Funding and Disclosure Compliance

ELECTORAL COMMISSION QUEENSLAND

Important information for political parties in Queensland
Response to *Spence v State of Queensland*

On 17 April 2019, the High Court of Australia (HCA) made orders in relation to *Spence v State of Queensland* (the Spence Decision). As part of the Spence Decision, the HCA found that section 302CA of the amended *Commonwealth Electoral Act 1918* was wholly invalid. Therefore, section 302CA of the *Commonwealth Electoral Act 1918* is treated as though it was never enacted.

The following information clarifies the operation of Queensland's Prohibited Donors Scheme and replaces earlier guidance published by the Electoral Commission of Queensland (ECQ) in December 2018.

As a result of the Spence Decision, it is unlawful for political parties or state or local candidates to accept political donations from prohibited donors (refer to Fact Sheets 1 & 3 about what constitutes a political donation and who may be considered a prohibited donor). It is also unlawful for prohibited donors and their associates to make political donations to political parties or state or local candidates.

These laws apply regardless of whether the gift is identified as being for a State or Federal purpose. Making or accepting political donations from prohibited donors is an offence against the *Electoral Act 1992* and the *Local Government Electoral Act 2011* and penalties may apply to both the recipient and the donor (refer to Fact Sheet 10 for further information about penalties which may apply).

Fact Sheet 14 contains additional information about how the Prohibited Donors Scheme affects political parties in other jurisdictions.

The ECQ is currently considering any other impacts of the Spence Decision, and will provide further information when appropriate.