

WHO IS A PROHIBITED DONOR?

Under the Prohibited Donors Scheme, a *prohibited donor* is –

- i. a property developer or their close associate; (See ECQ Fact Sheets: ‘Who is a property developer?’ and ‘Who is a close associate?’); or
- ii. an industry representative organisation, a majority of whose members are property developers.

How do Queensland’s prohibited donor laws affect prohibited donors?

Political donations from a prohibited donor are unlawful.

Consequences for knowingly making or accepting a political donation from a prohibited donor could incur a maximum penalty of 400 penalty units (\$52,220 as at 1 July 2018) or 2 years in prison. It is also an offence for a person to knowingly participate, directly or indirectly in a scheme to circumvent the prohibited donor laws. The maximum penalty that may be imposed for this offence is 1500 penalty units (\$195,825 as at 1 July 2018) or up to a period of 10 years in prison.

What does the prohibition on property developer donations seek to achieve?

The Prohibited Donor laws help to ensure public confidence in State and local government by:

1. reinforcing integrity and minimising the corruption risk that political donations from property developers may potentially cause at both State and local government levels; and
2. improving transparency and accountability in State and local government.

What if you are unsure about whether you or someone else is a prohibited donor?

The ECQ cannot respond to general or hypothetical enquiries about whether an entity is or is not a prohibited donor. You may therefore need to seek your own legal advice if you are unsure.

However, an entity may apply to the Electoral Commissioner for a determination that they or another entity is **not** a prohibited donor. A determination made by the Electoral Commissioner will have effect 12 months unless the Electoral Commissioner revokes it earlier. An entity, for whom such a determination is in effect, is not a prohibited donor. See ECQ Fact Sheet ‘Applying for and Making a Determination’.

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.