

Instructions/notes

1. Any person who is a candidate for election to an office of a council must complete this form and furnish it to the returning officer within the time periods set out in section 80(3) of the *Local Government (Elections) Act 1999*.
2. The period to which the return must relate is called the **disclosure period**. For the purposes of this return –
 - (a) the disclosure period is the period that commenced –
 - (i) in relation to a candidate in an election who was a new candidate [other than a candidate referred to in subparagraph (ii)] – on the day on which the person announced that they would be a candidate in the election or the day on which the person's nomination as a candidate was lodged with the returning officer, whichever was the earlier; or
 - (ii) in relation to a candidate in an election who was a new candidate and when they became a candidate in the election was a member of the council by virtue of having been appointed under Chapter 3 of the *Local Government Act 1999* – on the day on which the person was so appointed as a member of the council; or
 - (iii) in relation to a candidate in an election who was not a new candidate – at the end of 21 days after polling day for the last preceding election in which the person was a candidate,
 and that ended, in any of the above cases, at the end of 21 days after polling day for the election; and
 - (b) a candidate is a **new candidate**, in relation to an election, if the person had not been a candidate in the last general election of a council and had not been a candidate at a supplementary election held after the last general election of a council.
3. A **gift** is a 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.
4. A return need not set out any details in respect of –
 - (a) a private gift made to the candidate; or
 - (b) a gift if the amount or value of the gift is less than \$500; or
 - (c) a gift disclosed in a large gift return under section 81A of the *Local Government (Elections) Act 1999*.

A gift made to a candidate is a **private gift** if it is made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.
5. Two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as one gift.
6. The **return must be forwarded** to the returning officer at the following times:
 - (a) within 7 days of the end of the period commencing from the start of the disclosure period for the election (within the meaning of section 81B(a)) and ending—
 - (i) in the case of a periodic election—21 days after the close of nominations; or
 - (ii) in any other case—7 days after the close of nominations; and
 - (b) within 30 days after the conclusion of the election.
7. **The following information must be included:**
 - (a) the total amount or value of all gifts received by the candidate during the disclosure period; and
 - (b) the number of persons who made those gifts; and
 - (c) the amount or value of each gift; and
 - (d) the date on which each gift was made; and
 - (e) in the case of each gift made on behalf of the members of an unincorporated association—
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; and
 - (f) in the case of each gift made on behalf of the members of an unincorporated association—
 - (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and
 - (g) in the case of each other gift—the name and address of the person who made the gift.

NOTE

If a person who is required to furnish a return considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may –

- (a) prepare the return to the extent that it is possible to do so without those particulars; and
- (b) furnish the return so prepared; and
- (c) give to the chief executive officer notice in writing –
 - (i) identifying the return; and
 - (ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and
 - (iii) identifying those particulars; and
 - (iv) setting out the reasons why he or she is unable to obtain those particulars; and
 - (v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars – stating that belief and the reasons for it and the name and address of that other person.