

Application for a determination that a person is not a prohibited donor

Section 277(1) of the *Electoral Act 1992* and section 113D(1) of the *Local Government Electoral Act 2011* allows a person to apply for a determination that a person (being either the applicant themselves, or another person or entity) is not a prohibited donor.

Enquiries and lodgements

Please direct all enquiries and lodgements to the Funding and Disclosure team by:

Email: fad@ecq.qld.gov.au

Telephone: 1300 881 665

Post: GPO Box 1393 BRISBANE QLD 4001

Definitions

Director of a company is a person who is appointed to the position of a director (however described), or otherwise meets the definition in section 9 of the *Corporations Act 2001* (Cth).

Industry representative organisation is generally an organisation which is established and funded by businesses that operate in a specific industry. Unions are generally not considered industry representative organisations. However, unions may be a property developer or a close associate of a property developer, depending on the nature of their entity type, and their activities.

Officer of a company is a person who is a director or secretary (but not a shareholder) of the corporation, or otherwise meets the definition in section 9 of the *Corporations Act 2001* (Cth).

A corporation is **related** to another corporation if the first corporation is:

- A holding company of the other corporation,
- A subsidiary of the other corporation, or
- A subsidiary of a holding company of the other corporation.

Relevant planning application means—

- (a) an application for, or to change, a development approval under the *Planning Act 2016* or the repealed *Sustainable Planning Act 2009*, or
- (b) a request to the Minister administering the *Planning Act 2016* or the repealed *Sustainable Planning Act 2009* or a local government about the making or amendment of a planning instrument or designation under either Act, or
- (c) an application for, or to change, an SDA approval under the *State Development and Public Works Organisation Act 1971*, or
- (d) a request or application to the Minister who administers the *State Development and Public Works Organisation Act 1971* or the Coordinator-General about the following under that Act—
 - (i) the declaration or variation of a coordinated project, prescribed development, prescribed project or State development area,
 - (ii) the imposition of, or change to, conditions on a coordinated project,
 - (iii) the preparation or variation of a development scheme, or
- (e) an application for, or to change, a PDA development approval under the *Economic Development Act 2012*, or
- (f) a request to the Minister who administers the *Economic Development Act 2012* or the MEDQ about the making, declaration or amendment of any of the following under that Act—
 - (i) a priority development area or provisional priority development area,
 - (ii) a development scheme, interim land use plan, or PDA-associated development for a priority development area,
 - (iii) a provisional land use plan or PDA-associated development for a provisional priority development area, or
- (g) an application or request of a type prescribed by regulation to be a relevant planning application.

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Spouse includes a de facto partner and civil partner. A de facto partner is either 1 of 2 persons who are living together as a couple on a genuine domestic basis who are not married to each other or related by family. A civil partner is a person who is a party to a civil partnership registered under the *Civil Partnerships Act 2011*.

Stapled structure is an arrangement where two or more entities that are commonly owned (at least one of which is a trust) are bound together, such that they cannot be bought or sold separately.

Part A: Contact person

NAME OF CONTACT PERSON

ADDRESS OF CONTACT PERSON

EMAIL ADDRESS OF CONTACT PERSON

TELEPHONE NUMBER OF CONTACT PERSON

I AM SEEKING A DETERMINATION FOR:

☐ MYSELF (SKIP TO PART D)

☐ A COMPANY OF WHICH I AM
A DIRECTOR/SHAREHOLDER
OR OTHER OFFICE HOLDER

☐ ANOTHER PERSON OR ENTITY

If you are seeking for a determination to be made for multiple entities, a separate application form should be submitted for each determination being sought.

Part B: Details of the person or entity for which a determination is sought

I AM SEEKING A DETERMINATION TO BE MADE FOR:

PLEASE TICK ONE:

☐ A COMPANY
(CORPORATION)

☐ ANOTHER TYPE OF ENTITY

☐ AN INDIVIDUAL

☐ AN INDUSTRY
REPRESENTATIVE
ORGANISATION

NAME OF ENTITY

IF A COMPANY – ABN AND/OR ACN

IF AN INDIVIDUAL – DATE OF BIRTH

ADDRESS OF THE ENTITY

EMAIL ADDRESS OF THE ENTITY

TELEPHONE NUMBER OF THE ENTITY

WEBSITE OF THE ENTITY

If you are seeking an application for an individual, skip to Part D.

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Part C: Nature of the entity for which a determination is sought

If there is insufficient space below, please provide additional pages.

C.1. Is the entity mentioned in Part B carrying on its own business?

☐ Yes

☐ No

(a) If yes – outline the nature of the business being conducted.

(b) If no – for what purpose does the entity exist?

If applicable, provide a copy of the most recently available financial statements for the entity mentioned in Part B.

C.2. Does the entity mentioned in Part B have an interest in land?

☐ Yes (Complete the following table)

☐ No

Address	Local government area	What is the land being used for?

C.3. In relation to the land mentioned in Table C.2 above, have any relevant planning applications been lodged?

☐ Yes (Complete the following table)

☐ No

Include all relevant planning applications, regardless of who actually lodged the planning application.

Planning application number	Address	Purpose of planning applications

The ECQ will attempt to locate documents relating to these planning applications online. If the documents can not be found, the ECQ may request these directly from you.

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C.4. Has the entity listed in Part B made any other relevant planning applications, which are not related to land listed in Table C.2?

- ☐ **Yes (Complete the following table)**
- ☐ **No**

The ECQ will attempt to locate documents relating to these planning applications online. If the documents can not be found, the ECQ may request these directly from you.

Planning application number	Address	Name of land owner	Purpose of planning applications

C.5. Does the entity listed in Part B have any intention of lodging relevant planning applications in future?

- ☐ **Yes**
- ☐ **No**

- (a) If yes – why should the ECQ consider that the entity is not engaged in a business which involves making relevant planning applications?
- (b) If no – outline why you believe that no further relevant planning applications are required for the entity.

C.6. Were any of the relevant planning applications lodged for a purpose other than the sale or lease of the land for profit?

- ☐ **Yes**
- ☐ **No**

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C.7. Were any of the relevant planning applications lodged, for the purpose of carrying on a business of the entity mentioned in Part B?

- ☐ Yes (Outline how the applications are relevant for the entity's business)
- ☐ No

Part D: Relationships with other entities

D.1. Is the entity in Part B a corporation which is related to another corporation?

- ☐ Yes (Complete the following table for each related corporation)
- ☐ No

Provide a diagram of the corporate structure of the group.

Company	ACN	Relationship (e.g. wholly owned subsidiary, holding company, etc.)

D.2. Does the entity in Part B own shares in a company?

- ☐ Yes (Complete the following table for each company in which shares are owned)
- ☐ No

Company	ACN	% of shares held

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D.3. Does the entity in Part B (or a related body corporate of the entity) hold units in a unit trust?

☐ Yes (Complete the following table for each trust in which units are held)

☐ No

If possible, provide a copy of the trust deed.

Name of trust	Name of trustee	ABN / ACN	% of units held

D.4. Is the entity in Part B a beneficiary of a discretionary trust?

☐ Yes (Complete the following table for each trust)

☐ No

If possible, provide a copy of the trust deed.

Name of trust	Name of trustee	ABN / ACN

D.5. Is the entity in Part B a stapled entity in relation to a stapled security?

☐ Yes (Complete the following table for each other stapled entity)

☐ No

Name of stapled entity	ACN

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D.6. Is the entity in Part B an individual who is a director or other office holders of a company?

- ☐ Yes (Complete the following table for each company)
- ☐ No

Company	ACN

D.7. Is the entity in Part B an individual who is a spouse of directors or other office holders of any of the companies listed in Question D.6 above?

- ☐ Yes
- ☐ No

Part E: Further information

If there is any other information you wish to be considered as part of this application, please provide this information below.

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Part F: Additional documentation provided

To assist with processing this application, attach the following documents to this application, as appropriate for your circumstances:

Document	Attached
Diagram of corporate structure relating to the entity in Part B	<input type="checkbox"/> Yes <input type="checkbox"/> No
Most recent financial statements for the company mentioned in Part B (as per Question C.1)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Company constitution for the company mentioned in Part B	<input type="checkbox"/> Yes <input type="checkbox"/> No
Trust deeds for the trusts listed in Question D.3 and D.4	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part G: Declaration

A person who provides information to the ECQ in connection with an application for a determination by the Electoral Commissioner (or delegate) knowing that the information is false or misleading in a material particular is guilty of an offence. The maximum penalty for the information offence is 400 penalty units (\$57,500 as at 1 July 2022) or 2 years imprisonment.

I,

YOUR NAME

do solemnly and sincerely declare that the information provided in this application form and any attachments is, to the best of my knowledge and belief, true and correct.

YOUR SIGNATURE

/ /

DATE

The *Information Privacy Act 2009* protects the personal information you submit. Consideration of your application may involve consultation and if so, details may be disclosed to third parties. Your information will not be otherwise disclosed outside the Electoral Commission of Queensland unless required or authorised by law.