

WHO IS A PROPERTY DEVELOPER?

In Queensland property developers, their close associates and industry bodies that have property developers as the majority of their members are prohibited from making political donations. According to the state's electoral laws, a property developer is a person or entity engaged in a business that regularly makes relevant planning applications –

- i. concerning the development of residential or commercial land; and
- ii. with the ultimate purpose of the sale or lease of the land for profit.

The ECQ administers and enforces the Prohibited Donors Scheme and determines whether a person or entity is allowed to make political donations. In doing so, it considers any applications that have been made to a Queensland Government Department or local government that administers the following laws:

- *Planning Act 2016* or the former *Sustainable Planning Act 2009*; or
- *State Development and Public Works Organisation Act 1971*; or
- *Economic Development Act 2012*.

Close associate of a property developer

Close associates of property developers are also considered property developers and therefore prohibited from making political donations. See ECQ Fact Sheet 'Who is a Close Associate?'

Penalties for prohibited donations

It is illegal to make or accept a prohibited political donation, if the recipient and/or donor knows or should have reasonably known the act is unlawful. The maximum penalty is \$52,220 or 2 years in prison.

It is also an offence for a person to knowingly try to circumvent the ban on political donations. The maximum penalty is \$195,825 or up to 10 years in prison.

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 Donors Scheme, please visit www.ecq.qld.gov.au, or contact ECQ on 1300 881 665 or by emailing pds@ecq.qld.gov.au.