

THIRD PARTIES

Real-time disclosure of gifts received

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 third parties participating in local government elections and by-elections.

What is a third party?

A third party is an individual or an entity who makes gifts to election participants or conducts campaign activities.

Do third parties need to disclose gifts received?

Third parties are required to disclose gifts received during their disclosure period for a local government election when the following conditions are met:

- the gift (money, services, products, etc.) is \$500 or more
- the source of the gift intended for it to be used for political expenditure
- all or part of the gift is used to pay for or reimburse political expenditure.

Political expenditure includes:

- electoral expenditure (e.g., money spent on political advertising)
- a gift to a candidate, group of candidates or registered political party
- a gift to a person on the understanding that it will be used for any of the above reasons.

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 received from the same donor must be disclosed, no matter their value.

For the definition of a gift, see [Fact sheet 10 – Definition of gifts and loans](#).

For the definition of electoral expenditure, see [Fact sheet 12 – Definition of electoral expenditure](#).

What is real-time disclosure of gifts?

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

A gift of \$500 or more that is used to incur or reimburse political expenditure must be disclosed within **7 business days** of using the gift. When only part of the gift is used for political expenditure, the gift in full must still be disclosed.

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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

 **EXAMPLES****Example 1**

Third Party A receives a gift of \$500 from Person K. Third Party A uses the \$500 to place a political advertisement in a newspaper.

Since Third Party A received a gift of \$500 or more and used it for political expenditure, they must lodge a return disclosing the details of the gift within 7 business days of placing the advertisement.

Example 2

Third Party B receives a gift of \$100 from Third Party C. Over the next 2 months, they receive additional gifts of \$300 and \$200 from Third Party C.

Third Party B uses \$150 of this money to make a gift to a group of candidates in the election.

As Third Party B received \$500 or more from Third Party C and Third Party B used part of the gift for political expenditure, they must lodge a return disclosing the gifts within 7 business days of making the gift to the group of candidates.

How are gifts disclosed?

Gifts must be disclosed to the ECQ in a return.

If a third party has an agent, the agent is responsible for lodging the return. Otherwise, the third party themselves (if an individual) or each member of the third party's executive committee (if an organisation) 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.

What is included in a return?

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

- the value of the gift
- 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 (if applicable).

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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Are there other real-time disclosure requirements for third parties?

Third parties are required to disclose when they make a gift of money or services to a candidate, group of candidates, a registered political party or another third party totalling \$500 or more for a local government election.

For more information, see [Fact sheet 9 – Disclosure of gifts made](#).

Registered third parties must also disclose when they have incurred \$500 or more in electoral expenditure.

For more information, see [Fact sheet 34 – Real-time disclosure of electoral expenditure by third parties](#).

Do third parties need to disclose gifts after the election?

After an election, third parties, or their agents, **must lodge an** election summary return.

The election summary return is due 15 weeks after election day.

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

Record keeping requirements

All election participants must keep records for 5 years. This is required to demonstrate compliance in relation to all electoral expenditure, disclosure, and reporting requirements.

Refer to [Fact sheet 8 – Record keeping requirements](#) 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 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 9 – Disclosure of gifts made
- Fact sheet 10 – Definition of gifts and loans
- Fact sheet 11 – Relevant details of gifts and loans
- Fact sheet 12 – Definition of electoral expenditure
- Fact sheet 14 – Election summary returns
- Fact sheet 34 – Real-time disclosure of electoral expenditure by third parties

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

More information

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