

Funding and Disclosure Compliance



IMPORTANT INFORMATION FOR DONORS TO POLITICAL PARTIES IN QUEENSLAND

The Australian Government has passed the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018* which changes the regulation of gifts and donations to political parties and third parties operating in Federal and State elections. How a gift or donation is identified or ultimately used determines whether the Federal or State law applies.

The following information will help donors to ensure any gifts and donations made to political parties from 1 January 2019 are used as intended, thereby reducing their risk of breaching Queensland laws.

When a person/entity donates to a political party they should explicitly state whether the gift or donation is intended for a Federal or Queensland electoral purpose. This statement will identify what law applies as soon as the gift and/or donation is given. It will enable both the donor and the recipient to comply with all relevant legislation, including disclosure and other requirements that must be met within specific timeframes.

It is the ECQ's view that gifts given without the above instruction, that are later used for Queensland electoral purposes, are subject to Part 11 of the *Electoral Act 1992* (EA) or Part 6 of the *Local Government Electoral Act 2011* (LGEA). Penalties could apply to the donor and/or the political party if the legal obligations have not been met. See [Fact Sheets 15 & 16 – Information for Donors](#).

In Queensland, it is illegal for property developers and their associates to give political gifts or donations (see [Fact Sheet 3 – Who is a Prohibited Donor](#)). However these prohibited donors will be able to give gifts and donations to political parties for Federal purposes under the changes in the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018*.

There is a risk that a gift or donation from a prohibited donor, that does not include instructions for its use, could be used for State electoral purposes. This would be a criminal breach of the EA and the LGEA, and penalties may apply to both the recipient and the donor as it is an offence to give or receive a prohibited political donation in Queensland.

To ensure compliance with Federal and Queensland laws, a prohibited donor should attach explicit instructions that all gifts and donations to a political party must only be used for Commonwealth electoral purposes. By doing so, an otherwise prohibited donor in Queensland will demonstrate that the donor is taking all necessary and reasonable steps to fully comply with current Queensland electoral law.

More information about your disclosure obligations

All fact sheets quoted can be found at the [ECQ website](#).

If you need more information relating to your disclosure obligations, please contact ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.