

# Electoral participants

## Financial disclosure factsheet – Legislative Assembly

*Disclaimer: This factsheet is a general overview provided by the Northern Territory Electoral Commission (NTEC) and should not substitute legal advice. Unless specified otherwise, all references are to the Electoral Act 2004 (NT), effective from 1 July 2021. Please consult the legislation and seek independent legal advice as necessary.*

### Who has financial disclosure obligations?

Under the financial disclosure scheme introduced in 2020, the following electoral participants have financial disclosure obligations for Legislative Assembly elections in the Northern Territory:

- Registered political parties (parties)
- Registered associated entities (associated entities)
- Candidates
- Third party campaigners
- Donors

### Definition of a political party

A political party is an organisation (whether incorporated or unincorporated) whose objective or primary activity is promoting the election to the Legislative Assembly of a candidate or candidates endorsed by it.<sup>1</sup>

Parties must register to operate in the Northern Territory by submitting the required form, documents, and payment to the NTEC at least 6 months<sup>2</sup> before a general election. Forms are on the NTEC website.

The party's registered officer must appoint a reporting agent for financial disclosure. If no appointment is in force for a registered party, the registered officer of the party is taken to be the reporting agent.<sup>3</sup> Factsheet 2 outlines requirements for parties for the 2024 Territory Election.

### Definition of an associated entity

An associated entity is an entity that:<sup>4</sup>

- is controlled by one or more registered parties, or
- operates wholly or to a significant extent for the benefit of one or more registered parties.

Associated entities must register to operate in the Northern Territory by submitting the required form and documents to the NTEC, these are available on the NTEC website.

The associated entity's registered officer may appoint a reporting agent for financial disclosure. If there no appointment in force for an associated entity, the financial controller of the entity is taken to be the reporting agent.<sup>5</sup> Factsheet 3 outlines requirements for associated entities for the 2024 Territory Election.

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<sup>1</sup> See section 3

<sup>2</sup> See section 156(2)

<sup>3</sup> See sections 184 - 185

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<sup>4</sup> See section 176

<sup>5</sup> See sections 184 - 185

## Definition of a candidate

A candidate, in an election, means a person:<sup>6</sup>

- who has submitted a nomination and the NTEC has publically declared them to be a candidate after the close of nominations, or
- who has been selected, or has won party endorsement, by a registered party to be a candidate in the election, or
- who has publicly announced that they will be a candidate for the election, or
- who contested the last general election or an election since the last general election.

An independent candidate may appoint a reporting agent for financial disclosure by nominating that person, in writing, to the NTEC. If there is no appointment in force, the independent candidate is taken to be their own reporting agent.<sup>7</sup> Factsheet 4 outlines requirements for independent candidates for the 2024 Territory Election

The reporting agent for a candidate endorsed by a registered political party is the party's reporting agent. Factsheet 5 outlines requirements for endorsed candidates for the 2024 Territory Election.

## Definition of a third party campaigner

A third party campaigner is a person or entity that spends or expects to spend more than \$1,000 on political expenditure during the capped expenditure period, but it does not include a candidate, a registered party, or an associated entity.<sup>8</sup>

Third party campaigners must register for each election they participate in by submitting the required form and documents to the NTEC, these are available on the NTEC website.<sup>9</sup>

Political expenditure is expenditure incurred in promoting or opposing a candidate or a registered party, it does not include communication or advertisements that are intended to raise awareness, educate or encourage public debate but do not promote or oppose a candidate.<sup>10</sup>

A third party campaigner may appoint a reporting agent for financial disclosure. If there is no appointment in force for an associated entity, the financial controller of the entity is taken to be its reporting agent.<sup>11</sup>

Factsheet 6 outlines requirements for third party campaigners for the 2024 Territory Election.

## Definition of a donor

A donor is a person or entity that provides a gift (including gifts in kind) to an electoral participant. If a donor provides a total of \$1,500 or more to a candidate or party during a financial year, they must submit a donor return to the NTEC.<sup>12</sup> Factsheet 7 outlines requirements for donors for the 2024 Territory Election.

Independent candidates who use personal funds for electoral expenditures are not considered donors.

| Version | Date          | Author   | Changes made                        |
|---------|---------------|--|-------------------------------------|
| 2.0     | 19 April 2024 | Chris Brack, Financial Disclosure and Compliance Manager | Updated for 2024 Territory Election |

<sup>6</sup> See section 176

<sup>7</sup> See sections 184-185

<sup>8</sup> See section 3

<sup>9</sup> See section 175A(2)

<sup>10</sup> See section 3

<sup>11</sup> See sections 184-185

<sup>12</sup> See sections 193-194