

Political Donations and Gifts Disclosure Statement to Kyogle Council

If you are required under section 147(4) or (5) of the Environmental Planning and Assessment Act 1979 to disclose any political donations or gifts made to a local Councillor or candidate, or member of Kyogle Council staff (see attached page for details), please fill in this form and sign below.

A disclosure statement of a reportable political donation or gift must accompany a planning application or submission if the reportable donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a disclosure statement must be sent to the relevant consent or approval authority within 7 days after the donation or gift is made. Please read accompanying guidelines.

PRINT

Person making disclosure statement					date lodged	DA No.	/
<u>Persons with Financial interest:</u>	Donation or Gift?	Name of donor or person making the gift (or ABN if an entity)	Residential address / registered office	Name of the party or person to benefit from gift or donation	Date made	Amount/Value	See footnote
Section 1 Planning Application or s96 Modification or Declaration within 7 days after submission and before determination							
Owner of land							
Applicant (if different from the owner)							
Other with a financial interest							
Section 2 Submissions							
Person making a submission							
Sections 1 & 2 - Additional names:							

By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.

[Council: Public notification within 14 days on website < >]

Signature ...

date

Footnote to Amount / Value: A reportable political donation or gift to a Kyogle Council Councillor or member of Staff is –

- \$1000 or more made to or for the benefit of the party, elected member, group or candidate; or
- \$1000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor; or
- Less than \$1000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1000 or more.

Environmental Planning & Assessment Act 1979, s 147; Election Funding and Disclosures Act 1981; Local Government and Planning Legislation Amendment (Political Donations) Act 2008.

Planning Application requirement re Political Donations & Gifts.

Commencing Wednesday, October 1, 2008, all applications must contain a disclosure clause of all political donations or gifts, made to a Kyogle Council Councillor or candidate, or employee of Kyogle Council, during the previous two years of the time the development application (or public submission to them) is made, or of applications for the modification of a development consent. Political donations or gifts are not relevant to the determination of a development application, nor are they grounds for challenging a determination. The Act does not apply to Complying Developments.

A Disclosure must be made by any person who has a financial interest in a planning application and who has made a reportable political donation in the two (2) years before the application is made and/or determined. (If the donation or gift was made after submission but before determination, a disclosure statement must be provided within seven (7) days of being made).

Definitions:

A Political Donation is: a gift made to or for the benefit of a party, an elected member, candidate or group of candidates, or an entity or other person (not aforementioned), the whole or part of which was used or is intended to be used by the entity or person – to enable or reimburse, directly or indirectly political donation or electoral expenditure.

A Gift includes: any disposition of property made by a person to another person (other than by will); a disposition of money or money's worth; the provision of a service other than volunteer labour; an amount paid as a contribution, entry fee or other payment to entitle a person to participate in or otherwise obtain any benefit from a fund-raising venture or function; an annual or other subscription paid to a party by a member of the party, or a person or entity for affiliation with the party.

A Reportable Donation is: \$1000 or more made to or for the benefit of the party, elected member, group or candidate; or to a major political donor and made by the major political donor; or less than \$1000 if the aggregated total of the donation made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30th June) is \$1000 or more. (A donation to a local councillor of any local council includes any donation made at the time the person was a candidate for election to the council).

A person has a Financial Interest if: (a) the person is the applicant or the person on whose behalf the application is made, or (b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or (c) the person is associated with a person referred to under (a) or (b) and is likely to obtain a financial gain if the development the subject of the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or (d) the person has any other interest related to the application, the site or the owner of the site that is prescribed by the regulations.

A person is Associated With another person if: (i) they carry on a business together in connection with the relevant planning application (in the making of any such application) or that may be affected by the granting of the application (in the case of a planning submission), or (ii) they are related bodies corporate, or (iii) one is a director of a corporation and the other is any related corporation or director of any related corporation, or (iv) they have any other relationship prescribed by the regulations.

A Public Submission is: a written submission made by a person objecting to or supporting a planning application or any development that would be authorized by the granting of the application.

Detail required of Political Donations and of Gifts for all planning applications:

The disclosure information required is:

- The name of the party or person for whose benefit the donation / gift was made,
- The date on which the donation / gift was made,
- The name of the donor / person who made the gift,
- The residential address of the donor / person who made the gift (in the case of an individual) or the address of the registered or other official office of the donor / person who made the gift (in the case of an entity),
- The amount (or value) of the donation / gift.
- In the case of a donor that is an entity and not an individual – the Australian Business Number (ABN) of the entity.

Penalties for not making a Disclosure or making a False Disclosure.

A person is guilty of an offence under s125 of the EP&A Act if the person fails to make a disclosure of a reportable political donation or gift under s147(4),(5) if it is reasonable for that person to know that such a reportable donations or gifts should have been disclosed. It is also an offence to make a false disclosure statement. The current maximum penalty is \$22000 (200 penalty points) or imprisonment for 12 months, or both.

NB Councillors and candidates for civil office are required to disclose political donations and electoral expenditure, record of which will be maintained on a public register with the Electoral Funding Authority. A Public Register will be maintained containing each planning decision made at council or committee meeting with names of councillors who supported or opposed the decision.