

Prohibited Donors Scheme Fact Sheet 11



UNDER WHAT CIRCUMSTANCES IS A POLITICAL DONATION REPAID?

The Prohibited Donors Scheme is retrospective to 12 October 2017.

A recipient will need to repay a political donation if –

- the donation was made to the recipient on or after 12 October 2017 and before the start date of the law on 2 October 2018; and
- it would have been unlawful for the recipient to accept the donation if it had been made immediately after the start of the law on 2 October 2018.

The amount repaid must be equal in value to the donation amount to the donor within 30 days of 2 October 2018.

What are the consequences of not repaying a prohibited political donation?

If a prohibited donation has not been refunded the ECQ may take enforcement action.

Failure to repay the prohibited political donation within 30 days of the start of the law on 2 October 2018 could attract a maximum penalty of 400 penalty units or 2 years in prison.

Recovering a prohibited donation

If a person received a prohibited donation, and the person had failed to repay it to the donor, then the amount of the donation may be recovered as a debt due to the State. A debt due to the State is doubled in circumstances if the person knew it was unlawful to receive the prohibited 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.