

GROUPS OF CANDIDATES

Electoral expenditure caps

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 provides information about expenditure caps for groups of candidates participating in local elections and by-elections, as well as the group's agent and associated entities.

COMPLIANCE WARNING

Failure to comply with electoral expenditure caps is an offence that carries substantial penalties. It is a serious integrity offence under the *Local Government Act 2009* and a criminal offence under the *Local Government Electoral Act 2011*.

What are expenditure caps?

Expenditure caps are limitations on the amount of electoral expenditure that can be incurred during the capped expenditure period for a local election.

It is unlawful for a group of candidates to exceed their expenditure cap during the capped expenditure period.

The caps only apply to electoral expenditure, which has a specific meaning for local elections and by-elections. See [Fact sheet 12 – Definition of electoral expenditure](#) to understand more about what is and what is not electoral expenditure.

Who do expenditure caps apply to?

Expenditure caps apply to all candidates, including groups of candidates.

If a group of candidates has an associated entity, that entity is also subject to the same expenditure cap. For further information about associated entities, refer to [Fact sheet 37 – Funding and disclosure overview for associated entities](#).

When do expenditure caps apply?

Expenditure caps apply to electoral expenditure that is incurred during the capped expenditure period for an election.

For future elections, the capped expenditure period will start on:

- for a by-election – the day the notice for the election is issued
- for the 2028 local government elections – 30 August 2027 (subject to change).

The capped expenditure period ends at 6pm on election day.

The date electoral expenditure is paid for or invoiced is not necessarily when it is *incurred*. For further information about when expenditure is incurred, see [Fact sheet 12 – Definition of electoral expenditure](#).

Version: July 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.



**Electoral
Commission**
QUEENSLAND

What is the expenditure cap amount?

The expenditure cap varies across each local government area on a sliding scale with reference to the number of electors. The cap also varies based on which mayoral or councillor positions the group is contesting.

The expenditure cap for a group of candidates is collectively shared by the group members.

The shared expenditure cap for the group is the sum of each group member's individual cap amount, up to the maximum number of vacancies in the local government area.

The ECQ will publish a notice of the expenditure cap amounts for candidates on its website. This will be available:

- for the 2024 local government elections – before 14 August 2023
- for a by-election – at the same time the notice for the election is issued.

Groups of candidates will need to refer to this notice to calculate their expenditure cap.

The ECQ will also provide each candidate with a notice of their expenditure cap amount as soon as practicable after their nomination is certified.

For further details about how expenditure cap amounts are calculated, see [Fact sheet 13 – Expenditure cap calculations](#).

EXAMPLES OF CALCULATING EXPENDITURE CAPS

Example A

Group A has 3 members who are councillor candidates in Local Government Area X, and one member who is a mayoral candidate. In Local Government Area X, there are 5 councillor positions and one mayor to be elected.

The expenditure cap for a councillor candidate in Local Government Area X is \$17,760 while the cap for a mayoral candidate is \$35,520.

The sum of the capped amounts for each of the group members is \$88,800. This is below the maximum amount of \$124,320 in this scenario.

Therefore, the 4 candidates in Group A can collectively spend up to \$88,800 for the election.

Example B

Local Government Area Q has a by-election after a councillor steps down. There is 1 councillor position to be elected.

Group B has 1 member who is a councillor candidate and 3 members who are sitting councillors in Local Government Area Q.

The expenditure cap for a councillor candidate in Local Government Area Q is \$35,520.

The maximum amount for the by-election is \$35,520.

Therefore the 4 members of Group B can collectively spend up to \$35,520 for the by-election.

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.



EXAMPLES OF CALCULATING EXPENDITURE CAPS CONT.

Example C

Group C endorses 8 councillor candidates in Local Government Area Y. In Local Government Area Y, there are 5 councillor positions to be elected.

The expenditure cap for a councillor candidate in Local Government Area Y is \$22,250.

The sum of the capped amounts for each of the group members is \$178,000.

However, because there are only 5 councillor positions to be elected in Local Government Area Y, the maximum amount for the group's expenditure cap is \$111,250.

Therefore, the 8 candidates in Group C may only collectively spend up to \$111,250 for the election.

Changes to a group's membership

If a change is made to a group's membership during the capped expenditure period, the expenditure cap for the new and/or former group members will need to be recalculated, in accordance with sections 123J and 123K of the LGEA.

Compliance and penalties

Incurring electoral expenditure which exceeds a group's electoral expenditure cap is a criminal offence under section 123N(2) of the LGEA. Participating in a scheme to circumvent the electoral expenditure caps is also a criminal offence under section 194B of the LGEA. Both are serious integrity offences under schedule 1 of the *Local Government Act 2009*.

Penalties include imprisonment, fines, and disqualification from being a councillor. Twice the amount of the excess expenditure may also be recovered by the ECQ as a debt to the State.

For further information

This fact sheet mainly refers to part 6, division 4 (Caps on electoral expenditure) of the LGEA. The LGEA is available in full at legislation.qld.gov.au. Participants in the electoral process should ensure they understand their obligations under the LGEA.

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.

 **RELATED FACT SHEETS**

Fact sheet 6 – Offences and penalties for candidates

Fact sheet 12 – Definition of electoral expenditure

Fact sheet 13 – Expenditure cap calculations

Fact sheet 18 – Real-time disclosure of electoral expenditure by groups of candidates

Fact sheet 37 – Funding and disclosure overview for associated entities

Fact sheets are available on the [ECQ website](#).

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.