

CANDIDATES

Real-time disclosure of gifts and loans

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, their agents and their associated entities in local elections and by-elections.

COMPLIANCE WARNING

Failure to disclose gifts or loans within the time required is an offence under the LGEA. The ECQ issued over 380 fines to candidates in the 2020 local government elections for not complying with their disclosure requirements.

What gifts and loans need to be disclosed?

Candidates, or their agents, **must disclose all gifts and loans received of \$500 or more.**

The \$500 threshold applies to a single gift or loan, as well as cumulative amounts if multiple gifts or loans are received from the same donor (see examples).

For information about what is and is not a gift or loan, see [Fact Sheet 10 – Definition of gifts and loans](#).

What is real-time disclosure of gifts and loans?

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

Any candidate who receives a gift or loan must disclose the amount within **7 business days** of receipt.

During the 7 business days prior to election day, gifts and loans must be disclosed within **24 hours** of receipt.

 EXAMPLES

Example 1

Candidate A receives \$300 from a family member in support of their election campaign. Later the same family member gives Candidate A another \$200 gift. As Candidate A received \$500 from the same person, they must lodge a return within 7 business days of receiving the second gift disclosing the details of both gifts.

Examples continued on the next page.

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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
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 **EXAMPLES CONTINUED****Example 2**

Candidate B receives \$1,000 from a friend. As this gift exceeds \$500, Candidate B is required to lodge a return within 7 business days disclosing the details of the gift.

Five days before election day, the same friend gives Candidate B \$75. Since Candidate B has already received more than \$500 in gifts from their friend, another return must be lodged disclosing this new gift. This return must be given within 24 hours since the gift was received within 7 business days of the election.

Example 3

Candidate C receives a \$400 donation from a friend. The friend also pays an invoice for \$300 for Candidate C.

As these two gifts exceed the \$500 gift threshold, Candidate C must lodge returns within 7 business days detailing both gifts.

How are gifts and loans disclosed?

Gifts and loans must be disclosed to the ECQ in a return.

If a candidate has an agent, the agent is responsible for lodging the return. Otherwise, the candidate 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 immediately after they have been lodged.

The \$500 gift disclosure threshold is for each election. Any gifts received 30 or more days after an election count towards the \$500 threshold for the candidate's next election (no matter if it is a general election or a by-election).

What is included in a return?

Each real-time return must include the **relevant details** of the gift or loan. This includes, but is not limited to:

- the value of the gift or loan
- the date it was made
- the name and address of the donor
- 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 or loan (if applicable).

Returns for loans must also include the terms and conditions of the loan.

For the full list of relevant details required to be included in a return, see [Fact sheet 11 – Relevant details of gifts and loans](#).

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Do candidates need to disclose gifts and loans after the election?

After an election, candidates, or their agents, must also disclose the total value of all gifts and loans received, including amounts less than \$500. This disclosure is made in the election summary return.

The election summary return is due 15 weeks after election day. For more information, see [Fact sheet 14 – Election summary returns](#).

Associated entities of candidates

Associated entities of local election candidates must comply with the same reporting obligations as their candidates if they receive gifts or loans of \$500 or more.

Please see [Fact sheet 37](#) for a funding and disclosure overview for associated entities.

Prohibited gifts and loans

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.

Record keeping

All election participants 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.

See [Fact Sheet 8](#) for record keeping requirements.

Compliance

The ECQ is responsible for administering and enforcing the LGEA 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 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 8 – Record keeping requirements
- Fact sheet 10 – Definition of gifts and loans
- Fact sheet 11 – Relevant details of gifts and loans
- Fact sheet 14 – Election summary returns
- Fact sheet 37 – Funding and disclosure overview for associated entities

All fact sheets can be found on the [ECQ's website](#).

More information

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