obligations. Returns must still be lodged, even if they are late.

What are a candidate's record keeping obligations?

All candidates must keep records for 5 years. This is required to demonstrate compliance in relation to all electoral expenditure, disclosure, and dedicated campaign bank account requirements. Refer to [Fact Sheet 8](#) for information about record keeping requirements.

Compliance

The ECQ is responsible for administering and enforcing the LGEA, which includes penalties for election participants who breach their obligations.

The 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 1 – Eligibility to become a candidate
- Fact sheet 2 – Guide to nominating as a candidate for local government elections
- Fact sheet 8 – Record keeping requirements
- Fact sheet 12 – Definition of electoral expenditure
- Fact sheet 14 – Election summary returns
- Fact sheet 17 – Dedicated campaign bank accounts for candidates
- Fact sheet 18 – Real-time disclosure of electoral expenditure for candidates
- Fact sheet 19 – Expenditure caps for candidates
- Fact sheet 20 – Disclosure of gifts and loans by candidates
- Fact sheet 37 – Funding and disclosure overview for associated entities
- Fact sheet 38 – Funding and disclosure overview for agents

All fact sheets are available at the [ECQ's website](#).

More information

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