

POLICE & COURTS

# Developer donation ban test case dismissed by Supreme Court

**A think tank that intends to campaign at this year's State Election has lost its bid to be excluded from the Palaszczuk Government's controversial ban on developer donations.**

Vanessa Marsh, Court reporter, The Courier-Mail

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A QUEENSLAND think tank involved in political campaigning has lost its Supreme Court bid to be excluded from the developer donation ban legislation.

The test case brought by the Australian Institute for Progress against the Electoral Commission of Queensland sought a declaration from the court that a donation to it and other third party groups was not within the meaning of "political donation" under the legislation.

[Lost developer donations could go to Labor](#)

[Real winners from political donations decision](#)

In February, the AIP advised the ECQ it intended to participate in the State election later this year including by producing and distributing material advocating for or against political parties.

"The letter noted that the AIP's funding sources included some prohibited donors, and concluded by asking the Commission to advise "whether it is legal for prohibited donors to donate to us if we conduct these activities?," Justice Peter Applegarth wrote in his judgment handed down today.



Justice Peter Applegarth dismissed the AIP's application.

The ECQ responded informing the AIP that it would be in breach of the developer donation rules if it proceeded as intended.

"As such, an entity would likely be committing an offence by accepting an unlawful donation and incurring electoral expenditure and the other entity would likely be committing an offence by making a gift," Justice Applegarth wrote.

The AIP then took the case to the Supreme Court in a test of the legislation, calling for it and other third party groups to be excluded from the ban.

The Electoral Commission argued that the declaration the AIP sought "take a vague form and are so imprecise that they would not quell any controversy between the parties".

The Attorney-General also intervened in the proceedings and submitted the AIP's application should be refused "because it seeks relief in respect of a hypothetical question and a declaration in the terms sought would be advisory in nature; and ... in any event, the construction of the Act adopted by the Commission is correct".

Justice Applegarth dismissed the AIP's application, saying the declarations sought "lack utility, and it would be inappropriate to grant any of them, or even declarations which refer to the AIP rather than any Third Party".

"...the AIP has not established that it is appropriate to grant declaratory relief in the form sought by it or in a similar form which is not fact-specific as to the precise activities to which the declaration refers," he wrote.

AIP executive director Graham Young told *The Courier-Mail* before the court case that a range of community groups, such as churches, environment and industry groups and sports clubs, would be affected by the ECQ's edict.

Mr Young said the group had no choice but to go to court as the legislation threatened its very existence.



 Australian Institute of Progress executive director Graham Young.

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