



# User Guideline 6: Member of Parliament

This User Guideline is for Members of Parliament.

Once a Member nominates in an election, the disclosure obligations associated with the person relate to their role as a candidate.

If a candidate is elected and becomes a Member, the disclosure obligations associated with the person relate to their status as a Member of Parliament.

## Who is responsible for my disclosure obligations?

An agent of a Member is responsible for:

- Lodging disclosure notices about any gifts the Member has received within the required period to disclose the information.
- Notifying the Western Australian Electoral Commission (the Commission) that the Member has a State campaign account, if the Member has such an account.
- Submitting the annual return for the Member's State campaign account, if the Member has such an account.

## How do I appoint an agent?

You *can* appoint a person as your agent who is not less than 18 years of age, consents to the appointment and does not have a prior conviction against the *Electoral Act 1907*.

If you do *not* make an appointment:

- (i) and you are a member of a registered political party, the agent of the party will be your agent
- (ii) and you are not a member of a registered party, you will be your own agent (and personally responsible for your disclosure obligations).

An agent can be appointed by emailing to [fad@waec.wa.gov.au](mailto:fad@waec.wa.gov.au) this form to the Commission:

- *FD004 - Notice of Appointment of an Agent by a Member of Parliament*

If you appoint an agent, that appointment remains in place until it is revoked or another agent is appointed.

## Example A

Ji is a Member for the Aquatic Party. Ji does not want the party agent, Amanda, to be her agent. Ji asks her accountant Mary to act as her agent. Mary agrees, but only until the election period starts. Both Ji and Mary sign the *Notice of Appointment of an Agent by a Member of Parliament* form, and Ji submits it to the Commission.

When the election period starts, Ji asks Amanda to be her agent. Both Ji and Amanda sign the *Notice of Appointment of an Agent by a Member of Parliament* form, and Ji submits it to the Commission. This revokes Mary's appointment and instates Amanda.

## Do I need to disclose gifts that I receive?

Your agent is required to disclose any gifts that you receive that are more than \$2,900.

Cumulative gifts 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 gifts more than \$2,900 in the same financial year, any additional contributions from that donor are to be disclosed, regardless of the value.

## How to disclose gifts

Gifts can be disclosed by your agent through the Commission's Online Disclosure System. Your agent should contact the Commission at [fad@waec.wa.gov.au](mailto:fad@waec.wa.gov.au) and ask to be registered to use the System.

Other options include:

- submitting a disclosure notice using the *FD08 – Disclosure of political contributions* form to [fad@waec.wa.gov.au](mailto:fad@waec.wa.gov.au); or
- submitting an excel or csv file with a completed *FD09 – Political contributions notice* to [fad@waec.wa.gov.au](mailto:fad@waec.wa.gov.au).

## Do I need a State Campaign Account?

A State campaign account is a dedicated bank account from which electoral expenditure must be paid. Only certain types of funds can be paid into the account, including:

- political contributions
- public funding payments
- other income
- interest paid on amounts in the account
- return of nomination deposits

If you intend to incur your own electoral expenditure for an election, you must establish your own State campaign account.

However, if you are a member of a registered party, you can instead use the party's State Campaign Account for any electoral expenditure which is made on your behalf.

Therefore, the following Members **do not** need to set up a State Campaign Account:

- Members who are **not** nominating for a State Election
- Members who are nominating but their agent will notify the Commission that they will use the party's State Campaign Account for any expenditure

### Example B:

Tess, Mary, Bella and Mildred are sitting Members of Parliament. The table below shows their intentions for a subsequent State election, and whether their agent will need to notify the Commission of their State campaign account after they have been nominated.

Member	Party	Contesting the Election?	Incurring their own electoral expenditure for the election?	Do they require their own State Campaign Account?
Tess	IND	No	N/A	No
Mary	IND	Yes	Yes	Yes
Bella	Pink Party	Yes	The Pink Party will deal with any electoral expenditure in its State Campaign Account.	No. Agent to notify the Commission about using the Party's State Campaign account.
Mildred	Grey Party	Yes	Yes	Yes

### How do I inform the Commission of my State campaign account?

Within five business days of your nomination, your agent should email to [fad@waec.wa.gov.au](mailto:fad@waec.wa.gov.au) the following form to the Commission:

- *FD018 – State Campaign Account Details*

### Example C

Anh is Member of Parliament for the Aquatic Party and will be nominated by the Party at a State election. The party agent Amanda acts on behalf of the party's Members and candidates, so Anh has not appointed a different agent.

The Aquatic Party will deal with all electoral expenditure for its candidates in its State Campaign Account. Amanda does not need to notify the Commission that Anh will have a State Campaign Account. However, Amanda will give notice to the Commission that Anh will use the party's State Campaign Account.

## What is electoral expenditure?

Electoral expenditure is expenditure in relation to an election incurred on the following goods and services:

- broadcasting an advertisement
- publishing an advertisement in a journal
- displaying an advertisement at a theatre or other place of entertainment
- producing an advertisement as above
- producing any material (other than the above) which requires authorisation under the *Electoral Act 1907* (the Act) s.187 and is used for advertising
- producing and distributing electoral matter such as mail outs and letter box drops to households
- paying an advertising agent's or a consultant's fees for professional services for a political purpose
- carrying out an opinion poll, or other research, for a political purpose.

In the above definition, a political purpose is:

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

## Will a cap apply to my electoral expenditure?

There is a limit or cap on electoral expenditure at State elections.

If you are nominated as a candidate by a registered political party, any electoral expenditure you incur as a Member and as a candidate will fall within the electoral expenditure cap that applies to the party. The cap that applies to political party is determined by the number of candidates they nominate.

If you nominate as an Independent in a Legislative Assembly district, you will not be allowed to spend more than \$140,400.

If you nominate as an Independent for the Legislative Council, you will not be allowed to spend more than \$70,300.

If you nominate as part of a Legislative Council group, the group collectively cannot spend more than \$70,300 multiplied by the number of candidates in the group.

## Example D

Amir is a Member of Parliament for the Aquatic Party and has pre-booked newspaper advertising worth \$10,000 to run during his election campaign.

Amir informs the party's agent, Amanda, about these expenses so that Amanda can track how much is being spent by the party and the other candidates the party will nominate at the next State election.

The party intends to nominate 15 candidates for Legislative Assembly seats, and a Legislative Council group of five candidates. The party's expenditure cap is expected to be \$2,457,500, based on the number of candidates the party will nominate. Amanda notes that Amir's electoral expense means the party has \$10,000 less in its cap, or \$2,447,500.

### **If not re-elected, what happens to my State Campaign Account?**

If funds remain in the account, and you do not intend to incur any more electoral expenditure, then the funds can be transferred to:

- the Legislative Council group State Campaign Account, if you were part of a Legislative Council group
- the State campaign Account of your party or
- if the above two options do not apply, a charity nominated by you or your agent.

### **Will my agent need to lodge an annual return?**

The annual return provides a summary of amounts paid into and out of the account during the financial year. The return must be supported by an auditor's report or financial statements for the relevant period.

An annual return needs to be lodged for your State Campaign Account by 30 November after the financial year when an election is held.

Email this form to [fad@waec.wa.gov.au](mailto:fad@waec.wa.gov.au):

- *FD019 – State Campaign Account Annual Return*

### **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.

Members of Parliament are subject to a number of other requirements, such as restrictions on the use of Member's Allowances, that are not administered by the WA Electoral Commission. Members are reminded to familiarise themselves with those other requirements and seek advice from other bodies where necessary.

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

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