

User Guideline 4:

Electoral Expenditure



WESTERN AUSTRALIAN
Electoral Commission

This guideline explains electoral expenditure and the caps that apply under the latest changes to electoral laws.

What is electoral expenditure?

It is expenditure for an election incurred on the following goods and services:

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

A political purpose is to:

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

Do caps apply for electoral expenditure?

Two different caps apply for electoral expenditure at the 2025 State Election.

The first is a general overall cap and the second cap applies only to political parties and third-party campaigners for expenditure on a candidate.

When do expenditure caps apply?

Caps apply to electoral expenditure from the day that the writs are issued for an election, to the close of polls on polling day. This is called the Capped Expenditure Period.

For the 2025 State General Election, the Capped Expenditure Period will be from 5 February 2025 to 6 pm on 8 March 2025.

Importantly, expenditure incurred prior to this period will be included within the expenditure cap/s if it was for goods or services to be provided during the Capped Expenditure Period.

What is a general cap on electoral expenditure?

The cap places a limit on how much a political party can spend on their election campaign during a certain timeframe. This timeframe starts once a writ is issued for an election and ends at 6pm on polling day.

Any expenditure before the writs are issued will still count towards the cap if the expenditure is for goods or services to be provided during the election period.

General Cap for the 2025 State election

Political entity	Cap
Political Party <ul style="list-style-type: none">• Members of Parliament representing that party• Candidates of that party• Any group the party forms in the Legislative Council• Associated entities associated with that 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 candidate for Legislative Assembly	\$130,000
Independent candidate for Legislative Council	\$65,000
Independent Group standing for Legislative Council	\$65,000 x the number of candidates in the group
Third-party campaigner	\$500,000

What is the additional cap on expenditure for a candidate?

The additional cap places a further limitation on how expenditure is to be incurred, to ensure that the totality of the general cap is not expended on one candidate or district. This additional cap differs depending on whether it is for a Legislative Assembly or Legislative Council candidate.

Legislative Assembly

An additional cap will apply to electoral expenditure substantially incurred within a Legislative Assembly district to produce, broadcast, publish or display advertising or other material by political parties and third-party campaigners, where that material:

- explicitly mentions the name of a candidate; and
- is communicated to electors in the candidate's district; and
- is not mainly communicated to electors outside the district; or
- is a consultant or advertising agent fee in respect of services or material substantially used to promote the candidate or for the purposes of having the candidate elected.

Legislative Council

An additional cap will apply to electoral expenditure substantially incurred for a Legislative Council candidate where the expenditure relates to (a) producing, broadcasting, publishing or displaying advertising or other material relating to the election by registered political parties and third-party campaigners which explicitly mentions the name of the candidate; or (b) a consultant or advertising agent's fees for services or material substantially used to promote the candidate or for the purposes of having the candidate elected.

The additional caps for the 2025 State election are:

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

See some examples overleaf:

Example A

The Citrus Party nominates Zara as a candidate in the district of Albany, Seth as a candidate in the district of Jandakot, and Mark in the district of Cockburn, for the 2025 State election.

The party's cap is \$390,000.

The Citrus Party can only spend \$390,000 in total, and no more than \$130,000 on each candidate in each district.

Example B

On 10 January 2024 the Citrus Party pays a signage company \$10,000 to produce a billboard. The billboard contains an image of Seth, the candidate for Cockburn, and Mark, the candidate for Jandakot. The message on the sign reads "Vote for the Citrus Party". The billboard is provided by the signage company to the Citrus Party for use by it during the election period in both Cockburn and Jandakot.

The expenditure of \$10,000 is within the general cap. Although the expenditure was incurred before the capped expenditure period, the material was provided during the capped expenditure period.

There is a display of advertising which explicitly mentions the name of a candidate, which is communicated to the electors in the respective districts and is not mainly communicated to electors outside the districts. Therefore, the additional cap on expenditure applies.

Example C

The Aquatic Party produces a leaflet with the images and names of six of 37 of their candidates for the Legislative Council in the election and the slogan "Vote for the Aquatic Party". The cost of the leaflet is \$8,000, and the leaflet will be distributed during the election period for the 2025 State election.

The cost of the leaflet falls within the general party cap for the Aquatic Party. This cap is determined by \$130,000 multiplied by the number of endorsed candidates for the Aquatic Party for the Legislative Assembly, plus \$65,000 multiplied by the number of endorsed candidates for the Aquatic Party for the Legislative Council. The advertising material explicitly mentions the name of each of the six candidates, therefore the additional cap for expenditure on those candidates applies.

Example D

Veda is an independent candidate for the Legislative Assembly district of Balcatta and produces an advertisement seeking election to Parliament. Veda pays \$4,000 to produce the advertisement and \$16,000 to broadcast the advertisement on television and radio. The maximum expenditure Veda can spend for the election is \$130,000. The \$20,000 is within that cap.

If Veda was instead a candidate nominated by the Aquatic Party, then the Aquatic Party's overall cap is reduced by \$20,000 and the amount they can spend as a party in the district of Balcatta is \$110,000, which is obtained by subtracting \$20,000 from the maximum cap for the Legislative Assembly district of \$130,000.

Example E

Rakesh was elected as a member for the Aquatic Party in the Legislative Assembly district of Bassendean in 2021. The party spent \$1,000 on photography for him in 2021.

When Rakesh recontests the same Legislative Assembly district for the same party in 2025, the party re-uses the photos from 2021, but spends \$4,000 to produce new corflutes with the 2021 photos. The corflutes will be provided to the Aquatic Party during the election period for use outside polling places in the Legislative Assembly district of Bassendean on polling day.

As the photos were taken for the 2021 election, the cost of the photos is not electoral expenditure for the 2025 election, and as such, will not count toward the applicable caps for the party.

However, the cost of the corflutes will be electoral expenditure for the 2025 election. The general party cap will be reduced by \$4,000, and the party has a remaining \$126,000 to spend of the additional cap for expenditure on Rakesh.

Will caps apply at future by-elections?

Separate caps apply for by-elections after 1 July 2025:

For a Legislative Assembly district by-election	
Political entity	Expenditure cap
Non-party candidate	\$390,000*
Registered political party with an endorsed candidate in that election	\$390,000*
Third-party campaigner	\$39,000*

Do I need to report on electoral expenditure?

An election return must be completed within 12 weeks of polling day. The political entities that must complete a return, and the form to be used, are as follows:

Political Entity	Form
Political Parties	FD014 – Election Return - Disclosure of Expenditure by a Political Party
Candidates (not including Candidates in a Legislative Council group)	FD010 – Election Return - Disclosure of Gifts and Expenditure by a Candidate
Legislative Council Group	FD011 – Election Return – Disclosure of Gifts and Expenditure by a Group in the Legislative Council FD012 – Election Return – Disclosure of Gifts and Expenditure by a Group in the Legislative Council
Third-Party Campaigner (who spends more than \$500)	FD013 – Election Return – Third Party Campaigners

What information needs to be provided?

The following details must be included in records of electoral expenditure incurred by a candidate or registered political party during the capped expenditure period:

- the total amount of electoral expenditure
- how much was spent in each of the following categories:
 - producing, publishing, displaying and broadcasting an advertisement in a journal, theatre or other place of entertainment
 - producing any material for advertising, other than the above, which requires authorisation under the *Electoral Act 1907* s.187
 - producing and distributing electoral matter such as mailouts and letter box drops to households
 - paying fees to an advertising agent or a consultant for professional services for a political purpose
 - carrying out an opinion poll or other research for a political purpose.

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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