

User Guideline 2b: How to disclose a Political Contribution



WESTERN AUSTRALIAN
Electoral Commission

This User Guideline outlines when political contributions need to be disclosed, and what records should be kept about political contributions.

User Guideline 2a outlines what a political contribution is and provides guidance on banned contributions from foreign donors.

Who is responsible for disclosing political contributions?

The responsible person of a political entity must disclose political contributions received that are more than \$2,900.

The responsible person is the agent appointed by the political entity. The Commission has forms available on its' website for the appointment of an agent for each political entity at elections.wa.gov.au.

What political contributions need to be disclosed?

Political contributions more than \$2,900* need to be disclosed.

Cumulative contributions from the same donor also need to be disclosed, if they are received in the same financial year and the combined total is more than \$2,900.

Once a donor has given you political contributions more than \$2,900 in the same financial year, any additional contributions from that donor are to be disclosed, regardless of the value.

*\$2,900 is the specified amount and is indexed annually. The Commission will publish the 2027-2028 specified amount on its website, elections.wa.gov.au, prior to the commencement of that financial year.

What information needs to be provided?

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); and
- in the case of a compulsory party levy, the position held by the person who paid the levy.

Who is the donor?

The donor will be the person from whom the contribution was actually received (Person A), unless the contribution was made by person A on behalf of someone else (Person B). In the latter case, the donor will be Person B.

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 must 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 must 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; and
- the title or description of the trust fund or the name of the foundation

What if the donor is unknown?

Contributions from anonymous donors cannot be accepted. If you receive a contribution and do not know the name or address of the donor, you must take all reasonable steps to return the contribution or transfer an equivalent amount to the State or the donor within seven days of the contribution being received. Please contact the FAD team at fad@waec.wa.gov.au for assistance with this process.

How long does an agent have to disclose political contributions?

There are two different periods that apply to disclosing political contributions:

- Non-election period – within seven days of receipt.
- During an election period – by the end of the next business day after receiving a political contribution.

An election period commences once the writ is issued for an election and ends at 6.00 pm on polling day.

A contribution is received when the political entity is given the contribution.

How are political contributions disclosed?

Political contributions should be disclosed in one of the following ways:

1. Using the Online Disclosure System on the Commission's website.

To register to use the System, send your request to the FAD Team at fad@waec.wa.gov.au.

2. By emailing the Commission a completed form *FD08 – Disclosure of political contributions*
3. Using the Commission's Donor and Disclosure Excel spreadsheet templates to compile the information. These templates and a completed *FD9 – Political contributions notice* can then be submitted to the Commission via fad@waec.wa.gov.au

The templates are available on the Commission's website, elections.wa.gov.au, or by request to fad@waec.wa.gov.au.

4. Exporting a report in a csv or excel format from your accounting software, and providing this report and a completed *FD9 – Political contributions notice* to the Commission.

How do I provide the disclosure information to the Commission?

If you're using the Online Disclosure System, the Commission will have the information as soon as it is submitted.

Otherwise, the information can be emailed to fad@waec.wa.gov.au or transferred to an online shared folder. You will need to contact the Commission to arrange access to the shared online folder.

What if there is a mistake with the information submitted?

If you're using the Online Disclosure System, there are features within the System that will allow you to amend a disclosure.

Alternatively, you can email fad@waec.wa.gov.au with the details of your amendment,

Are details of the political contribution published?

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 contributor advises the political entity their personal safety would be at risk. The political entity is also responsible for informing the Commission if publication of a donor's postcode would pose a risk to their personal safety.

What records do I need to keep?

You must keep a paper or electronic copy of the following:

- a receipt book to record political contributions of money
- an acknowledgement book for recording contributions, and services rendered, other than money, commonly referred to as gifts-in-kind.
- bank and financial statements, particularly in relation to your State campaign account, refer to User Guideline 3, State Campaign Account.

All political contributions should be deposited into bank accounts specifically designated for this purpose, as they could be subject to investigations by the Commission. It is not advisable to use personal accounts.

Political parties and associated entities that use accounting software need to have their system of accounts approved by the Commission.

Candidates, Legislative Council groups and Third-party Campaigners can use a computerised system, such as Excel or accounting software, without making a specific application to the Commission.

All records should be retained for six years.

EXAMPLE A

The Citrus Party receives a gift of \$500 on the 6th of each month from one of their members, Amal. The Party receives the donation by direct deposit into their bank account dedicated to donations on the 6th of each month.

The donation the Citrus Party will receive on the 6 December 2024 will cause the cumulative amount of donations received from Amal to exceed the \$2,600 threshold in the 2024-2025 financial year. Thus, the Party Agent for the Citrus Party has until 13 December 2024, to log into the Online Disclosure System and submit details of the contribution received on 6 December, as well as the dates for the five donations received from Amal in the previous months.

The Party Agent will need to disclose Amal's name and address, as well as the date each of the six donations were received and identify that the donations were gifts.

Amal is not a silent elector, so her name and postcode will be published on the Commission's website.

The \$500 donation that will be received from Amal on 6 January 2025 will need to be disclosed by 13 January 2025. As the Agent for the Citrus Party has already disclosed the previous donations from Amal at this point, these previous donations do not need to be disclosed again.

The \$500 donation that will be received from Amal on 6 February 2025 will need to be disclosed by the end of the day on 7 February, because this donation will be received during the election period for the 2025 State election. The writ for this election will be issued on 5 February 2025.

Similarly, the donation that will be received from Amal on 6 March 2025 will also need to be disclosed by the end of the next business day, 7 March 2025, because it will be received during the election period for the 2025 State election.

However, the donations that will be received from Amal on 6 April 2025, 6 May 2025, and 6 June 2025, can be disclosed within seven days of being received, as these donations will be received outside the election period.

Summary of donations from Amal:

Date received	Amount	Cumulative total	Date to be disclosed
6-Jul-24	\$500.00	\$500.00	All 6 donations to be disclosed by 13 December 2024
6-Aug-24	\$500.00	\$1,000.00	
6-Sep-24	\$500.00	\$1,500.00	
6-Oct-24	\$500.00	\$2,000.00	
6-Nov-24	\$500.00	\$2,500.00	
6-Dec-24	\$500.00	\$3,000.00	
6-Jan-25	\$500.00	\$3,500.00	\$500 disclosed on 13-Jan-25
6-Feb-25	\$500.00	\$4,000.00	\$500 disclosed on 7-Feb-25
6-Mar-25	\$500.00	\$4,500.00	\$500 disclosed on 7-Mar-25
6-Apr-25	\$500.00	\$5,000.00	\$500 disclosed on 14-Apr-25
6-May-25	\$500.00	\$5,500.00	\$500 disclosed on 13-May-25
6-Jun-25	\$500.00	\$6,000.00	\$500 disclosed on 13-Jun-25

Further information

This User Guideline contains general information only. It is not, nor is it intended to be, a substitute or replacement for the legislation. It is your obligation to comply with the legislation. The Commission can provide general guidance on matters, but it is not able to offer legal advice. If you are in doubt as to your obligations, please seek your own independent legal advice.

If you would like further information, please contact the Commission on 9214 0400 or by emailing fad@waec.wa.gov.au

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Translating and Interpreting Service (TIS)
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National Relay Service
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SMS Relay number 0423 677 767



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