

Prohibited Donors Scheme Fact Sheet 12



WHAT IS A SCHEME TO CIRCUMVENT THE PROHIBITION ON PARTICULAR POLITICAL DONATIONS?

In Queensland it is unlawful:

- to make or accept political donations made by or on behalf of prohibited donors; and
- for prohibited donors to solicit another person/entity to make political donations; and
- for other persons acting on behalf of a prohibited donor to make political donations.

What is a scheme to circumvent prohibited political donations?

A scheme includes any arrangement, agreement, understanding, course of conduct, promise or undertaking, whether expressed or implied, intended to circumvent or to get around the prohibition on the political donations identified above.

What happens if a person participates in a scheme to circumvent prohibited political donations?

The law makes it a criminal offence for a person to knowingly participate directly or indirectly in a scheme to circumvent laws on political donations from property developers. Where

there is evidence to suggest a person has been involved in such a scheme the ECQ may take enforcement action. The maximum penalty under the law that may be imposed for a person who participates in a scheme to circumvent prohibited political donations is 1500 penalty units (\$195,825 as at 1 July 2018) or 10 years in prison.

Who may the law against schemes which circumvent the prohibitions on particular political donations extend to?

Prohibited donors or entities operating in other jurisdictions cannot be effective conduits to circumvent Queensland's donation laws. Persons breaching these laws commit serious criminal offences and could face severe penalties. See ECQ Fact Sheet 'Penalties for making an unlawful political donation'.

More information about prohibited donors

The rules and requirements applying to prohibited donors are determined in the *Electoral Act 1992* and the *Local Government Electoral Act 2011*, which are available at www.legislation.qld.gov.au.

If you have further questions, or would like more information about the obligations relating to the Prohibited Donor Scheme, please visit www.ecq.qld.gov.au, or contact ECQ on 1300 881 665 or by emailing pds@ecq.qld.gov.au.