

Prohibited Donors Scheme Fact Sheet 8



APPLYING FOR AND MAKING A DETERMINATION

A determination is a decision by the Electoral Commissioner (or delegate) that a person or an entity is not a prohibited donor.

Why would a person apply for a determination?

Not all entities will neatly fit into the definition of a prohibited donor. If there is any doubt, potential donors and recipients should exercise caution and seek legal advice.

Applications can also be made to the ECQ for a determination a person or entity is **not** a prohibited donor. A determination gives confidence to an entity their political donations are lawful during the period the determination has effect. Determinations are in effect for up to 12 months unless revoked earlier.

How to apply for a determination

Entities can apply for a determination from the Electoral Commissioner by completing the application form 'Determination that a person or an entity is not a prohibited donor'. This form can be found [here](#). An application for determination must be supported by enough information to enable the Electoral Commissioner to assess the application.

There is no fee for making an application.

How an application for determination is processed

The ECQ will review the application to ensure compliance with electoral laws, completeness, and the accuracy of information

contained within. This may include cross-checking information with other Queensland Government agencies. Application details will be recorded electronically. The ECQ will make a recommendation to the Electoral Commissioner, as the decision-maker, as to whether a determination should be made.

The Electoral Commissioner may decide not to make a determination if:

- the application is incomplete or provides insufficient information; or
- the information provided does not satisfy the Electoral Commissioner that the person or entity is not a prohibited donor; or
- the information provided is inaccurate.

If the Electoral Commissioner decides not to make a determination it does not imply the person or entity subject to the application **is** a prohibited donor.

Unsuccessful applicants will be provided a notice outlining the reasons the Electoral Commissioner decided not to make a determination and the available options for review.

All determinations are listed on [this](#) public register.

Compliance matters related to an application for determination

It is an offence to provide information in an application the applicant knows is false or misleading.

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.