

User Guideline 3:

State campaign account



WESTERN AUSTRALIAN
Electoral Commission

Electoral Act 1907, Part 6, division 2B

This User Guideline is for registered political parties.

Other political entities required to maintain State campaign accounts should refer to:

- User Guideline 5 – Third-party campaigners
- User Guideline 6 – Members of Parliament

What is a State campaign account?

A State campaign account is a bank account for the purposes of managing a political entity's electoral expenditure in relation to an election. This will keep funds for electoral expenditure separate from funds used for administration, operations, Federal elections, or other activities.

All political entities, including political parties, must set up a State campaign account for WA elections.

How do we set up a State campaign account?

The party agent is responsible for ensuring that the registered political party establishes a State campaign account within five days of registration, and keeps the State campaign account for the period in which the political party engages in incurring electoral expenditure.

The account must be set up with an authorised deposit-taking institution. There are no legislative requirements concerning what the account is called, or the type of account. The political party must ensure that only electoral expenditure is paid from the State campaign account.

The State campaign account may be kept for successive State elections. The account must not be used for federal elections.

The party agent commits an offence if a State campaign account is not established and kept as required. The penalty is a fine of \$36,000.

How do I notify the Commission of account details?

The party agent must lodge with the Commission the form: *FD18 – State Campaign Account details*. The party agent must lodge this form within five business days of the political party becoming a registered political party (unless the party agent has a reasonable excuse).

If the name of the authorised deposit-taking institution or other details change, the party agent must, within 5 business days, notify the Commission of these changes using *FD18 – State Campaign Account details*.

What funds can be paid into the account?

Only certain types of funds can be deposited into the State campaign account, such as:

- political contributions

- other income
- a person's membership subscription
- public funding payments
- interest earned on the amount in the account
- return of nomination deposits.

Funds that **cannot** be paid into the account include:

- money to be used for a purpose related to a federal election
- foreign contributions.

The party agent commits an offence if money is paid into the State campaign account other than as permitted, unless the party agent takes all reasonable steps to ensure that such money is withdrawn within five business days of becoming aware of the money being incorrectly deposited. The penalty is a fine of \$36,000.

What payments can be made from the account?

All electoral expenditure incurred by the political party must be paid from the party's State campaign account. No other expenditure from the State campaign account is permitted, aside from when the account is terminated (discussed below).

Please refer to User Guideline 4a: Electoral Expenditure, for guidance about what constitutes electoral expenditure.

What is a terminating event?

For a political party, a terminating event is when one of the following occurs:

- the political party ceases to be registered
- the political party ceases to exist; or
- the political party does not intend to incur additional electoral expenditure in relation to an election.

If, at the time one of these events occurs, there is money remaining in the State campaign account (after debts owing to the account are satisfied), the party agent must pay those funds to a charity. This must occur within 28 days of the terminating event.

A State campaign account can be closed after any remaining funds are paid to the nominated charity.

How do we lodge an annual return?

The party agent for a political party must lodge an annual return to the Commission each year by 30 November, using *FD19 – Annual return for State campaign account*.

An annual return for the State Campaign account is not required to be lodged until 30 November 2025 for the 2024-2025 financial year.

The annual return must include the following information:

- for payments into the State campaign account:
 - the date the money was paid into the account
 - the amount that was paid into the account.
- for payments out of the State campaign account:
 - a description of the good or service purchased
 - the name of the payee
 - the date the payment was made
 - the amount of the payment.

The Commission may make further queries about payments which have been listed in *FD19 – Annual return for State campaign account*. As such, records should be kept that provide more detailed information about transactions than what is included in the annual return for the State Campaign Account.

Please refer to User Guideline 4b: How to disclose Electoral Expenditure for further information about record keeping for electoral expenditure.

Please refer to User Guideline 2b: How to disclose a Political Contribution for further information about record keeping for political contributions.

There are various offences relating to a failure to disclose within the required time, or incorrect or incomplete disclosure.

EXAMPLE A

On 1 December 2024, The Pear Party receives a \$50,000 invoice from the Campaign Creative Co. for producing a series of television advertisements for their 2025 election campaign.

The Pear Party has \$20,000 in its State campaign account. This is from one donation, received on 2 November 2024 from Elliot Eel, and paid directly to the State campaign account.

The Pear Party has \$100,000 in one of its transaction accounts from other income sources.

In order to pay the invoice to the Campaign Creative Co, on 2 December 2024 the Pear Party transfers \$30,000 from its transaction account to the State campaign account. The Pear Party then pays the Invoice on 3 December 2024.

When the Pear Party submits its FD19 – Annual Return for State campaign account, these transactions are listed in the return as follows:

Part D: Payments into State campaign account

Date	Amount (\$)
2/11/24	\$20,000
2/12/24	\$30,000

Part E: Electoral expenditure paid out of State campaign account

Recipient / Vendor	Description of good or service purchased	Date	Amount (\$)
Campaign Creative Co.	Production of television advertisements	3/12/24	\$50,000

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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