



## Volunteer labour and gifts-in-kind of employee labour

- 1.1 A 'gift' is defined in section 3A of the [Electoral Act 2004](#) as any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.
- 1.2 Volunteer labour is unpaid work performed by a person outside normal working hours and/or while on leave.
- 1.3 Examples of volunteer labour include:
  - (a) handing out how-to-vote cards on election day
  - (b) door knocking outside a volunteer's regular hours of work
  - (c) putting up corflutes
  - (d) scrutineers and general assistance provided on election weekend.
- 1.4 Volunteer labour does not include labour a person performs as part of their profession or trade, or would otherwise be paid for in the ordinary course of their work. For example, a graphic designer might design a candidate's campaign materials for no charge. This service is a gift-in-kind and the price the designer would normally charge for such work must be recorded as the value and counts towards the cap.
- 1.5 There have been a number of organisations that have provided the services of their employees to political parties to assist in campaign activities. These employees may have performed campaign work on paid time (during work hours while still receiving pay from their employer). These types of arrangements will be considered a gift-in-kind and count towards the election cap.
- 1.6 The paid hours an employee performs for a political party should be recorded as a gift-in-kind made by the employer organisation to the party. The employer organisation is paying the employee's wages and receiving no benefit for the employee performing work for the organisation. On the other hand, the political party is benefitting from the employee performing work free of charge for the party.

### **Example:**

- The Bloggs Association provides the services of its employees Jack and Jill to XYZ Party for five work days (Monday to Friday).
- Jack and Jill perform various campaign activities for XYZ Party during these five days, while still being paid their regular wages by the Bloggs Association.
- Jack's wages are \$800 a week and Jill's wages are \$1,000 a week.
- The Bloggs Association will be considered as having made a gift-in-kind of \$1,800 to the XYZ Party.
- The \$1,800 is deemed election expenditure and counts towards the election cap.

### **Disclaimer**

This information is intended as a general guide only and should not be substituted for the legislation. You are advised to refer to the legislation and seek your own independent advice if necessary.