

Political Donations Policy

1. Purpose of this policy

This policy specifies certain restrictions on the making of Political Donations by Brickworks Limited and its related bodies corporate ("**Brickworks Group Companies**"), and individuals who are directors or officers (and their spouses) or employees of Brickworks Group Companies.

2. Scope

This policy applies to:

- (a) Brickworks Group Companies; and
- (b) all directors, officers, employees and contractors of Brickworks Group Companies ("**Brickworks Personnel**") and the spouses/partners of directors and officers of Brickworks Group Companies.

3. What is a Political Donation?

A "**Political Donation**" includes a gift or payment made to, or for the benefit of, a political party, an elected member of Parliament or local council, a candidate or group of candidates, a third party campaigner, an employee of a local council or Government department, or any person who intends to use such a gift or payment to make a Political Donation themselves.

Specific examples include:

- a donation of money to a political organisation or candidate;
- an entry fee, contribution or other payment made to attend a fundraising event or function hosted by a political organisation;
- a fee paid for membership of a political organisation;
- non-cash payment such as gifts or prizes for a political fundraiser; and
- the provision of goods or services to a political organisation at no charge or a discounted rate.

4. Political Donations are not permitted

Brickworks Personnel are **not permitted** to make Political Donations at any time on behalf of the Brickworks Group or otherwise using funds of the Brickworks Group.

5. Personal donations

This policy does not cover the activities of Brickworks Personnel, in their personal capacities.

However, all Brickworks Personnel should be aware that there are laws governing who may or may not make Political Donations. Brickworks Personnel (or their spouses or partners) who wish to make Political Donations in their personal capacity should satisfy themselves (including by seeking their own advice if they wish) as to whether they are permitted to do so. Some general guidance (which is not intended to be legal advice) can be found in the attached information sheet.

6. Questions?

If you have any questions about this policy or concerns about possible breaches, please contact the General Counsel and Company Secretary.

Personal Political Donations by Brickworks officers and staff

The purpose of this information sheet is to set out a summary of some of the prohibitions on making political donations under New South Wales law, and to consider some scenarios you might encounter in relation to political donations you make in your personal capacity. **Please be aware that this information sheet is not intended to be legal advice.** Rather, it reflects Brickworks' understanding of the law in force in New South Wales and its potential impact on the private activities of Brickworks' officers and staff.

In summary, New South Wales law prohibits property developers and "close associates" of property developers from making certain political donations. Given the risk that it will be regarded as a property developer, Brickworks has decided to proceed on the basis that it is prohibited nationally from making any political donations, and that its employees, directors and officers should not make political donations on its behalf. For further information, see Brickworks' Political Donations Policy.

Additionally, if Brickworks is a property developer, New South Wales law also prohibits directors and officers of Brickworks Limited and its related bodies corporate (and their spouses or de facto partners) from personally making certain political donations (i.e., using their own money), or soliciting another person to make a political donation.

Under the relevant NSW law, political donations are gifts made to or for the benefit of:

- a party where one of the objects or activities of the party is the promotion of the election to the NSW Parliament or a local council of a candidate(s) endorsed by it (or an organisation of which it forms a part);
- an elected member of the NSW Parliament or a councillor (including the mayor) of a council;
- a candidate or group of candidates for election to the NSW Parliament or a local council; or
- an entity or other person, where the whole or part of that gift was used – or is intended to be used – by the entity or person to enable the entity or person:
 - to make (directly or indirectly) a political donation; or
 - to incur electoral expenditure; or
 - to reimburse the entity or person for the above.

Unfortunately, a number of Australian political parties are national organisations which, although they have State divisions, nonetheless may be characterised as having as one of their objects or activities the promotion of the election to the NSW Parliament or a local council of a candidate(s) endorsed by them. This has the consequence that it may be arguable that a donation to a non-NSW division of such parties may still be prohibited. That is the reason why Brickworks has decided to proceed on the basis that it is prohibited from making any political donations nationally.

What is a gift ?

A gift includes giving property (including) money to another person, or providing a service (other than volunteer labour) to another person, for no consideration or inadequate consideration.

Am I an “officer” of Brickworks Limited or a related body corporate?

You are an “officer” of Brickworks Limited or one of its related bodies corporate if you are:

- a director of such a company;
- a secretary of such a company;
- a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of such a corporation;
- a person who has the capacity to affect significantly such a corporation's financial standing; or
- a person in accordance with whose instructions or wishes the directors of such a corporation are accustomed to act (eg shadow director).

EXAMPLES

1. A free lunch function?

I have been invited to attend a lunch hosted by a political party which may have as its object the election of candidates to the NSW Parliament or a local council. It is free for me to attend the function and no one else is going to pay for me to attend it. Can I accept the invitation and attend?

If you are not a director or officer of Brickworks Limited or a related body corporate, then you can attend (assuming that Brickworks Limited or a related body corporate in no way pays for your attendance).

If you are a director or officer of Brickworks (or their spouse or de facto partner), then you can attend as long as neither Brickworks Limited, nor a related body corporate, nor any other person pays for your attendance. That is, it has to be a genuine free lunch.

2. A dinner function with a guest speaker

I have been invited to attend a dinner function where a member of a political party is giving the keynote address. The function has been organised by an industry association, and not by any political party. Tickets cost \$250 and the proceeds go to the industry association, and not to the benefit of any political party, elected member or candidate. Can I attend?

Yes, if you are not a director or officer of Brickworks Limited or a related body corporate, then you can attend (assuming that you pay your own way, and that Brickworks Limited or a related body corporate in no way pays for your attendance).

If you are a director or officer of Brickworks or a related body corporate (or their spouse or de facto partner), then you can only attend if the industry association does not fall within the definition of a “party” for the purposes of the legislation. The industry association **will** be a “party” if it (or a body or organisation of which it forms part) has as one of its objects or activities the promotion of the election to the NSW Parliament or a local council of a candidate or candidates endorsed by it or by a body or organisation of which it forms a part.

3. Does this mean I can be a member of a political party?

I want to join a political party but I have to pay a fee to do so. Is this allowed?

Yes, if you are not an officer or director of Brickworks Limited or a related body corporate (or their spouse or de facto partner). If you are a director or officer (or their spouse or de facto partner), yes, as long as you are joining as an individual and your membership dues will be less than \$1,000 in each financial year (ending 30 June).

I am a member of a political party. I want to play an active role in the party by attending meetings, attending fund-raising functions, attending functions for purposes other than fund-raising, taking on a leadership role in my branch, and working on election campaigns (such as by handing out how-to-vote flyers at polling booths). Am I allowed to do this?

If you are not a director or officer of Brickworks Limited or a related body corporate, then you can do these things as long as you act in your personal capacity (and not on behalf of Brickworks or a related body corporate).

If you are a director or officer of Brickworks Limited or a related body corporate (or their spouse or de facto partner), then:

- you can attend and speak at meetings (as long as it is free to attend them, apart from paying your permitted membership dues – see above);
- you can attend fund-raising functions as long as you (or your spouse or de facto partner) do not have to pay for you to do so, and other people do not pay for you;
- you can attend non fund-raising functions as long as you (or your spouse or de facto partner) do not have to pay for you to do so, and other people do not pay for you;
- you can take on a leadership role in your branch, but you are not allowed to make political donations or solicit political donations from other people;
- you can work on election campaigns as long as your contribution is limited to voluntary labour and you do not otherwise give what would be regarded as gifts.

4. Can I make political donations in my personal capacity?

I am an employee of Austral Bricks Pty Ltd (which is a related body corporate of Brickworks Limited). Am I allowed to make a political donation to a party in my personal capacity?

If you are not a director or officer of Brickworks Limited or a related body corporate, then you can make a political donation to a party in your personal capacity.

If you are a director or officer of Brickworks Limited or a related body corporate (or their spouse or de facto partner), then you cannot make any political donations whether in your personal capacity or otherwise.

If in doubt, ask!

If you are unsure about whether you can make a political donation, or you are unsure about how to deal with a particular situation involving these matters, you might err on the side of caution or obtain your own legal advice.