

Political donations disclosure statement



NSW GOVERNMENT
Department of Planning

Office use only:

Date received: ____/____/____

Planning application no. _____

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to the Minister or the Director-General.

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below). Once completed, please attach the completed declaration to your planning application or submission.

Explanatory information

Making a planning application or a public submission to the Minister or the Director-General

Under section 147(3) of the Environmental Planning and Assessment Act 1979 ('the Act') a person:

- (a) who makes a *relevant planning application* to the Minister or the Director-General is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by any *person with a financial interest* in the application, or
- (b) who makes a *relevant public submission* to the Minister or the Director-General in relation to the application is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by the person making the submission or any *associate of that person*.

How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation is made before the application or submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation is made.

What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General of the Department of Planning.

Note: A separate Disclosure Statement Template is available for disclosures to councils.

Warning: A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147.

The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part.

Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

Glossary of terms (under section 147 of the *Environmental Planning and Assessment Act 1979*)

gift means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows:

gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

local councillor means a councillor (including the mayor) of the council of a local government area.

relevant planning application means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
 - b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
 - c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
 - d) an application for development consent under Part 4 (or for the modification of a development consent), or
 - e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application,
- but does not include:
- f) an application for (or for the modification of) a complying development certificate, or
 - g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
 - h) any other application or request that is excluded from this definition by the regulations.

relevant period is the period commencing 2 years before the application or submission is made and ending when the application is determined.

relevant public submission means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

reportable political donation means a reportable political donation within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

86 Meaning of "reportable political donation"

- (1) For the purposes of this Act, a reportable political donation is:
 - (a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
 - (b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
 - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
 - (ii) made to the major political donor.
- (2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
- (3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
- (4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

a person has a financial interest in a relevant planning application 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 in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by 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 relating to the application, the site or the owner of the site that is prescribed by the regulations.

persons are associated with each other if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d) they have any other relationship prescribed by the regulations.

Woolworths Limited – Disclosable Payments to Political Parties since 2009/10

Name of donor	Donor's residential address	Name of party or person for whose benefit the donation was made	Date donation made	Amount / value of donation
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Function with Minister for Employment Participation	21/07/2009	\$2,500
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia (NSW Division) <i>Business Forum</i>	8/9/2009	\$4,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) State Conference Business Observer	9/11/2009	\$4,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia (NSW Division) <i>Millennium Forum Membership</i>	4/12/2009	\$11,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Business Dialogue Executive Partner 09/10	9/2/2010	\$13,750
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Function with NSW Premier	9/2/2010	\$2,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia (NSW Division) <i>Countdown to Change Function</i>	17/3/2010	\$3,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Business Dialogue Executive Partner 10/11	7/5/2010	\$13,750
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia (NSW Division) <i>Function with Fed Shadow Minister Finance and Debt Reduction</i>	8/5/2010	\$500
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Function with Federal Treasurer	14/5/2010	\$2,500
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia (NSW Division) <i>Function</i>	19/5/2010	\$750
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	National Party of Australia (NSW Branch) National Engagement Program	19/5/2010	\$9,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	National Party of Australia (NSW Branch) Function with Shadow Treasurer	30/6/2010	\$1,000

Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia – NSW Division <i>Function with Leader of Opposition</i>	27/07/2010	\$750
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia – NSW Division <i>Stand Up for Australia Supporters Dinner</i>	16/08/2010	\$2,750
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia – NSW Division <i>Function with Shadow Minister for Finance</i>	19/08/2010	\$1,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia – NSW Division <i>2010 Business Forum</i>	17/09/2010	\$10,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	National Party of Australia (NSW Branch) National Engagement Program	25/11/2010	\$11,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Liberal Party of Australia – NSW Division <i>Millennium Foundation Sponsorship</i>	6/12/2010	\$11,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	National Party of Australia (NSW Branch) Function	7/12/2010	\$200
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Australian Labor Party (NSW Branch) Business Dialogue	28/6/2011	\$5,000
Woolworths Limited	1 Woolworths Way, Bella Vista NSW 2153	Country Labor Party (NSW Branch) Country Business Forum Membership	28/6/2011	\$4,000

Disclosure Period – 1/7/09 – 31/12/09

Annexure A

Date of Donation	Donor Recipient	Address	ABN	Amount of Value or Donation	Monetary (M) or Gift(G)
4/12/2009	Liberal Party of Australia (NSW Division) <i>Millennium Forum Membership</i>	9th Floor, 140 William Street, East Sydney NSW	68 324 857 904	\$11,000	M
8/9/2009	Liberal Party of Australia (NSW Division) <i>Business Forum</i>	9th Floor, 140 William Street, East Sydney NSW	68 324 857 904	\$4,000	M
21/07/2009	Australian Labor Party (NSW Branch) <i>Function with Minister for Employment Participation</i>	9th Floor, 377-383 Sussex Street, Sydney NSW	36 192 855 036	\$2,500	M
9/11/2009	Australian Labor Party (NSW Branch) <i>State Conference Business Observer</i>	9th Floor, 377-383 Sussex Street, Sydney NSW	36 192 855 036	\$4,000	M

Annexure A
Donor to Political Party Return - Woolworths Limited - NSW Electoral Commission
Financial year 2009-2010

Date of Donation	Donor Recipient	Address	Amount of Value or Donation	Donation Code
17/3/2010	Liberal Party of Australia (NSW Division) <i>Countdown to Change Function</i>	9th Floor, 140 William Street, East Sydney NSW	\$3,000	M
8/5/2010	Liberal Party of Australia (NSW Division) <i>Function with Federal Shadow Minister Finance and Debt Reduction</i>	9th Floor, 140 William Street, East Sydney NSW	\$500	M
19/5/2010	Liberal Party of Australia (NSW Division) <i>Function</i>	9th Floor, 140 William Street, East Sydney NSW	\$750	M
9/2/2010	Australian Labor Party (NSW Branch) <i>Business Dialogue Executive Partner 09/10</i>	9th Floor, 377-383 Sussex Street, Sydney NSW	\$13,750	M
9/2/2010	Australian Labor Party (NSW Branch) <i>Function with NSW Premier</i>	9th Floor, 377-383 Sussex Street, Sydney NSW	\$2,000	M
14/5/2010	Australian Labor Party (NSW Branch) <i>Function with Federal Treasurer</i>	9th Floor, 377-383 Sussex Street, Sydney NSW	\$2,500	M
7/5/2010	Australian Labor Party (NSW Branch) <i>Business Dialogue Executive Partner 10/11</i>	9th Floor, 377-383 Sussex Street, Sydney NSW	\$13,750	M
19/5/2010	National Party of Australia (NSW Branch) <i>National Engagement Program</i>	5th Floor, 30 Carrington Street, Sydney NSW	\$9,000	M
30/6/2010	National Party of Australia (NSW Branch) <i>Function with Shadow Treasurer</i>	5th Floor, 30 Carrington Street, Sydney NSW	\$1,000	M

Annexure A
Donor to Political Party Return - Woolworths Limited – NSW Electoral Commission
Financial year 2010-2011

Date of Donation	Donor Recipient	Address	Amount of Value or Donation	Donation Code
27/07/2010	Liberal Party of Australia – NSW Division <i>Function with Leader of Opposition</i>	Level 9 140 William Street East Sydney NSW 2011	\$750	M
16/08/2010	Liberal Party of Australia – NSW Division <i>Stand Up for Australia Supporters Dinner</i>	Level 9 140 William Street East Sydney NSW 2011	\$2,750	M
19/08/2010	Liberal Party of Australia – NSW Division <i>Function with Shadow Minister for Finance</i>	Level 9 140 William Street East Sydney NSW 2011	\$1,000	M
17/09/2010	Liberal Party of Australia – NSW Division <i>2010 Business Forum</i>	Level 9 140 William Street East Sydney NSW 2011	\$10,000	M
25/11/2010	National Party of Australia (NSW Branch) <i>National Engagement Program</i>	5th Floor, 30 Carrington Street, Sydney NSW	\$11,000	M
7/12/2010	National Party of Australia (NSW Branch) <i>Function</i>	5th Floor, 30 Carrington Street, Sydney NSW	\$200	M
6/12/2010	Liberal Party of Australia – NSW Division <i>Millennium Foundation Sponsorship</i>	Level 9 140 William Street East Sydney NSW 2011	\$11,000	M
28/6/2011	Australian Labor Party (NSW Branch) <i>Business Dialogue</i>	9th Floor 377-383 Sussex Street, Sydney NSW	\$5,000	M
28/6/2011	Country Labor Party (NSW Branch) <i>Business Dialogue</i>	9th Floor 377-383 Sussex Street, Sydney NSW	\$4,000	M