

Western Australian
Electoral Commission

2025 State General Election

Funding and Disclosure in Western Australia Guidelines



WESTERN AUSTRALIAN
Electoral Commission

Our purpose and values

The WA Electoral Commission's purpose is to provide Western Australians with an electoral experience that they understand, trust and can access easily and efficiently. The Commission is guided by its five core values:

Impartial

Our electoral outcomes will not be influenced by others.

Professional

Our work will be at the highest standards for ethics, accuracy and efficiency.

Respectful

Our relationships will be courteous, honest and fair with all.

Innovative

Our systems and processes will adapt to customers' needs.

Collaborative

As a team we will consult and test new ideas with customers.

The Western Australian Electoral Commission acknowledges the Traditional Owners of the lands on which our electoral activities take place. We pay our respects to Elders past, present and emerging.

Message from the Electoral Commissioner

Every four years Western Australians come together to make a decision for the State by electing our Government. The Commission is entrusted with conducting this process and is committed to the delivery of an electoral experience that the people of Western Australia understand, trust and can access easily and efficiently.

A range of operational and structural changes have been introduced for the 2025 State Election aimed at improving electoral operations and ensuring the Commission can continue its proud history of delivering a successful election.

The Commission relies extensively on temporary employees to run our election events. Staff training and the operational procedures in place are critical to assisting our workforce in delivering an accurate, timely and impartial election result.

Electoral integrity is at the heart of our operations and is vital to building and maintaining trust in the Commission and its work. The Commission is committed to transparency in our processes and to acting with operational excellence and impartiality.

The Commission welcomes feedback on its performance from internal and external participants that enables us to deliver an improved experience at every election. Please explore the different ways to provide feedback via our website elections.wa.gov.au

Whatever role you have in the coming election, we thank you for your commitment and participation in the upcoming 2025 Western Australian State General Election.

Best Wishes



Robert Kennedy

Electoral Commissioner

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1. Introduction

1.1. This Guide

The Western Australian Electoral Commission (the Commission) has produced this Guide to help political parties, associated entities, Members of Parliament, candidates, Legislative Council groups and third-party campaigners meet their obligations under disclosure laws. The Guide also assists political parties and candidates who are entitled to claim for electoral funding. Key concepts and terms are explained at the end of the guidelines.

References in this document are made to the *Electoral Act 1907* (E/the *Act*) and the *Electoral (Political Finance) Regulations 1996* (R/the *Regulations*). These guidelines should be used in conjunction with this legislation, which fully explains and sets out all requirements for funding and disclosure.

In addition, the Commission may issue User Guidelines on particular aspects of the funding and disclosure framework, to further assist stakeholders to understand their obligations.

1.2. Relevant legislation

Part VI of the *Electoral Act 1907* (the *Act*) requires political entities including political parties, associated entities, Members of Parliament, individual candidates, Legislative Council groups and third-party campaigners to declare political contributions and/or income received and electoral expenditure incurred for electoral and political purposes.

This Part of the *Act* also allows for funding of electoral expenditure incurred by eligible political parties and candidates at State elections.

The six divisions of Part VI cover the following areas:

- definitions and references
- agents
- electoral funding
- State campaign accounts
- disclosure of political contributions and other income
- prohibition of foreign donations
- disclosure of electoral expenditure
- caps on electoral expenditure
- offences, investigations, and miscellaneous provisions.

The *Electoral (Political Finance) Regulations 1996* set out how records and other information should be recorded and kept.

2. Role of the Electoral Commissioner

2.1. Responsibility

The Electoral Commissioner is responsible for maintaining a register of political parties and party agents, as well as a third-party campaigners register. The Commissioner is also responsible for obtaining any relevant information from political parties, associated entities, Members of Parliament, candidates, Legislative Council groups and third-party campaigners for the purposes of funding and disclosure.

2.2. Investigations

E, s 175W

The Electoral Commissioner is empowered to check all returns and claims, obtain any information relevant to funding and disclosure requirements and to interview people and scrutinise bank or other financial accounts where donations are deposited. This is part of the audit process to confirm compliance with the legislation.

2.3. Political finance annual report

E, s 175ZG

Following the lodgement of annual disclosure returns by political parties and associated entities each financial year, the Electoral Commissioner is required to submit an annual report to the Minister, who subsequently tables the report in Parliament. This report includes any relevant information relating to funding and disclosure activities for that year, including any audit findings.

2.4. Public inspection of documents

E, s 175ZC

Returns, disclosure notices and claims are published as soon as practical after the required lodgement date on the Commission's website. Copies of these documents can be viewed at the Commission's office by appointment.

3. Agents

3.1. Appointment and revocation

3.1.1. Eligibility to be an agent

E, s 175E

To be eligible for appointment as an agent of a political entity, other than an associated entity, the nominated person must:

- be over the age of 18 years
- be appointed in writing by the political entity
- declare their eligibility and consent to the position
- not have been convicted of an offence under the disclosure provisions of the *Act*.

A separate agent appointment is required for each election, with the exception of party agents which are ongoing appointments.

3.1.2. Revoking the appointment of an agent

E s, 175K

A political entity, other than a political party or associated entity, can revoke the appointment of the agent by giving notice to the Electoral Commissioner. The Electoral Commissioner must also be informed without delay of the death or resignation of an agent.

If an agent appointment is revoked by a Member of Parliament or third-party campaigner, another agent may be appointed.

If an agent appointment is revoked by a candidate or Legislative Council group before 6.00 pm on the day before polling day, another agent may be appointed. However, when a candidate or Legislative Council group revokes the appointment of an agent after 6.00 pm on the day before polling day, the candidate or first candidate in the Legislative Council group becomes the agent for disclosure purposes.

3.2. Agents of political parties and associated entities

3.2.1. Agent for a political party

E, s 175F, s 175G, s 175H, s 175I

All political parties are required to appoint an agent who must register with the Electoral Commissioner. The appointment takes effect on the entry of the name and address of the party agent in the party agents' register maintained by the Commission and ceases to have effect when the name and address is removed. An agent assumes responsibility for lodging

disclosure notices and returns, claims for electoral funding and maintaining the party's State campaign account.

3.2.2. Party agent appointment

E, s 175E, E, s 175J

When there is no agent of the political party, all members of the party's executive committee jointly assume responsibility for the disclosure obligations.

The following form has been approved by the Electoral Commissioner for the appointment of political party agents:

- *FD01 - Notice of Appointment of an Agent by a Political Party*

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

3.2.3. Agent for an associated entity

E, s 175, s 175NA(3)(b)

The financial controller of an associated entity is considered to be its agent for the purposes of Part VI of the *Act*.

3.3. Agents of Members of Parliament

E, s 175CA

An agent of a Member of Parliament is responsible for lodging disclosure notices about any gifts the Member has received within the required period to disclose the information, notifying the Commission about the Member's State campaign account, and lodging the annual return for the Member's State campaign account.

3.3.1. Appointment

When a Member of Parliament is a member of a registered political party, the party agent is automatically deemed to be the agent of the Member. A Member of Parliament who is a member of a political party can appoint someone other than the party agent to be their agent.

Members of Parliament that are not members of a political party can appoint someone to act as their agent. If no appointment is in effect, then the Member personally assumes the responsibility of the agent.

If a Member of Parliament appointed an agent to act on their behalf while they were a candidate in an election, then that appointment remains in place until the Member either revokes the appointment or appoints a different agent.

The following form has been approved by the Electoral Commissioner for the appointment of an agent for a Member of Parliament:

- *FD04 - Notice of Appointment of an Agent by a Member of Parliament*

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

3.4. Agents of candidates and Legislative Council groups

3.4.1. Agent for candidates in Legislative Assembly and Legislative Council

E, s 175C, s 175E(4)

When a candidate has been endorsed by a political party, the party agent is automatically deemed to be the candidate's agent.

A candidate who is endorsed by a political party can appoint an agent other than the party agent. This separate appointment must be lodged by 6.00 pm on the day before polling day at each election. If a candidate does not make a separate appointment before this time the party agent is deemed to be the candidate agent.

If a candidate is not endorsed by a political party, they have until 6.00 pm on the day before polling day at each election to appoint an agent. If an agent is not appointed a candidate is deemed to be their own agent and personally accepts responsibility for compliance with disclosure requirements.

3.4.2. Agent for a party group

E, s 175D(2)

Where all candidates in a Legislative Council group have been endorsed by a political party, they are a party group and the agent of the political party is automatically the agent for both the group and the endorsed candidates with no separate written appointment required.

3.4.3. Agent for a non-party group

E, s 175D(3)

In the case of non-party groups, that is a Legislative Council group not endorsed by a political party, each candidate in the group must endorse the group agent if one is to be appointed. If no group agent is appointed, the name of the first candidate for the group on the ballot paper will be registered as the group agent by the Commission.

3.4.4. Appointment

E, s 175E, E, s 175E(4)

An agent of a candidate or Legislative Council group assumes responsibility for lodging disclosure notices about any gifts received, the election return(s) and the annual return for the candidate and/or groups State campaign account. Party agents are automatically deemed to be the agents of endorsed candidates and Legislative Council groups unless otherwise specified.

In the case of an Independent candidate, an agent is also responsible for lodging claims for electoral funding if the candidate receives more than 4% of the primary vote.

The following forms have been approved by the Electoral Commissioner for the appointment of agents:

- *FD02 - Notice of Appointment of an Agent by a Candidate*
- *FD03 - Notice of Appointment of an Agent by a Legislative Council Group*

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

3.5. Agent of a third-party campaigner

E, s 175DA

An agent of a third-party campaigner is responsible for lodging:

- disclosure notices about any gifts the third-party campaigner receives within the required period.
- an electoral return to the Commission after the election in which the third-party campaigner participated.
- an annual return for the campaigner's State campaign account for the financial year(s) in which the account was used for electoral expenditure.

3.5.1. Appointment

A third-party campaigner can appoint someone to act as their agent.

If no appointment is in effect, then the agent of the third-party campaigner is the third-party campaigner unless it is an unincorporated body. If the third-party campaigner is an unincorporated body, then each member of the executive committee or each member of the third -party campaigner assumes the responsibility of the agent as if the obligation was theirs alone.

The following form has been approved by the Electoral Commissioner for the appointment of an agent for a Member of Parliament:

- *FD05 - Notice of Appointment of an Agent by a Third-Party Campaigner*

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

4. Disclosure requirements for a Member of Parliament

Once a Member of Parliament nominates in an election, their disclosure obligations relate to their role as a candidate.

If a candidate is successful in the election and becomes a Member of Parliament, they will have ongoing disclosure obligations for any gifts they receive. However, they will have seven days to disclose the gifts as it will be received outside of the election period. If the Member continues to incur electoral expenditure, they will have an ongoing annual return requirement for their State campaign account.

5. Registration of third-party campaigners

E, s175SR

If a third-party campaigner incurs electoral expenditure more than \$500 in relation to an election, then the campaigner has an obligation to register with the Commission. It is unlawful for an unregistered third-party campaigner to incur electoral expenditure that exceeds \$500.

5.1. Application

E, s175ST

A third-party campaigner must apply to the Commission to be registered if they wish to participate in an election. The application must be made in the approved form before the day before polling day in the election. However, electoral expenditure that exceeds \$500 cannot be incurred until the third-party campaigner is registered.

The following form has been approved by the Electoral Commissioner for a third-party campaigner to apply for registration:

- *FD23 - Application to register a third-party campaigner*

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

5.2. Registration

E, s175SU, 175SS, 175SV

Upon receiving an application to register a third-party campaigner, the Commission will decide whether to register, or refuse to register the campaigner.

An application can be refused if:

- the applicant is not a third-party campaigner in relation to an election
- the applicant will not incur electoral expenditure more than \$500 in relation to an election.
- if the application is successful, the Commission will enter the third-party campaigner details into the register and provide the applicant with notice that the registration has been successful.

The third-party campaigner register includes the following details:

- name and address of the campaigner
- contact phone number and email of the campaigner
- the agent of the third-party campaigner
- the election for which the campaigner is registered.

Details will not be published if the third-party campaigner is a silent elector. If they are not a silent elector, only their postcode will be published, and their phone number and email address will not be published without consent.

The Commission publishes the third-party campaigner register on the Commission's website at www.elections.wa.gov.au.

If details of the third-party campaigner change, the agent has 30 days to notify the Commission of the change of details from when the change occurs. It is unlawful for the agent not to inform the Commission that details have changed without a reasonable excuse

5.3. Cancelling registration

E, s175SW

The agent of a third-party campaigner can request to cancel the campaigner's registration. If the third-party campaigners' registration is cancelled, the day of cancellation will be recorded in the third-party campaigner register. Requests for cancellation can be submitted to the Commission in writing.

6. Disclosure of political contributions

E, s175M, s175MA, s175MC

All political entities are required to disclose political contributions they receive that are more than the specified amount, which is currently \$2,600.

Political contributions from the same donor are amalgamated. Once the combined value of a donor's contributions in a financial year are more than the specified amount, the agent of the political entity is required to disclose the contributions.

Once political contributions from a donor have exceeded the specified amount, any subsequent contributions from the donor in the same financial year are also to be disclosed regardless of the amount or value.

Political contributions must be disclosed within the following periods:

- Non-election period: within seven days of being received.
- Election period (also called the capped expenditure period): by the end of the next business day after being received.

The details of a political contribution that need to be disclosed include:

- the amount or value of the contribution
- the date the contribution was received
- the name(s) and address(es) of the donor(s)
- in the case of a compulsory party levy, the position held by the person who paid the levy.

If the person who made the gift or paid the affiliate fee is an unincorporated body, then the name of the body and the names and addresses of the executive committee should also be disclosed.

If the gift was made or an affiliate fee was paid out of a trust fund, or from the funds of a foundation, then the following details should be disclosed if applicable to the donor:

- the names and addresses of the trustees of the trust fund or of the foundation
- the person for whose benefit the funds are held
- the title or description of the trust fund or the name of the foundation.

The political contributions that are disclosed are to be published as soon as practical after the details have been lodged with the Commission. Only the postcode of a donor will be published, and this is suppressed if the donor is a silent elector or their personal safety would be at risk if their postcode were published. The onus is on the political entity to advise a donor their postcode will be made public unless the donor advises the political entity their personal safety would be at risk. The political entity is also responsible for informing the

Commission if the entity has been advised by a donor that publication of their postcode would pose a risk to their personal safety.

The following forms have been approved by the Electoral Commissioner to disclose political contributions received:

- *FD08 – Disclosure of political contributions*
- *FD09 – Political Contributions Notice*

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

Alternatively, a political entity can use the Commission's Online Disclosure System to disclose the political contributions received.

6.1. Prohibited political contributions

6.1.1. Foreign contributions

E, Part VI Division 3A

Political entities are not allowed to accept political contributions from a foreign donor.

If it is unclear whether a political contribution is from a foreign donor, reasonable steps can be taken to clarify, including requesting a copy of the donor's passport or visa. Alternatively, forms used by political entities to receive donations could include space for a statement or check box affirming that the donor is not a foreign donor.

If a foreign contribution is received by a political entity, the political entity has six weeks from the day the contribution was made to:

- return the contribution to the donor or person who made the contribution;
- transfer an amount equal to the contribution to the donor or person who made the contribution; or
- transfer an amount equal to the contribution to the State.

6.1.2. Anonymous contributions

E, s 175R

It is unlawful for a political entity or person acting on their behalf to receive any political contribution, regardless of the amount or value, unless the name and address of the donor are known, or these details have been provided and there is no reason to believe they are not true. An agent who, without reasonable excuse, fails to ensure the political entity does not receive an anonymous contribution commits an offence, unless they take all reasonable steps to return it or transfer an equivalent amount to the State or the donor (or a person acting on their behalf) within seven days after the day it was received.

7. State campaign account

E, s175LL

Political entities that intend to incur electoral expenditure will need to establish a State campaign account. The agent of the political entity must provide details of the dedicated bank account to the Commission within five days of the obligation being triggered. The obligation to have the account is triggered when a:

- political party becomes a registered political party;
- Legislative Council group nominates in an election;
- candidate nominates in an election; or
- third-party campaigner or associated entity incurs electoral expenditure in relation to an election.

Members of Parliament who were elected prior to 1 July 2024 had their obligation triggered to have a State campaign account on 1 July 2024.

The bank account nominated as the political entity's State campaign account must be established with an authorised deposit-taking institution.

If more than one political entity has the same agent, and these entities all use the same State campaign account, the agent can advise the Commission of that one State campaign account in a single notice. This is particularly relevant for Members of Parliament and candidates that are members, or nominated, by a political party.

An agent that is responsible for more than one political entity can provide notice that more than one political entity is using the same State campaign account.

The following form has been approved by the Electoral Commissioner to provide State Campaign account details to the Commission:

- *FD18 – State Campaign Account Details*

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

7.1. Use of the State campaign account

E, s 175LM, s 175LO, s 175LP

Only electoral expenditure can be paid from the State campaign account. It is the responsibility of the political entity's agent to maintain the account during the period in which electoral expenditure is incurred, and to ensure that no money is paid into or out of the account that is not permitted.

There are certain types of funds that can be paid into the account. These include:

- political contributions

- membership subscription fees
- public funding payments
- other income
- interest paid on amounts in the account
- return of nomination deposits

Funds that are not received for a State political purpose should not be paid into the account, nor should a foreign contribution.

If the incorrect type of fund is deposited into the State campaign account, the agent must take all reasonable steps to ensure the money is withdrawn from the account within five business days after becoming aware of the mistake.

7.2. Annual return for the State campaign account

E, s175LQ

The agent for the political entity is responsible for lodging an annual return for the State Campaign account with the Commission by 30 November each year. The annual return provides a summary of amounts paid into and out of the account during the previous financial year. If a political entity has a State campaign account in any financial year, then they must lodge an annual return for that period of time. This annual return requirement commences for all political entities for the 2024-2025 financial year.

The annual return for the State campaign account must be supported by either a report prepared by an auditor or financial statements for the relevant period of time.

The following forms has been approved by the Electoral Commissioner as the annual return for a State campaign account:

- *FD19 – State Campaign Account Annual Return*

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

7.3. Terminating a State campaign account

7.3.1. Political parties

E, s175LU

If there are funds remaining in the State campaign account of a political party, then the account can be terminated if the party ceases to be registered or exist and the party does not intend to incur any further electoral expenditure.

Within 28 days of the political party, or the party agent, identifying the requirement to terminate the State campaign account, the party agent must pay the remaining funds in the account to a charity nominated by the political party or the party agent.

Political parties can use the same State campaign account for subsequent elections, and do not need to close or terminate accounts after an election.

7.3.2. Candidates

E, s175LR

If there are funds remaining in a candidates' State campaign account, then the account can be terminated if the candidate is not elected and does not intend to incur additional electoral expenditure in relation to the election in which they nominated. The account can also be terminated if there are funds left in the account and the candidate is deceased.

Within 28 days of the candidate, or the candidate's agent, identifying the requirement to terminate the State campaign account, the candidate's agent must pay the remaining funds in the account to:

- the Legislative Council group State campaign account, if the candidate was part of a Legislative Council group; or
- the State campaign account of the registered political party that endorsed the candidate; or
- a charity nominated by the candidate or candidate's agent, if the candidate was an Independent candidate.

7.3.3. Members of Parliament

E, s175LS

If there are funds remaining in the State campaign account of a Member of Parliament, then the account can be terminated if the Member ceases to be a Member and does not intend to incur additional electoral expenditure in relation to an election. The account can also be terminated if there are funds left in the account and the Member is deceased.

Within 28 days of the Member, or the Member's agent, identifying the requirement to terminate the State campaign account, the Member's agent must pay the remaining funds in the account to:

- the Legislative Council group State campaign account, if as a candidate the Member was party of a Legislative Council group; or
- the State campaign account of their registered political party, if the Member is a member of registered political party; or
- a charity nominated by the Member or their agent in any remaining circumstance.

7.3.4. Legislative Council groups

E, s175LT

If there are funds remaining in the State campaign account of a Legislative Council group, then the account can be terminated if the group ceases to exist, the writ for the election is returned, and the group does not intend to incur additional electoral expenditure in relation to the election for which the group formed.

Within 28 days of the group, or the group's agent, identifying the requirement to terminate the State campaign account, the group's agent must pay the remaining funds in the account to:

- the State campaign account of their registered political party, if the group was endorsed by a registered political party; or
- a charity nominated by the group or their agent.

7.3.5. Third-party campaigners

E, s175LV

If there are funds remaining in the State campaign account of a third-party campaigner, then the account can be terminated if the campaigner ceases to exist and the campaigner does not intend to incur additional electoral expenditure in relation to an election. If the third-party campaigner is an individual and the individual is deceased, the account can be terminated.

Within 28 days of the campaigner, or the campaigner's agent, identifying the requirement to terminate the State campaign account, the campaigner's agent must pay the remaining funds in the account to a charity nominated by the campaigner or the campaigner's agent.

8. Caps on electoral expenditure

E, s 175SH, s175SJ, s175SK, s175SL

Caps limit how much a political entity can spend on their election campaign. The limit applies to electoral expenditure incurred during the capped expenditure period. Any expenditure incurred before the capped expenditure period will still count towards the cap if the expenditure is for goods or services used during the capped expenditure period.

The expenditure caps are recalculated for each financial year, and there are different expenditure cap limits for by-elections. The current expenditure caps are published on the Commission's website at www.elections.wa.gov.au.

8.1. Expenditure cap for political parties

E, s175SI

Electoral expenditure incurred during the capped expenditure period by candidates and the Legislative Council group endorsed by a political party will count toward the political party's expenditure cap. The political party's expenditure cap also includes the electoral expenditure incurred during the capped expenditure period by any of the party's associated entities and Members of Parliament. It is unlawful for the collective electoral expenditure incurred by these political entities and by the political party to exceed the cap that applies to the political party.

8.2. State General Election caps

E, s175SJ

The expenditure caps that will apply at the 2025 State General Election are as follows:

Political entity	Cap
Political Party	\$130,000 x the number of endorsed candidates for the Legislative Assembly Plus \$65,000 x the number of endorsed candidates for the Legislative Council
Independent Legislative Assembly Candidate	\$130,000
Independent Legislative Council Candidate	\$65,000
Independent Legislative Council Group	\$65,000 x the number of candidates in the Group
Third-party campaigner	\$500,000

8.3. Additional cap on expenditure for a candidate

E, s175SM

In addition to the expenditure cap for an election, registered political parties and third-party campaigners are also subject to caps for each candidate. This cap applies where expenditure is incurred during the capped expenditure period for material relating to the election that:

- explicitly mentions the name of a candidate
- is mainly communicated to electors in the candidate’s district (for Legislative Assembly Candidates only)
- is not mainly communicated to electors outside of the candidate’s district (for Legislative Assembly Candidates only)
- is a consultant or advertising agent fee incurred substantially for the candidate.

The additional caps on expenditure for a candidate that will apply at the 2025 State General Elections are as follows:

Type of cap	Political Party	Third-Party Campaigner
Cap for Legislative Assembly Candidate	\$130,000	\$13,000
Cap for Legislative Council Candidate	\$65,000	\$6,500

8.4. By-election expenditure caps

E, s175SL

The expenditure caps that will apply to a by-election held within the 2024-2025 financial year in a district of the Legislative Assembly are as follows:

Political entity	Cap
Political party	\$390,000
Independent candidate	\$390,000
Third-party campaigner	\$39,000

9. Annual returns from political parties and associated entities

E, s 175N(1), s 175NA(1), E, s 175S

Agents of political parties and financial controllers of associated entities are required to lodge a return with the Electoral Commissioner setting out the value of political contributions and other income received during the previous financial year.

The financial year (1 July to 30 June) forms the disclosure period for political parties and associated entities for gifts and other income.

Should no gifts or other income be received by a political party, a return must nevertheless be lodged with nil or a similar statement against the relevant items.

The annual return must disclose:

- the amount or value of all political contributions
- the relevant details of each political contribution the amount of value of which is more than the specified amount of \$2,600
- the relevant details of each political contribution from the same donor who made a series of contributions which, when totalled, are more than the specified amount of \$2,600
- an amount of other income not included above.

The following forms have been approved by the Electoral Commissioner for the disclosure of gifts and other income by political parties and associated entities:

- *FD06* - Annual Return by a Political Party
- *FD07* - Annual Return by an Associated Entity

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

9.1. Due date for annual returns

E, s 175N(1), s 175NA(1)

Annual returns for political parties and associated entities are due to be lodged with the Electoral Commissioner in an approved form by 30 November each year.

10. Election returns from political parties

E, s 175SA, E, s 175SE

After an election or by-election, the agent of a political party must lodge a return setting out details of specified electoral expenditure in relation to the election, which was incurred with the authority of the political party. A definition of electoral expenditure is provided in the glossary section (definitions of terms used) of this Guide.

Should no expenditure be incurred, a return must nevertheless be lodged with a nil or similar statement against the relevant items.

Associated entities are not required to lodge a return outlining their electoral expenditure in relation to an election.

The following form has been approved by the Electoral Commissioner for the disclosure of expenditure by political parties:

- *FD14 - Disclosure of Expenditure by a Political Party*

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

10.1. Due date for election returns

E, s 175SA

All political party election-related returns are due to be lodged in the approved form with the Electoral Commissioner within 12 weeks of polling day.

11. Election returns from candidates and Legislative Council groups

E, s 175O, s 175P, s 175S, s 175SB, s 175SC, s 175SE,

After an election, candidates and Legislative Council groups, or their agents, must complete a return setting out all election-related gifts received during the disclosure period, and expenditure incurred in relation to the election, whether or not incurred during the capped expenditure period. A definition of electoral expenditure is provided in the glossary section (definitions of terms used) of this Guide.

Any election expenditure incurred by a Legislative Council group endorsed by a political party is to be disclosed in the election-related return of the political party.

Should no gifts be received or expenditure incurred, a return must nevertheless be lodged with nil or a similar statement against the relevant items.

The following forms have been approved by the Electoral Commissioner for the disclosure of gifts and expenditure by candidates and groups:

- *FD10 - Disclosure of Gifts and Expenditure by a Candidate*
- *FD11 - Disclosure of Gifts By A Candidate in a Legislative Council Group*
- *FD12 - Disclosure of Gifts and Expenditure by a Group in the Legislative Council*

Copies can be obtained from the Commission or downloaded from the Commission's website at www.elections.wa.gov.au.

11.1. Election return - disclosure period for gifts

E, s 175O(2)(a), E, s 175O(2)(b), E, s 175P(2)

For a person who was a candidate in a previous election within the past five years, the disclosure period begins 31 days after polling day in the most recent previous election at which the person was a candidate, and ends 30 days after polling day in the current election.

For new and other candidates, the disclosure period extends from one year before the day of nomination of the person as a candidate in the present election to 30 days after polling day in the current election.

For a group of candidates, the disclosure period extends from the hour of nomination to 30 days after polling day in the current election.

11.2. Election return – details of gifts

E, s 175M, E, s 175R, Part VI Division 3A

The relevant details of gifts received that are to be disclosed in the election return include:

- the total amount or value of all gifts
- the number of persons who made gifts
- the relevant details of the gifts more than the specified amount of \$2,600

11.3. Due date for election- returns

E, s 175O(1), s 175P(1), s 175SB, and s 175SC

All candidate and Legislative Council group election returns are due to be lodged in the approved form with the Electoral Commissioner within 12 weeks of polling day.

11.4. Other disclosure obligations

If a candidate holds a public position with reporting requirements, they need to be aware of these requirements in addition to their disclosure obligations as a candidate contesting a

State election. If a candidate is uncertain of their obligation, it is advisable to seek specific advice from the relevant authority, for example, the Department of Local Government, Sporting and Cultural industries or relevant CEO for any sitting local government councillors.

12. Election returns from third-party campaigners

E, s175Q, 175SD

A third-party campaigner that incurs electoral expenditure that exceeds \$500 in relation to an election is required to lodge an election return with the Commission following the election in which they participated.

The return sets out the relevant details of all gifts received by a third-party campaigner during the disclosure period for the election. It also sets out details of electoral expenditure incurred by the campaigner.

The following form has been approved by the Electoral Commissioner for the disclosure of gifts and expenditure by other people:

- *FD13 - Election return by a third-party campaigner*

Copies can be obtained from the Commission or downloaded from the Commission's website at www.elections.wa.gov.au

12.1. Election return – disclosure of gifts

E, s175Q

Any gifts received during the disclosure period by a third-party campaigner are to be disclosed in the election return.

Relevant details of gifts that are expended partially or wholly as expenditure for a political purpose must be provided if the gift equals or exceeds the threshold of \$2,600. If the gift is not used wholly or partially for this purpose, then it does not need to be disclosed.

A return does not need to be lodged if the total expenditure for a political purpose during the disclosure period for the election is less than the specified amount of \$2,600.

12.2. Election return – disclosure period for gifts

E, s 175Q

The disclosure period commences 31 days after polling day in the last State election and concludes 30 days after polling day in the relevant election.

12.3. Due date for election return

E, s 175Q(1)

The election return by a third-party campaigner is due to be lodged in the approved form with the Electoral Commissioner within 12 weeks of polling day.

13. Electoral funding

13.1. Overview

E, s 175LD, s 175LG

Public funding is the reimbursement of electoral expenditure at State election events.

The amount paid will be the amount spent by the party and/or candidate within the categories of electoral expenditure in relation to an election, or the entitled amount (both defined in chapter 15 of this publication). The lesser amount of the two will be the amount paid.

Candidates and registered political parties can lodge claims with the Electoral Commissioner within 20 weeks of polling day in a form provided by the Electoral Commission. Candidates nominated by registered political parties can only claim for funding through the party agent, and this amount is paid to the political party. Independent candidates or their agents can claim for funding on an individual basis.

13.2. Entitlement

E, s 175LCC, s 175LC, s 175LCA, 175LCB

The entitled amount is the number of eligible votes multiplied by either the higher reimbursement amount or lower reimbursement amount, which are indexed annually. The reimbursement amount that is used to calculate the entitled amount will depend on whether the candidate or political party has lodged an opt-in request with the Commission.

In order to have the higher reimbursement amount used in the calculation of their entitled amount when they are eligible to claim for public funding, political parties need to opt-in within 28 days of the party becoming registered.

A candidate that is not nominated by a political party can opt-in to receive the higher reimbursement amount, should they be eligible for public funding, by providing notice on or before the day nominations close for the relevant election.

If an opt-in request is not received, then the lower reimbursement amount will be used to calculate the entitlement.

A request to opt-in to receiving the higher reimbursement amount can be withdrawn. If the request is withdrawn and a subsequent election is contested, the political party or non-party

candidate has 10 days from when the writ is issued for that election to lodge another opt-in request.

The Commission is required to publish on its website at www.elections.wa.gov.au any opt-in requests received. Party opt-in requests are published within five days of receipt, where as opt-in requests from non-party candidates will be published on the next business day after the close of nominations of the relevant election.

The following forms have been approved by the Electoral Commissioner for political parties and non-party candidates to opt-in to receiving the higher reimbursement amount:

- *FD20 - Opt-in request for higher reimbursement: Registered political party*
- *FD21 - Opt-in request for higher reimbursement: Non-party candidate*

Copies can be obtained from the Commission or downloaded from the Commission's web site at www.elections.wa.gov.au.

13.2.1. Entitlement for party nominated candidates

E, s 175LF, s 175LG

Candidates nominated by political parties may make a claim for payment if one or more of the following occurs:

- The number of eligible votes received by the candidate is over 4% of the total number of eligible votes given at the election in that district.
- In the case of a candidate included in a Legislative Council group, the total number of eligible votes received by all the candidates included in the group is over 4% of the total number of eligible votes given in the Legislative Council election.
- The total number of eligible votes received by all the candidates endorsed by the party is more than 4% of the total number of eligible votes given at all the districts those candidates contested.

If one or more of these criteria are met, the party agent is entitled to claim for reimbursement of electoral expenditure up to, but not exceeding, the entitled amount.

13.2.2. Entitlement for independent candidates

E, s 175LF, s 175LG

Independent candidates may make a claim for payment if one or more of the following occurs:

- The number of eligible votes received by the candidate is over 4% of the total number of eligible votes given at the election in that district.

- In the case of a candidate included in a Legislative Council group, the total number of eligible votes received by all the candidates included in the group is over 4% of the total number of eligible votes given in the Legislative Council election.

If one or both of these criteria are met, the candidate or their appointed agent (or group agent) is entitled to claim for reimbursement of electoral expenditure up to, but not exceeding, the entitled amount.

13.3. Claims

13.3.1. Supporting documentation

E, s 175LD(5)

Claims for payment should be accompanied by either an independently audited financial statement which certifies that the expenditure amount claimed for reimbursement is in accordance with the provisions of the legislation and regulations, or copies of the receipts and/or other documentation to support the claim.

Audited financial statements should be produced in accordance with the Australian Auditing Standards and the audit report should be signed off by a qualified member of a recognised accounting organisation; for example, an organisation such as CPA Australia, the Institute of Chartered Accountants, or the National Institute of Accountants. The audited statement should be attached to the claim form.

If an acceptable audited financial statement is provided, no receipts or other forms of documentation are required.

13.3.2. Claims on behalf of party nominated candidates

E, s 175LD(3), s 175LD(1)

All claims for candidates nominated by a registered political party must be lodged as one claim by the agent of the party.

If the agent is claiming for the whole amount of expenditure incurred, the amount claimed should be consistent with the amounts declared on candidates', groups' and/or party's election related expenditure returns. If expenditure incurred exceeds the entitled amount, then a claim need only be lodged for the entitled amount.

Agents should contact the Commission if they are unsure of the amounts for which to claim.

Candidates that were nominated by a registered political party are not entitled to lodge individual claims for reimbursement.

The following form has been approved by the Electoral Commissioner for funding claims by political party agents:

- *FD15 - Political Party Funding Claim*

Copies can be obtained from the Commission or downloaded from the Commission's website at www.elections.wa.gov.au.

13.3.3. Claims on behalf of non-party candidates

E, s 175LD(4)(a); E, s 175LD(1), E, s 175LD(4)(b); E, s 175LD(1)

Independent candidates should lodge their own claims, or via their agent if one is validly appointed.

The following form has been approved by the Electoral Commissioner for funding claims by Independent candidates:

- *FD16 - Candidate Funding Claim*

Copies can be obtained from the Commission or downloaded from the Commission's website at www.elections.wa.gov.au.

If a non-party candidate is included in a Legislative Council group, the agent of the group claims for payment.

The following form has been approved by the Electoral Commissioner for funding claims by non-party groups:

- *FD17 - Group Funding Claim*

Copies can be obtained from the Commission or downloaded from the Commission's website at www.elections.wa.gov.au.

13.4. Payment

In the case of an eligible political party claim, payment will be made to that party, as claimed by the party agent.

Independent candidates will receive payment for their eligible claim.

Payment will be made to the agent of a non-party group for an eligible group funding claim.

Payment can be made by cheque or directly deposited into a nominated financial institution. This choice should be indicated on the claim form.

14. Records to be kept

14.1. Agents of political parties, candidates, and groups

R, 5–10, 15–20

The agent of a political party, candidate or group must keep:

- a receipt book, for recording receipts of **money**
- an acknowledgment book, for recording receipts of **gifts other than money or for services**
- bank and financial institution statements

14.2. Financial controllers of associated entities

R, 5–10

The financial controller of an associated entity must keep:

- a receipt book, for recording receipts of **money**
- an acknowledgment book, for recording receipts of **gifts other than money or for services**
- bank and financial institution statements.

14.3. Agents of third-party campaigners

R, 22–25

Third-party campaigners must keep a record of all gifts received for those political purposes and maintain:

- a receipt book, for recording gifts of **money**
- an acknowledgment book, for recording receipts of **gifts other than money or for services**
- bank and financial institution statements.

Third-party campaigners must also maintain bank and financial institution statements.

14.4. Record management maintenance

R, 13, 21, 27, 32; E, s 175W

All records and bank and financial institution statements must be retained for six years following the last entry in the system and must be available for inspection by the Electoral Commissioner or the Commissioner's nominees. Non-compliance is subject to various penalties under the regulations, as shown in section 14.2 of these guidelines.

All gifts and other income received should be deposited into bank accounts specifically designated for this purpose, because personal accounts could become subject to scrutiny by the Electoral Commissioner if used for the deposit of donations.

Party agents and financial controllers of entities should also ensure that the financial recordkeeping of campaign committees and electorate organisations meet the requirements necessary to facilitate their compliance with the *Act*.

It is important that recordkeeping is maintained correctly, as all returns lodged are subject to compliance investigations by officers of the Commission, which includes the audit of any relevant records.

14.4.1. Alternative systems of recordkeeping

R, 11, 12; R, 20, Electoral (Political Finance) Notice 2000, Gazette No. 235

The records of a political party or associated entity must be kept in a form approved by the Electoral Commissioner, either by conforming with the relevant regulations or according to the provision in which the Electoral Commissioner may approve an alternative system of records for these organisations. If an alternative system of records is to be kept, an application should be made to the Electoral Commissioner prior to adopting that system.

Candidates and groups can use a computerised accounting system to keep a receipt book and acknowledgement book.

The application form to keep an alternative system of records is available from the Commission.

15. Offences

E, s 175U, s 175W, s199, R, 4–32

The *Act* and *Regulations* contain the following offences relating to funding and disclosure obligations, many of which attract substantial penalties.

15.1. Offences under the *Electoral Act 1907*

Offence	Section	Offender	Penalty
Failure to establish and keep a State campaign account.	s 175LM	Party Agent	\$36,000
		Financial controller of an associated entity	\$24,000

Offence	Section	Offender	Penalty
		Agent of a candidate or group	\$24,000
		Agent of a third-party campaigner	\$24,000
Paying money into the State campaign account that is not permitted.	s 175LO	Party Agent	\$36,000
		Financial controller of an associated entity	\$24,000
		Agent of a candidate or group	\$24,000
		Agent of a third-party campaigner	\$24,000
Failure to pay electoral expenditure from the State campaign account, or paying for an expense other than electoral expenditure from the State campaign account (separate offences).	s 175LP(1) and s 175LP(2)	The responsible person for a political entity	Either a fine 2 times the payment, or \$36,000 – whichever is greater.
Failure to transfer remaining funds out of a State Campaign Account after a terminating event occurs.	s 175LR, 175LS	Candidate or their agent Member of Parliament or their agent	Imprisonment for 2 years and \$24,000 fine
Receiving an anonymous donation and not taking acceptable action	S 175R	Party Agent	\$36,000
		Financial controller of an associated entity	\$24,000
		Agent of a candidate or group	\$24,000
		Agent of a third-party campaigner	\$24,000
Receiving a foreign contribution and not taking acceptable action.	s175SAB(2)	The responsible person for a political entity	Imprisonment for 3 years or \$36,000 \$500 per day there is no acceptable action taken
Providing false affirmation or information about being a foreign donor.	s 175SAE	The person	Imprisonment for 3 years or \$36,000

Offence	Section	Offender	Penalty
Entering a scheme to receive foreign contributions.	s 175SAF	The person	Imprisonment for 3 years or \$36,000
Exceeding the expenditure cap	s 175SP	Party Agent* Agent of a non-party candidate or group Agent of a third-party campaigner	An amount equal to 3 times the amount by which electoral expenditure exceeds the cap or \$36,000, whichever is greater.
Entering a scheme to incur electoral expenditure in excess of the cap	s 175SQ	The person	Imprisonment for 3 years and \$36,000
Unregistered third-party campaigner incurring more than \$500 of electoral expenditure	s 175SR	Agent of a third-party campaigner	A fine of an amount equal to twice the amount by which the electoral expenditure exceeds \$500
Failure of a third-party campaigner to notify the Commission of a change of details within 30 days	s 175SV(1)	Agent of a third-party campaigner	\$6,000
Failure to lodge a return by the due date.	s 175U(1)	Party Agent* Financial controller of an associated entity Agent of a candidate or group Agent of a third-party campaigner	\$36,000 \$24,000 \$24,000 \$24,000
Continued failure to lodge a return dating from the day of conviction for failure to lodge a return by the due date.	s 175U(6)–(8)	Any person required to lodge a return	\$500 per day
Lodgement of an incomplete return.	s 175U(2)	Any person required to lodge a return	\$3,000
Knowingly lodging false or misleading information in a return or claim for funding.	s 175U(3) s 175U(4)	Party Agent* Financial controller of an associated entity Agent of a candidate or group Agent of a third-party campaigner	\$36,000 \$24,000 \$24,000 \$24,000

Offence	Section	Offender	Penalty
Knowingly providing false or misleading information to a person required to lodge a return or claim for funding.	s 175U(5)	Any person	\$10,000
Failure to produce documents or give evidence when required by an authorised officer of the Electoral Commission.	s 175W(6)	Any person	\$3,000
Knowingly giving evidence that is false or misleading.	s 175W(7)	Any person	\$6,000
Hindering or interfering with the right of a person to make a political gift.	s 199A	Any person	\$1,000
* Where there is no agent of a party, the obligation to lodge a return is the responsibility of each member of the executive committee of the party as if it was that member's responsibility alone (E, s 175J).			

15.2. Offences under the Electoral (Political Finance) Regulations 1996

Offence	Regulation	Offender	Penalty
Failure to lodge a declaration verifying the information in a return lodged under the <i>Act</i> .	4(3)	Agent of a candidate or group	\$1,500
	4(1)	Party Agent*	\$3,000
	4(2)	Financial controller of an associated entity	\$3,000
	4(4), 4(5)	Agent of a third-party campaigner (s.175Q, s.175SD)	\$1,500
Failure to maintain a receipt book, acknowledgment book and bank and financial institution statements, or an approved accounting system.	15(1)	Agent of a candidate or group	\$1,500
	5(1)	Party Agent*	\$3,000
	5(1)	Financial controller of an associated entity	\$3,000
	22	Agent of a third-party campaigner (s.175Q)	\$1,500
Failure to maintain bank and financial institution statements or approved system of records for expenditure.	15(3)	Agent of a candidate or group	\$1,500
	5(2)	Party Agent*	\$3,000
	28	Agent of a third-party campaigner (s.175SD)	\$1,500
Failure to maintain an alternative system of accounts (if applicable).	11(4)	Party Agent*	\$3,000
	12(4)	Financial controller of an associated entity	\$3,000
Failure to retain all records or bank and financial institution statements for 6 years beyond the final entry (separate offences).	21	Agent of a candidate or group	\$1,500
	13	Party Agent*	\$3,000
	13	Financial controller of an associated entity	\$3,000
	27, 32	Agent of a third-party campaigner (s.175Q)	\$1,500
* Where there is no agent of a party, the obligation to lodge a return is the responsibility of each member of the executive committee of the party as if it was that member's responsibility alone (E, s 175J).			

16. Definition of terms used

E, s 175

Definitions relevant to an understanding of the legislation are provided in Part VI of the *Electoral Act 1907*, and also where necessary within the *Electoral (Political Finance) Regulations 1996*. Some of the key terms and concepts used in this publication are listed below.

16.1. Acknowledgment book

R, 8, 17, 24

Contains forms of acknowledgment issued as receipts for non-monetary gifts received, including 'gifts-in-kind'. The forms should be in duplicate, machine numbered serially, and each form should include:

- the date of the acknowledgement
- the value of the gift or service
- a description of the gift or service
- the name and address of the person, body, or organisation on whose behalf the gift is made or service is provided
- the purpose for which the gift is made or service is provided.

Acknowledgments must be issued for items with a value less than the threshold of \$2,600 as a record of all donors and to provide details of any one donor whose series of gifts equal or exceed the threshold in value.

16.2. Agent

E, s 175

A person appointed to act on behalf of a political entity for the purposes of funding and disclosure.

16.3. Affiliate fee

A fee paid by a person to an associated entity or political party in order to be attached to or to connect with the entity or political party.

16.4. Associated entity

E, s 175

An entity, whether incorporated or not, that is controlled by one or more political parties or operates for the benefit of one or more political parties at any time during a financial year.

16.5. Bank and financial institution statements

R, 10, 19, 30

An official document that summaries bank account activity over a certain period of time.

16.6. Campaign committee

E, s 175

A body of persons who form a committee to assist in the election of one or more candidates (including groups), who are endorsed by a political party.

16.7. Candidate

E, s 4

Any person who offers themselves for election as a member of the Council or Assembly.

16.8. Capped expenditure period

The period of time that commences on the day the writ is issued for an election, and ends at 6.00 pm on polling day.

16.9. Compulsory party levy

An amount imposed by a political party on elected members; on a person who is employed by, appointed to, or employed to assist an elected member; or on employees of a political party.

16.10. Election period

E, s 175

The period commencing from the day of issue of the writ for the election to the latest time on polling day an elector in the State can enter a polling booth for the purpose of casting a vote in the election.

16.11. Electoral expenditure in relation to an election

E, s 175

Expenditure incurred on goods and services that are provided during the capped expenditure period, in relation to an election.

The following categories should be disclosed:

- broadcasting an advertisement, for example, a television or radio advertisement
- publishing an advertisement in a journal
- displaying an advertisement at a theatre or other place of entertainment
- producing an advertisement that is broadcast, published, or displayed as above (even if the production of that advertisement occurs outside the capped expenditure period)
- producing any material, other than above, which requires authorisation and which is used for advertising during the capped expenditure period (even if the production of that material occurs outside the period)
- producing and distributing electoral matter addressed to particular persons or organisations, for example, mail-outs or letterbox drops to households
- paying an advertising agent's or consultant's fees in relation to the provision of material or services relating to a political purpose
- carrying out an opinion poll, or other research, for a political purpose

16.12. Electoral funding

E Part VI, Division 2A

An amount of money paid to a candidate or political party for an election. This amount is either the amount of money spent on electoral expenditure for that election, or the election funding reimbursement amount per first preference valid vote received in the contested district, whichever is the lesser amount.

16.13. Electoral funding reimbursement amount

E, s 175LC

The dollar amount which is used to determine the amount of electoral funding that a party or candidate is entitled to receive in relation to an election. The election funding reimbursement amount is adjusted each financial year on 1 July and published on the Commission's website. The following formula is used:

$$\frac{A \times B}{C} = \text{New higher or lower election funding reimbursement amount}$$

- A = previous amount
- B = CPI number published for the March quarter in the current year
- C = CPI number published for the March quarter in the previous year.

16.14. Eligible vote

E, s 175LA (1)

A vote given at an election which is a first preference valid vote. Eligible votes do not include informal votes or votes gained under a transfer of preferences.

16.15. Entitled amount

In relation to electoral funding claims, this is the election funding reimbursement amount multiplied by the number of eligible votes received in the election to which the claim relates.

16.16. Expenditure for a political purpose

E, s 175Q(5)

This is related to political contributions received by a third-party campaigner. It is the incurring of expenditure for, or in connection with, promoting or opposing, directly or indirectly, a political party or a member of parliament, or the election of a candidate or candidates in an election. It also covers expenditure incurred for the purpose of influencing, directly or indirectly, voting in an election. It includes the incurring of expenditure in connection with:

- the publication, broadcasting, display, or distribution of electoral matter in relation to an election
- the expression publicly, by any other means, of views on an issue in an election
- the making of a gift to a candidate or group in an election
- the making of a gift to a political party
- the making of a gift to a person on the understanding that that person or another person will apply, either directly or indirectly, the whole or part of the gift as mentioned above.

This is slightly different from electoral expenditure in relation to an election, also defined in this section.

16.17. Financial controller

E, s 175

The financial controller of an associated entity means:

- if the entity is a company, the secretary of the company
- if the entity is the trustee of a trust, the trustee
- in other cases, the person responsible for maintaining the financial records of the entity.

16.18. Financial year

The financial year is a 12 month time period that is used for tax and accounting purposes. It commences on 1 July and ends on 30 June in the following year.

16.19. Foreign donor

A foreign donor is:

- The government of a foreign city, state, or country.
- A company or other body or association where a government of a foreign country has:
 - more than 50% capital, voting power, or ability to appoint the board of directors; or
 - where the directors, or executive committee, are accustomed to or under an obligation (formal or informal) to follow the instructions of a foreign government, or a foreign government can exercise control over the company or association; or
 - where the company, body or association enjoys special legal rights, legal status, special benefits, or privileges under a law of a foreign country, because of its relationship with the government of the foreign country.
- A company or association (body) that is not incorporated in Australia, does not have its head office in Australia, or where the principal place of activity is not in Australia.
- An individual who is not an elector, an Australian citizen or resident, and is not a New Zealand citizen with a Subclass 444 (Special Category) visa.

16.20. Gift

E, s 175; R, 7, 8, 16, 17, 23, 24

The transfer of money, property, or a service without receiving something of equal or adequate value in return. It does not include annual subscriptions of not more than \$200 paid by a person to a political party or to a division of a political party. The transfer of property, or the provision of a service, to a candidate or third-party campaigner that is not

for a political purpose is also excluded. The transfer of money, property or services made in a private capacity for personal use is similarly not included in the definition of a gift for disclosure purposes.

Only non-monetary gifts are recorded in the acknowledgement book. Gifts of money are recorded in the receipt book.

Gifts can include:

- amounts above \$200 paid with annual membership subscriptions
- gifts-in-kind such as the provision of accounting services
- donations received from the patron of a political party
- vouchers in lieu of cash.

16.21. Group

E, s 80

A group of two or more candidates who have nominated for election to the Legislative Council and have their names grouped together on the ballot paper in accordance with section 80 of the *Act*.

Non-party groups are those that have not been endorsed by a registered political party.

16.22. Non-party candidate

A candidate that is not nominated by a registered political party in an election.

16.23. Political contribution

E, s4

A political contribution is a gift, affiliate fee or compulsory party levy.

16.24. Political purpose

E, s.4

A political purpose is:

- to promote or oppose a political party
- to have a candidate elected
- to otherwise influence voting in an election

16.25. Political party

E, s 4

An organisation whose objectives or activities include the promotion of one or more candidates it has endorsed for election to Parliament.

16.26. Receipt book

R, 7, 16, 23

Used to record relevant amounts of money received. Must contain forms of receipt in duplicate, machine numbered serially, with provision on each form for:

- the date of the receipt
- the amount of money received
- the form in which the money was received, for example, cash, cheque, electronic transfer, postal order etc.
- the name and address of the person, body, or organisation on whose behalf the amount is paid the purpose of the payment.

The issuing of receipts for amounts or gifts less than \$2,600 is important as one donor may make a series of payments which, when totalled is more than \$2,600, details of which must be disclosed.

For disclosure purposes, political parties and associated entities must record all money received in the receipt book. Candidates, groups, and third-party campaigners need only issue receipts for gifts of money or for the proceeds of a sale of a gift.

16.27. Responsible person

E, s 4

The agent for the political entity.

16.28. Political entity

E, s 4

The term political entity means a:

- Member of Parliament
- Political party
- Associated entity
- Candidate in an election
- Legislative Council group in an election

- Third-party campaigner

16.29. Specified amount

E, s 175, R, 3

The specified amount is an amount determined each year and applies to all disclosure notices, returns and claims lodged prior to the next increase. The amount is reviewed annually and published on the Commission's website.

The specified amount for the 2024-2025 financial year is \$2,600.

16.30. Third-party campaigner

E, s 175

A third-party campaigner is any individual, organisation or other entity that is not a registered political party, associated entity, candidate, Legislative Council Group or Member of Parliament which:

- receives a gift for a political purpose;
- incurs electoral expenditure in relation to an election.

16.31. Value of a gift

The value assigned to a non-monetary gift should be a current value at the prevailing commercial rate. If necessary, a professional valuation could be sought from a reputable source.

The following guidelines are suggested to assign values to non-monetary gifts:

- the current hourly award wage rate
- the current average retail price of petrol
- the level of rent normally charged for commercial premises
- the normal charge levied for the hire of equipment and vehicles
- the normal selling price of a good or service
- the normal charge for a particular service, for example, legal services or accounting services
- by consulting appropriate professional sources, for example, realty agents, auctioneers etc.).

Western Australian Electoral Commission

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