



20 February 2020

Mr Graham Young
Executive Director
Australian Institute for Progress
PO Box 1365
FORTITUDE VALLEY QLD 4006
Email: graham.young@aip.asn.au

Dear Mr Young

Thank you for your letter dated 11 February 2020 seeking advice whether it is legal for “prohibited donors” to provide gifts to the Australian Institute for Progress (AIP).

Under the *Electoral Act 1992* and the *Local Government Electoral Act 2011*, an entity that participates in a state or local government election and incurs electoral expenditure is considered a third party. Electoral expenditure is expenditure incurred, whether during an election period or otherwise, on any of the following:

- broadcasting a political advertisement;
- publishing a political advertisement in a journal (e.g. newspaper, magazine or other periodical);
- publishing a political advertisement on the internet;
- displaying a political advertisement at a place of entertainment (e.g. a theatre);
- producing and distributing other material that advocates a vote for or against a candidate, group of candidates or registered political party, and is required to include an authorisation; or
- carrying out an opinion poll or other research relating to the election if the dominant purpose of the opinion poll or research is to, directly or indirectly –
 - promote or oppose the election of a candidate or group of candidates
 - promote or oppose a registered political party in relation to the election;
 - or
 - otherwise influence voting at the election.

You state in your letter that the AIP conducts research and runs advocacy campaigns, amongst other activities, and potentially recommends a vote for or against a particular candidate or party. On this basis, the ECQ considers the AIP to be a third party.

Under the Prohibited Donors Scheme (PDS), gifts from a property developer, their close associates or industry representative organisations to a third party to incur electoral expenditure are prohibited. 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.

You also state in your letter that the AIP receives funding from "some prohibited donors". To clarify this disclosure, could you please advise:

- when these gifts were made
- the name of the entities who provided the gifts
- the amount or value of the gifts?

The ECQ would appreciate a response in writing by **Monday, 2 March 2020** so that the ECQ can consider what action is appropriate, if any. Please note that appropriate action may include the ECQ recovering unlawful donations as a debt to the State.

For more information about third party disclosure obligations and the PDS, please refer to our website for fact sheets and guides for third parties in State and local government elections.

Should you require further information regarding this matter, please contact Ms Melanie Mundy, Director, Funding, Disclosure and Compliance, ECQ on 1300 881 665 or at fad@ecq.qld.gov.au.

Yours sincerely



Pat Vidgen PSM
Electoral Commissioner