

Department of State  
Development, Infrastructure,  
Local Government and Planning



# So you want to be a councillor?

## Module 1

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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

# Introduction

Welcome to the Queensland Government training course for people considering nominating as a candidate for a local government election.

The Queensland Government values the contribution that diversity brings to our community and encourages anyone who wants to participate in making decisions and delivering services for the benefit of their community to stand for local government.

- During this course you will learn about:
- your opportunity to make a difference for your community as a councillor
  - a typical day in the life of a councillor
  - your eligibility to be a councillor
  - your disclosure requirements as a candidate
  - the legislative requirements relevant to your election campaign
  - your roles and obligations as a mayor or a councillor, and
  - compliance with legislation once elected



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## Notes

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# Introduction

You must complete this training course before you can nominate as a candidate.

At the end of the training course you will be asked to evaluate and provide feedback on the content of the training.

For further information about any topic in the training, please visit Module 3 which has a range of links to websites, fact sheets, legislation and key stakeholders.



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## Notes

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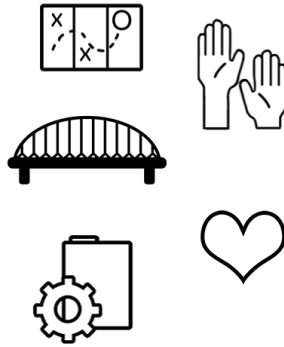
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## What would I do for my community as a councillor?

### Opportunity to build a better future for your community by:

- providing strategic direction for council
- supporting your community's aspirations and needs
- delivering major infrastructure
- working to promote the safety and wellbeing of the community
- providing efficient and effective local services and facilities



### What you will not do as a councillor:

- not responsible for or take an active part in day-to-day operations of council
  - ⇒ more like a member of a board of a company
- not making decisions on your own
  - ⇒ decisions made by the councillors and the mayor together
  - ⇒ need support of the majority of the councillors for any proposal
  - ⇒ only undertake to deliver an initiative or project if you have that level of support

As a councillor you would have an opportunity to build a better future for your community. You can do this by:

- providing strategic direction for council
- supporting your community's aspirations and needs to other levels of government
- delivering major infrastructure for the benefit of the community
- working to promote the safety and wellbeing of the community, and
- providing efficient and effective local services and facilities, for example.

It is also very important that you understand what you will not do as a councillor and to have a clear idea of your role should you get elected.

You need to realise that you would not be responsible for, or take an active part in, the day to day operations of the council. Your role would be much like that of a member of a board of a company that is, setting the strategic policy and direction with the Chief Executive Officer of the council.

It is also important you understand that you would not be making decisions on your own. All decisions of a council are made by the councillors and the mayor together for the good of the community. You would need the support of the majority of the councillors for any proposal you put forward for a decision by the council. Therefore, you should only undertake to deliver an initiative or project if you have that level of support of the other councillors.

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# What are the responsibilities of Local, State and Federal governments?

Local	State	Federal
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Which government entity has which responsibilities?

What number box belongs to Local, State of Federal government?

Write your answer under the correct level of government.

**Box 1**

- Defence
- Immigration
- Foreign affairs and trade
- Postal services
- Taxation

**Box 2**

- Town and land planning
- Building approvals
- Provision of local roads
- Water and sewerage services
- Animal control services

**Box 3**

- Hospitals
- Schools
- Police
- Housing
- State controlled main roads
- Rail transport

**Notes**

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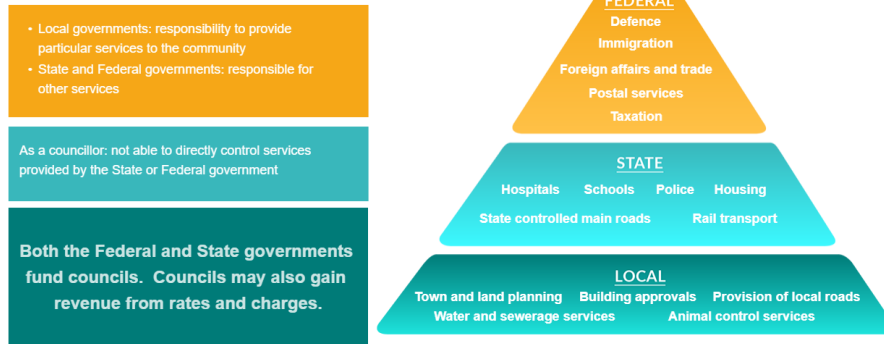


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## What are the responsibilities of Local, State and Federal governments?



Local governments have a responsibility to provide particular services to the community – other services are the responsibility of the state and federal governments.

As a councillor you would not be able to directly control services provided by the state or federal government.

The responsibilities of the federal government are established under the Australian Constitution. Services the federal government is responsible for include:

- Defence, immigration, foreign affairs and trade, postal services, taxation

State governments have responsibilities for areas not covered by the federal government. These include:

- Hospitals, schools, police, housing, state controlled main roads, rail transport

State governments set out the responsibilities of local governments in Acts of Parliament. For example, in Queensland the responsibilities are set out in the *Local Government Act 2009*. These include:

- Town and land planning, building approvals, provision of local roads, water and sewerage services, animal control services

Both the Federal and State governments fund councils. Councils may also gain revenue from rates and charges.

## What happens at a local government election?

### Electoral Commission of Queensland (ECQ):

- independent and impartial body
- established to administer state and local government elections

### Local government quadrennial elections:

- every four years
- last Saturday in March
- attendance ballot or full postal ballot in remote or regional areas or both

The Electoral Commission of Queensland (ECQ) is the independent and impartial body established to administer state and local government elections.

Local government quadrennial elections are held every four years on the last Saturday in March. By-elections can also be held to fill councillor vacancies. Local government elections can be an attendance ballot or a full postal ballot in remote or regional areas or both.








## What happens at a local government election?


**Prior to election day:**

Early voting (or pre-poll) starts 2 weeks before polling day and continues up until 6pm on the Friday before polling day

MARCH 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 	3	4	5	6	7
8	9	10	11	12	13	14 
15	16 	17 	18	19	20	21
22	23	24	25	26	27	28 
29	30	31				

APRIL 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 	8	9	10	11

### Prior to election day –

- Early voting (or pre-poll) starts two weeks before polling day and continues up until 6pm on the Friday before polling day
- Postal votes commence after nominations close and must be completed by 6pm on polling day
- Mobile voting at declared institutions such as an aged care home, starts 11 days before polling day and continues up to 6pm on polling day
- Remote area voting starts two weeks before polling day and continues until 6pm on polling day.

### On election day –

Voting starts at 8am and continues up until 6pm. Polling booths will be listed on ECQ’s website.

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# What happens at a local government election?






**After election day:**

The official count process includes the return of postal votes, scrutiny of declaration votes\*, and the allocation of preferences.


**The election results are declared!**

Vacancies that occur after the local government quadrennial elections are usually filled by holding a by-election.

MARCH 2020

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APRIL 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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5	6	7 	8	9	10	11

## Counting –

- Starts at 6pm on election night, the preliminary count of polling day votes, postal votes and early voting starts

## What happens after election day –

- The official count is undertaken and can take up to 10 days after polling day to receive postal votes.
- The official count process includes the return of postal votes, scrutiny of declaration votes\*, and the allocation of preferences.

Then – the election results are declared!

Vacancies that occur after the local government quadrennial elections are usually filled by holding a by-election.

\*A declaration vote is any vote where instead of the voter being marked off the electoral roll when voting, the voter makes a declaration that they are on the roll in their electorate. The voter fills in their personal details on a declaration vote envelope and signs the required declaration.

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## Am I eligible to become a councillor?

Anyone can stand for election if you meet certain eligibility criteria.

It does not matter if you are male or female; Aboriginal, Torres Strait Islander or born outside Australia.

You may be a young adult, a person living with a disability, a working person or a retiree.



Click next to take a quiz to find out whether you are eligible to become a councillor.

Anyone can stand for election as a councillor or mayor, provided you meet certain eligibility criteria as outlined below.

It does not matter if you are male or female, Aboriginal, Torres Strait Islander or born outside Australia.

You may be a young adult, a person living with a disability, a working person or a retiree.

### Notes

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## Take this quiz to find out whether you are eligible to become a councillor:

1. Are you an adult Australian citizen (including an Australian citizen who holds dual citizenship with another country)?

Yes / No

2. Do you currently reside in the local government area for which you are nominating (note: if you are standing for election as a councillor for an electoral division of a divided local government area, you are not required to reside in that particular division but you must reside within the local government area as a whole)?

Yes / No

3. Are you enrolled on the Queensland electoral roll?

Yes / No

4. Are you disqualified from being a councillor because of a conviction for the following types of offences: a treason offence, an electoral offence, a bribery offence, or an integrity offence?

Yes / No

5. Are you subject to other circumstances including: being an undischarged bankrupt; being on probation, in prison or on parole; being a member of a state or federal parliament, or a councillor of a local government in another State?

Yes / No

Check your answers on the next page to find out if you are eligible.



You are eligible if you answered:

1. Yes
2. Yes
3. Yes
4. No
5. No

Have a look at the next page for more information about why you may or may not be eligible.

### Notes

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## Am I eligible to become a councillor?

Anyone can stand for election if you meet certain eligibility criteria.

It does not matter if you are male or female; Aboriginal, Torres Strait Islander or born outside Australia.

You may be a young adult, a person living with a disability, a working person or a retiree.



Click next to take a quiz to find out whether you are eligible to become a councillor.

In order to be a councillor, you must:

- be an adult Australian citizen (including an Australian citizen who holds dual citizenship with another country);
- currently reside in the local government area for which you are nominating (note: if you are standing for election as a councillor for an electoral division of a divided local government area, you are not required to reside in that particular division but you must reside within the local government area as a whole);
- be enrolled on the Queensland electoral roll;
- not be disqualified from being a councillor because of a conviction for the following types of offences:
  - a treason offence
  - an electoral offence
  - a bribery offence
  - an integrity offence
- not subject to other circumstances including:
  - being an undischarged bankrupt
  - being on probation, in prison or on parole
  - being a member of a state or federal parliament, or a councillor of a local government in another State

**Note:** Returning Officers are not able to provide advice on your eligibility to nominate as a candidate. If you are uncertain about your eligibility due to specific personal circumstances, you should seek independent legal advice.

You can check whether you are eligible to become a councillor by using the handy tool on the [DSDILGP website](#).

Details of integrity offences can be found in Schedule 1 of the *Local Government Act 2009* and Schedule 1 of the *City of Brisbane Act 2010*.

## What happens if I decide to run?

Choose whether the following statements are correct or incorrect.

Your disclosure obligations begin as soon as you decide that you intend to become a candidate, not just once you have nominated.

TRUE

FALSE

If you are a self-funded candidate, you don't need to open and manage a dedicated bank account for your campaign.

TRUE

FALSE

I don't need to prepare anything to nominate, I can just nominate and then sort everything later.

TRUE

FALSE

## Choose whether the following statements are correct or incorrect

1. Your disclosure obligations begin as soon as you decide that you intend to become a candidate, not just once you have nominated.

Correct / Incorrect

2. If you are a self-funded candidate, you don't need to open and manage a dedicated bank account for your campaign.

Correct / Incorrect

3. I don't need to prepare anything to nominate, I can just nominate and then sort everything later

Correct / Incorrect

## What happens if I decide to run?

What you need to do once you have made the decision that you want to be a candidate:

### 1. Disclosure obligations commence immediately.

⇒ When you publicly announce or indicate your intention to be a candidate, you may begin to receive gifts, which are donations, or loans and you may begin spending on your campaign.

### 2. Queensland's electoral laws: you **must** open and manage a dedicated bank account

⇒ use it for all money received and spent on your campaign, even if self-funded  
⇒ no need to wait until you have formally nominated

To ensure you are ready to nominate when the nomination period opens, there are a number of things you need to do:

⇒ advise the ECQ that you intend to nominate  
⇒ request an account be created in the Electronic Disclosure System (EDS: online system where you disclose gifts, loans and expenditure)

Providing this information as early as possible will help the ECQ to work with you to meet your disclosure obligations.

So let's have a quick look at what you need to do once you have made the decision that you want to be a candidate in a local government election.

Firstly, your disclosure obligations will commence immediately. That means, when you publicly announce or indicate your intention to be a candidate, you may begin to receive gifts, which are donations or loans, and you may begin spending on your campaign.

Under Queensland's electoral laws, you **must** open and manage a dedicated bank account and use it for all money received and spent on your campaign, even if you are a self-funded candidate. You do not need to wait until you have formally nominated as a candidate to open this account.

To ensure you are ready to nominate when the nomination period opens, there are a number of things you need to do.

You should advise the ECQ that you intend to nominate and request an account be created in the Electronic Disclosure System (EDS).

The EDS is an online system where you disclose gifts, loans and expenditure.

Providing this information as early as possible will help the ECQ to work with you to meet your disclosure obligations.

**Write down in the notes, the three things you need to do once you have decided to run in a local government election.**

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# How do I nominate to become a candidate?

## Once you have determined you are eligible...

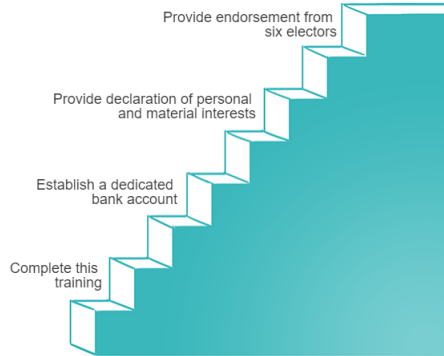
...to become a councillor or mayor, you can formally nominate as a candidate for the local government election when the nomination period commences.

In Queensland, you can nominate as:

- an individual
- a member of a group of candidates
- a member of a registered political party

The ECQ manages the candidate nomination process.

Please note: You can choose to stand for election as a councillor or a mayor - but not for both. Dual candidacy is not permitted.



Once you have determined you are eligible to become a councillor or mayor, you can formally nominate as a candidate for the local government election when the nomination period commences.

In Queensland, you can nominate as:

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The ECQ manages the candidate nomination process.

Please note: You can choose to stand for election as a councillor or as mayor – but not for both. Dual candidacy is not permitted.

There are several steps that you will need to complete prior to nominating. You must:

- complete this training
- establish a dedicated bank account
- provide a declaration of personal and material interests
- provide endorsement from six electors who live within your local government area, or six electors who live within your division.

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# How do I nominate to become a candidate?

## When to lodge your nomination

- Nomination period commences once the **Notice of Election** is issued by the ECQ via its website.
- Nomination period commences until the time and date specified in the Notice (which is generally around two weeks).
- Nominations must be lodged **before midday** on the last day of the nomination period. Late nominations cannot be accepted.
- At the time of your nomination: need to lodge a deposit of \$250 with the Returning Officer (paid by cash, by electronic funds transfer (EFT), by bank cheque or by BPoint through the ECQ Candidate Portal on the ECQ website).
- Nomination fees **cannot** be paid by credit card.
- Deposit is refunded to candidates who are elected or those who receive more than 4% of the vote.

The Notice of Election for Local Government elections (or a by-election), and the closing date for nominations, is published on the ECQ website and on social media.

## When to lodge your nomination

The nomination period commences once the **Notice of Election** is issued by the ECQ via its website or any other way the Returning Officer considers appropriate.

The nomination period commences until the time and date specified in the Notice (which is generally around two weeks). Nominations must be lodged **before midday** on the last day of the nomination period. Late nominations cannot be accepted.

You will need to lodge a deposit of \$250 with the Returning Officer at the time of your nomination. This can be paid by cash, by electronic funds transfer (EFT), by bank cheque or by BPoint through the ECQ Candidate Portal available on the ECQ website.

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## How do I nominate to become a candidate?

### How to lodge your nomination

- Lodge your nomination with the Returning Officer, who is the ECQ's representative in your local government area.
- Contact details and office locations of Returning Officers will be advised in the Notice of Election.
- Individual or group nomination must be lodged on the approved nomination form (enter your details into the nomination form online via the **ECQ Candidate Portal**).
- Download a copy of the form from the ECQ website, or obtain a copy from the Returning Officer in your local government area.

**Nomination forms are not available until the Notice of Election is published.**

Full details of nomination requirements are available on the ECQ website.

## How to lodge your nomination

You must lodge your nomination with the Returning Officer, who is the ECQ's representative in your local government area. Contact details and office locations of Returning Officers will be advised in the Notice of Election.

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## Notes

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## How do I nominate to become a candidate?

### Be well prepared.

- Nominations can only be accepted when ALL requirements have been met.
- Don't leave anything to the last minute.

Things can happen that you don't take into account, for example an issue with the bank and the transfer takes longer than usual, or there is an internet outage just when you have five minutes left to submit your nomination.

It is therefore strongly recommended that you plan and complete these steps well in advance of nominating to ensure that you meet the deadline for the close of nominations.

Late or incomplete nominations cannot be accepted.

### Groups

If you are considering nominating as a group please contact ECQ for further information. There are specific obligations relating to groups.

If you want to nominate, make sure you are well prepared.

Your nomination can only be accepted when ALL requirements have been met, so don't leave anything to the last minute.

Things can happen that you don't take into account, for example an issue with the bank and the transfer takes longer than usual, or there is an internet outage just when you have five minutes left to submit your nomination.

It is therefore strongly recommended that you plan and complete these steps well in advance of nominating to ensure that you meet the deadline for the close of nominations. Late or incomplete nominations cannot be accepted.

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## Animation scenario 1.8: False and misleading information



This is John. John takes an active interest in community issues and has concerns about a proposed development project in his local government area. He thinks it would cause significant harm to the environment, place further strain on parking for local residents and affect the welfare of the community.

He decides to nominate as an independent candidate in the upcoming local government elections.

He believes that the current sitting councillors do not hold the same views as him, and he suspects that some councillors may have a conflict of interest.

He posts on his Facebook page that certain councillors have been lying about the true cost of the proposed development project and are set to gain personally if the project goes ahead.

He places a link to an attachment that states that this proposed development must be stopped.

He decides to announce the launch of his campaign on Facebook and sets up a website to promote himself as a candidate. To gain support for his campaign, he decides to share all the things that he believes are wrong with the current sitting councillors and other announced candidates standing for election on his website and on his Facebook page. He publishes what he believes to be the conflicts of interest of other candidates and declares how dishonest he thinks they are.

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## Is John complying with electoral laws?

### Circle the correct answer

1. Yes, he can publicly share his personal opinion how and where he wants without any consequences.
2. The electoral laws don't need to concern him because he only just decided to nominate as a candidate, he is not an elected councillor yet.
3. No. John needs to consider whether his social media posts relating to his campaign are factually accurate, make sure that he doesn't post a false statement about the personal character or conduct of another candidate and that his social media posts, including any attachments, have been appropriately authorised.

**Note:** Misleading electors and publishing unauthorised electoral advertising material are offences under the *Local Government Electoral Act 2011* and these offences are subject to substantial penalties.

## How do I run my election campaign?

### When campaigning:

- ensure you comply with electoral and any relevant council laws (e.g. election signage).
- *Local Government Electoral Act 2011*:
  - All election material printed, published, distributed, or broadcast during an election period must be authorised.
  - The publication of material that is inaccurate or misleading is prohibited.

Additional regulations apply to candidates who are members of a group or conduct group campaigning activities. Contact ECQ for further details. You will need to ensure that all your election material is properly authorised and clearly displays the name and address of the person who authorised the material. Authorisation makes it clear who is accountable for producing the material.

This applies to any material that is:

- printed
- published
- distributed
- broadcast
- posted on social media

and includes:

- advertisements
- pamphlets
- billboards
- notices
- social media posts containing election material



When campaigning, you will need to ensure you comply with electoral and any relevant council laws (e.g. election signage). Under the *Local Government Electoral Act 2011*, all election material printed, published, distributed, or broadcast during an election period must be authorised and the publication of material that is inaccurate or misleading is prohibited.

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You will need to ensure that all your election material is properly authorised and clearly displays the name and address of the person who authorised the material. Authorisation makes it clear who is accountable for producing the material.

This applies to any material that is printed, published, distributed, broadcast or posted on social media (or other online platform) and includes: advertisements, pamphlets, billboards, notices and social media posts containing election material.

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# How do I run my election campaign?

## When campaigning:

It applies to materials distributed by yourself and by other people in support of your campaign. The authorisation requirement does not apply to items such as car stickers, t-shirts, lapel buttons or badges, pens, pencils or balloons. You will also need to ensure that you do not mistakenly or intentionally publish any material or post any social media that may mislead or deceive voters.

Under the *Local Government Electoral Act 2011*, it is an offence to:

- print, publish, distribute or broadcast anything that is intended or likely to mislead an elector about how to vote at an election
- knowingly publish a false statement of fact about the personal character or conduct of a candidate
- print, publish, distribute or broadcast anything that appears to represent an election ballot paper if it is likely to cause a voter to cast an informal vote

There are substantial penalties for these offences under Queensland's electoral laws.



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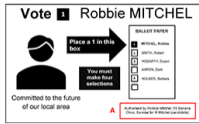


# How do I run my election campaign?

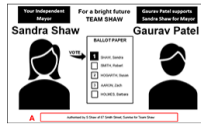
### How-To-Vote Card:

- can be prepared by a candidate, group of candidates or political party
- showing how voters should rank their preferences on the ballot paper when voting

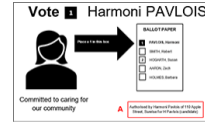
You can click on the examples below to view them full size, click on them again to shrink them back.



Undivided council with four councillors to be elected



Voting for mayor in all councils



Divided council

A how-to-vote card can be prepared by a candidate, group of candidates or political party to show how they want voters to rank their preferences on the ballot paper when voting.

If you are a candidate for a mayor or councillor in a divided council, your how-to-vote cards can show every box numbered or only some boxes numbered.

If you are a candidate for councillor in an undivided council, the boxes numbered on your how-to-vote card must equal the number of councillors to be elected.

## Notes

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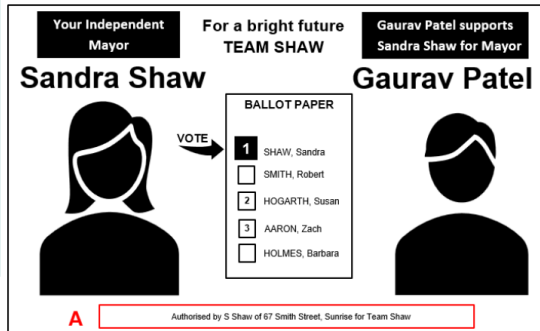
# How do I run my election campaign?

**How-To-Vote Cards**

Your how-to-vote cards must be approved by the ECQ before they can be distributed.

A how-to-vote card must:

- be authorised by either the relevant candidate, the group of candidates or a political party
- state the name and address of the person who authorised the card
- be in the approved format
- be given to the ECQ at least seven days before the how-to-vote card is to be distributed.



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## Notes

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# What are my disclosure requirements?

## Two ways to fund your campaign:

- accepting gifts and loans
- funding your campaign yourself

⇒ Open a dedicated bank account!

Disclosure obligations:

- reporting gifts or loans you receive
- reporting your electoral expenditure

Disclosing gifts and loans and expenditure is important:

- ⇒ Increases overall transparency and informs the public about the financial dealings of candidates, groups of candidates, political parties, and anyone else involved in the electoral process

- If you make it known that you are contesting a local government election prior to officially nominating, you are still considered to be a candidate and the regulations apply to you.
- Even if you haven't officially 'announced' but intend to be a candidate, your disclosure obligations begin.
- If you decide to run as a member of a group of candidates, you may also have additional disclosure and record keeping obligations.

Ensure you contact the ECQ to obtain specific advice on the requirements for groups of candidates.

Donors who donate to your campaign, and third parties who incur electoral expenditure (e.g. by publishing material aimed at influencing voters) also have disclosure obligations under Queensland's electoral laws.



There are two ways to fund your campaign – accepting gifts and loans or by funding your campaign yourself. Either way, you will need to open a dedicated bank account.

An important part of any campaign are your disclosure obligations. This means reporting gifts or loans you receive, as well as all your electoral expenditure.

This is important, as disclosing your gifts and loans and expenditure increases overall transparency and informs the public about the financial dealings of candidates, groups of candidates, political parties, and anyone else involved in the electoral process.

If you make it known that you are contesting a local government election prior to officially nominating, you are still considered to be a candidate and the regulations apply to you.

Further, even if you haven't officially 'announced' but intend to be a candidate, your disclosure obligations begin. Also, if you decide to run as a member of a group of candidates, you may also have additional disclosure and recordkeeping obligations. Ensure you contact the ECQ to obtain specific advice on the requirements for groups of candidates.

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## What are my disclosure requirements?

### What do you actually have to disclose?

- all gifts and loans of \$500 or more received in support of your campaign
- required to inform your donors that they may also have disclosure obligations

A gift includes money, property or a gift of any non-monetary goods or services (a gift-in-kind).

- Friends and family members helping you in a voluntary capacity is not a gift
- Friends and family members providing you with a service at a price less than they would ordinarily charge → must be disclosed as gift-in-kind
- Any monetary contributions by family members, or businesses in which you have an interest → must be disclosed



## What do you actually have to disclose?

You will need to disclose all gifts and loans of \$500 or more received in support of your campaign. You will also be required to inform your donors that they may also have disclosure obligations.

A gift includes money, property or a gift of any non-monetary goods or services (a gift-in-kind).

What about friends and family members helping you in a voluntary capacity (for example, handing out flyers on polling day)? Now, that would not be considered a gift. However, if they are providing you with a service at a price less than they would ordinarily charge as part of a business they operate, you must disclose this as a gift-in-kind. Similarly, any monetary contributions family members, or businesses in which you have an interest, made to you for the purposes of your campaign must be disclosed.

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## Animation scenario 1.9a: Donations for campaign



John is running for an election for the first time and decides he will self-fund his campaign. He pays for the cost of producing flyers and some advertising on Facebook.

His family supports his campaign and his dad gives him \$200 for his campaign and his sister gives him \$500.

He also wants to advertise on a billboard and decides that his own company will pay for it.

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## What does John need to consider?


### Circle the correct answer

1. He needs to remember any money from family or friends for his campaign is considered a gift. He will need to disclose any gifts that total \$500 or more, including smaller gifts from individual donors where the cumulative effect of those gifts is \$500 or more. His donors will need to disclose any gifts of \$500 or more.
2. He needs to be aware what he needs to disclose in real time and that he needs to disclose all gifts in his summary return.
3. He needs to be aware that money from a company owned by himself is also considered a gift.
4. All of the above.

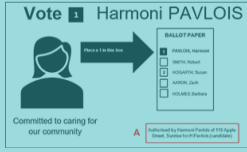


# What are my disclosure requirements?

You need to disclose all the money spent on your campaign. This is known as electoral expenditure.

**Electoral expenditure:**  
the cost of producing and distributing political advertising or election material



**For example:**  
social media advertising, flyers, and how-to-vote cards



**Remember**  
Even if you do not intend to accept any gifts or loans or spend any money on your campaign, *you still need to have a dedicated bank account and you will still have reporting obligations.*

You need to disclose all the money spent on your campaign. This is known as electoral expenditure.

Electoral expenditure includes the cost of producing and distributing political advertising or election material. For example, social media advertising, flyers and how-to-vote cards.

Remember even if you do not intend to accept any gifts or loans or spend any money on your campaign, you still need to have a dedicated bank account and you will still have reporting obligations.

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## What are my disclosure requirements?

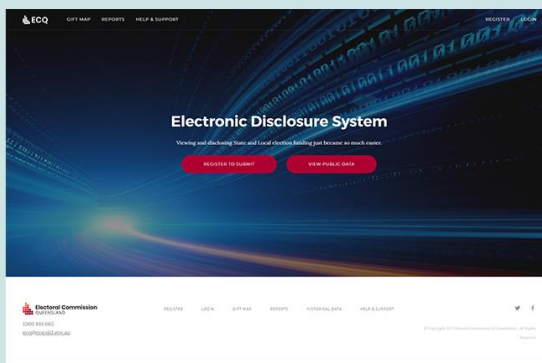
### How do you disclose your gifts, loans and expenditure?

The ECQ operates an Electronic Disclosure System (EDS).

All candidates and donors must lodge their disclosure returns via the EDS.

The disclosure returns are then published on the ECQ's website.

You should register for an EDS profile as soon as you decide to run for election.



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# What are my disclosure requirements?

## When do you need to disclose your gifts, loans and expenditure?

- 'real-time' and 'summary' disclosure obligations
- disclosure period depends on your individual circumstances, (i.e. whether you have contested an election before, when you decided to stand for election)
- new candidates: disclosure period starts the day you decide to run for election and ends 30 days after election day
- sitting councillors who are recontesting: disclosure period starts 30 days after the last quadrennial election or by-election you contested and ends 30 days after election day
- during disclosure period: report your gifts and loans of \$500 or more, and your campaign expenditure in 'real-time' - which means within seven business days

Gifts are cumulative, meaning if one donor gives you multiple gifts, and those gifts collectively exceed \$500, all gifts must be disclosed as soon as they reach \$500.

During the last seven days before election day you must disclose all gifts, loans, and expenditure within one day of the transaction.

Candidates who are members of a group have additional disclosure reporting requirements and should contact the ECQ for more information.



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# What are my disclosure requirements?

## Which records do you have to keep?

The *Local Government Electoral Act 2011* requires that anyone participating in an election campaign provide complete and timely disclosures for gifts and loans, and electoral expenditure for the disclosure period that applies to them.

<p><b>As a candidate:</b></p> <ul style="list-style-type: none"> <li>• keep records of all gifts, loans and gifts-in-kind you receive for your campaign</li> <li>• keep records of all expenditure that you incur in running your campaign</li> </ul>	<p><b>Records include:</b></p> <ul style="list-style-type: none"> <li>• bank statements</li> <li>• invoices</li> <li>• receipt books</li> <li>• deposit books</li> <li>• cheque books</li> <li>• ledgers and notices which relate to information contained in a disclosure return</li> </ul>		<p>Records may be in paper or electronic format.</p> <p>It is important to adhere to good record keeping practices: All electoral participants are subject to ECQ compliance reviews and may be asked by the ECQ to provide these documents.</p> <p>You must keep all records for electoral funding and disclosure and make them available to the ECQ for inspection for a period of at least five years after the election.</p> <p>There are substantial penalties for not adhering to your funding and disclosure obligations.</p> <p>You should contact the ECQ as soon as you decide to stand for election to ensure that you have the latest information about your funding and disclosure and financial management obligations.</p>
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## Which records do you have to keep?

The *Local Government Electoral Act 2011* requires that anyone participating in an election campaign provide complete and timely disclosures for gifts and loans, and electoral expenditure for the disclosure period that applies to them.

As a candidate, it is vital that you keep records of all gifts, loans and gifts-in-kind you receive for your campaign, and all expenditure that you incur in running your campaign.

These records include bank statements, invoices, receipt books, deposit books, cheque books, ledgers and notices which relate to information contained in a disclosure return. Records may be in paper or electronic format.

Whether you receive only one or two gifts for your election campaign, or you receive many gifts or loans, it is important to adhere to good recordkeeping practices as all electoral participants are subject to ECQ compliance reviews and may be asked by the ECQ to provide these documents.

You must keep all records for electoral funding and disclosure and make them available to the ECQ for inspection for a period of at least five years after the election. There are substantial penalties for not adhering to your funding and disclosure obligations. You should contact the ECQ as soon as you decide to stand for election to ensure that you have the latest information about your funding and disclosure and financial management obligations.

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## Animation scenario 1.9b: Prohibited donations



**This is John.**

John is a candidate for his local government election.

A potential donor approaches him and offers a sum of \$1000 and some free printing services in support of his election campaign to become a councillor.

They indicate that this is because they own some property in the local government area and they take an interest in the local council planning and development scheme and council decision-making processes.

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## What does John need to consider?

### Circle the correct answer

1. He needs to obtain this person's name and address. As anonymous donations are unlawful.
2. He also needs to ascertain whether the potential donor may be a prohibited donor. He needs to confirm that if they meet the definition of a property developer then their donation to his campaign would be unlawful and he must not accept the donation.
3. If the donor is not a prohibited donor, John must also remember that services that are provided to him for free or at a discount must also be disclosed in the Electronic Disclosure System (EDS) as they are considered a gift-in-kind. The actual commercial value of the service must be disclosed, regardless of what he may have paid for it.
4. He must make the donor aware that they may also have a personal obligation to disclose the donation to the ECQ, so it can be reconciled with his candidate disclosures in the EDS.
5. He should also consider whether receiving the donation from the donor (who is not a prohibited donor) is appropriate given it may give rise to a conflict of interest if elected and the donor brings a matter before the council.
6. All of the above.

# What are my disclosure requirements?

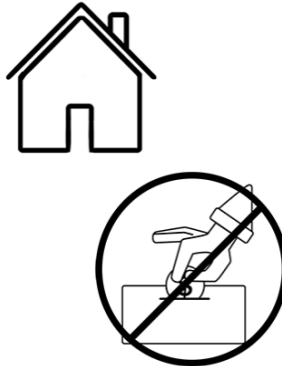
It is important to know, and always remember, that you must not accept prohibited donations.

Queensland electoral laws ban political donations from:

- property developers
- their close associates
- industry representative organisations which have property developers as the majority of their members

It is illegal to make or accept these prohibited donations.

It is also against the law to solicit someone to make a donation on behalf of a prohibited donor.



Familiarise yourself with the rules and definitions around the prohibited donors legislation before accepting any political donations for your campaign.

Candidates and sitting councillors are subject to substantial penalties, including fines and prosecution, for accepting donations from property developers.

Basic hospitality is not considered a political donation:  
 => acceptable for candidates and councillors to accept light refreshments when engaging with the community and constituents

If you are unsure whether an individual or organisation is a prohibited donor, you can contact the ECQ for advice.

## It is important to know, and always remember, that you must not accept prohibited donations.

Queensland electoral laws ban political donations to candidates or councillors from property developers, their close associates and industry representative organisations which have property developers as the majority of their members.

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**The Department of State Development, Infrastructure, Local  
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