



**Northern Territory
Electoral Commission**
EVERY vote counts!

Donation Disclosure Handbook

**Northern Territory Local Government
General elections and by-elections**



NTEC version control

Disclosure handbook: Northern Territory Local Government – General elections and by-elections

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Contents

Glossary	1
Introduction	3
Legislation reform	3
Background	3
Donation disclosure	4
Campaign donation returns	4
Who is required to submit a campaign donation return?	4
Disclosure period.....	5
Scheduled general elections	5
Non-scheduled general elections.....	5
By-elections.....	5
Disclosure thresholds	6
Donations	6
Gifts	6
Gifts sourced from crowdfunding	7
Gifts-in-kind.....	7
Determining the value of gift-in-kind goods and services	7
Donors	8
Loans	8
Campaign donation returns	8
Submitting a campaign donation return.....	8
Incomplete donation returns	8
Amending donation returns	9
Administration of donation disclosure	9
NT Electoral Commission’s role.....	9
Record keeping.....	9
Compliance.....	9
Allegations.....	9
Investigations	10
Offences and penalties.....	10

Glossary

The description of terms in this glossary may differ from the formal meaning given in the [Local Government Act 2019](#) and/or the [Electoral Act 2004](#).

Term	Description
ADI	Authorised deposit-taking institution (see financial institution).
Campaign donation return	The return form required to be given to the NT Electoral Commission by a candidate in a local government general election or by-election detailing any donations or loans that are over the threshold, that were received during the disclosure period for that election.
Candidate	A person standing for election.
Details of donor or lender	A candidate cannot accept a donation or loan unless they know the details of the donor or lender. The full name, address and the total value of transactions must be disclosed for each person and entity reaching the threshold for donations or loans.
Disclosure	The action of making new or secret information known to the public.
Disclosure period for an election	<p>The disclosure period for general elections begins 1 July in the calendar year immediately preceding the scheduled general election, and ends 30 days after election day. This means the disclosure period will be approximately 15 months for general elections as they are scheduled for late August every 4 years.</p> <p>The disclosure period for by-elections begins on 1 July preceding the day which the election is to be held, and ends 30 days after election day.</p> <p><i>Note: The disclosure period is the same for all candidates in local government elections. This is not the case for Legislative Assembly elections.</i></p>
Disposition of property or service	Any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property or service.
Donation	<p>Any gift, whether of cash or 'gifts-in-kind' for example a disposition of property or provision of a service for which no payment, or an inadequate payment, is received by a candidate for use in an election.</p> <p>A donation can be cash or non-cash/gift-in-kind transactions, but does not include commercial transactions or volunteer labour.</p>
Donor	<p>A person or entity who gives a donation (whether cash or 'gift-in-kind') to a candidate for use at an election.</p> <p>This does not include a person who provides volunteer labour, nor a person who has provided a candidate with cash/disposition of property or service to be used in a private capacity not related to an election.</p>
Election period	The period from the issue of the writ to the return of the writ inclusive.
Entity	An incorporated or unincorporated body, or the trustee of a trust.
Financial institution	A bank, credit union, building society or a special service provider registered with Australian Prudential Regulation Authority.

Glossary *cont.*

Term	Description
Gifts-in-kind	<p>Non-cash donations to a candidate to be used in relation to an election. These must be disclosed at an appropriate value, normally the commercial sale value of the item or service.</p> <p>Gift-in-kind examples include any receipt of assets or services, discounts other than in the normal course of business, non-commercial or excessive payment for goods or services, including memberships, and the donation of items or services for raffle or other prizes.</p> <p>Volunteer labour is not considered to be a donation or gift-in-kind.</p>
Lender	<p>A person or entity who provides a loan (see definition below) to a candidate for use in an election.</p>
Loan	<p>A loan can be:</p> <ul style="list-style-type: none"> a) an advance of money b) a provision of credit or other financial accommodation c) a payment with the expectation of repayment d) a transaction, which has the effect of a loan of money. <p>Loans from an ADI or financial institution to a candidate do not have to be disclosed.</p>
Return form	<p>A form in which a candidate can disclose the details of any donation or loan over the threshold.</p> <p>Return forms, as well as an information sheet and FAQs are available from the NT Electoral Commission or can be downloaded from the NTEC website.</p>
Threshold	<p>The minimum amount any donations or loans has to meet before disclosure is required.</p> <p>The sum of all donations made by a single donor (person or entity) to a candidate has to reach \$200 or more before a campaign donation return is required.</p> <p>The sum of all loans made by a single lender (person or entity, not including ADIs) to a candidate has to reach \$1,500 or more before a campaign donation return is required.</p>
Volunteer labour	<p>The donation of unpaid time by a person is considered volunteer labour where that service is not one for which that person normally receives payment. Volunteer labour does not need to be disclosed as a donation.</p>

Introduction

Part 8.6 of the [Local Government Act 2019](#) (the Act) introduces donation disclosure requirements for candidates at local government general elections and by-elections in the Northern Territory. These disclosure requirements are significantly different to the financial disclosure scheme in place for Legislative Assembly elections in the Territory.

In particular, **only candidates** standing in a local government election are required to submit a campaign donation return, and only if they meet a threshold. This campaign donation return is only required for **one election period** and with no expenditure return or annual return obligations. Donors and lenders are not required to submit returns of donation disclosure.

Legislation reform

The *Local Government Act 2019*, which commenced 1 July 2021, repealed and replaced the previous *Local Government Act 2008*, which had no financial disclosure requirements for candidates in local government elections.

Further electoral reforms were introduced with the Local Government Amendment Bill in 2021, which was passed in May 2021, prior to the new Act coming into effect. Many of these reforms simplified the donation disclosure requirements and processes for candidates in local government elections.

Part 8.6 of the *Local Government Act 2019* comes into effect on 1 July 2022.

Background

Following a major investigation and report (McGuinness Report, February 2015) and a formal inquiry into options for the reform of political funding and donations in the Northern Territory (report published June 2018), comprehensive legislative changes to the *Electoral Act 2004* were passed in September 2019. These reforms established a transparent electoral expenditure and donations disclosure scheme for Legislative Assembly general elections and by-elections that set out to reduce undue influence in the electoral process, and to promote the accountability of all participants involved in election campaigning. This includes candidates and elected members, registered political parties, their associated entities, third party campaigners and donors.

The financial disclosure scheme for Legislative Assembly elections is extensive and complex. All of the above listed participants in election campaigning are obligated to submit timely returns, with some required to submit multiple returns, including separate returns for different disclosure periods, an electoral expenditure return post-election as well as annual returns.

As much as possible, and where appropriate, legislation for Legislative Assembly elections and local government elections are aligned and harmonised. With the drafting of the new *Local Government Act 2019*, provisions for campaign donation disclosure were introduced to local government elections with the same aim of improving the transparency of donations to election campaigns and reducing undue influence in the electoral process.

However, the campaign donation disclosure requirements for local government elections are much smaller and less complicated than those required for Legislative Assembly elections for example:

- **only candidates** are required to submit a campaign donation return
- **only one campaign donation return** is required (post-election)
- the return only needs to disclose donations/loans received over **one disclosure period**
- **no return** is required if donations/loans received do not meet the threshold.

Donation disclosure

Donation disclosure at the local government level in the Northern Territory means candidates are required to submit information about any donations or loans (whether cash or non-cash donations and loans) they receive for use in a local government general election or by-election. This information must be submitted to the NT Electoral Commission (NTEC), within a legislated timeframe. The NTEC make this information available for public viewing by publishing the returns on its website, and having a hardcopy available in its office.

Disclosure and publication of campaign donation returns provides greater transparency of the candidate funding of election campaigns.

Campaign donation returns

Each candidate who received a donation or loan during the disclosure period must give a campaign donation return to the NTEC within **40 days** after the end of the disclosure period.

Information about any donations and loans (over a certain amount) received by a candidate at a local government election in the NT is submitted to the NTEC using a campaign donation return form. The approved form is provided in a spreadsheet format that is available on the NTEC's website.

The form guides candidates and provides instructions on the required details of the donations and loans they have received including:

- the amount or value of each donation
- the date the donation was made
- the details (name and address¹) of the donor/s
- the amounts and terms of any loans
- the details (name and address²) of the lender/s of the loan

A candidate must not accept a donation or loan from a person or entity during the disclosure period if they do not know the details listed above.

Who is required to submit a campaign donation return?

Only candidates in a local government general election or by-election are required to submit a campaign donation return, and only if the sum of the donations and loans received from each individual donor or lender meets the legislated threshold (see disclosure thresholds below).

Donors and lenders, or other campaign participants, do not have to submit a return.

Only one type of return, the campaign donation return, is required to be submitted by candidates, and only for one disclosure period.

^{1 and 2} If the donor or lender is an unincorporated association, then the name of the association and the names and addresses of the association's executive committee is required.

If the donation or loan is from a trust fund, then the name, title or description of the trust fund, and the names and addresses of the trustees of the fund is required.

If the donation or loan is from funds of a foundation, then the name, title or description of the foundation, and the names and address of the trustees of the foundation is required.

Disclosure period

There is one disclosure period for all candidates, depending on the nature of the local government election they are a candidate in.

Scheduled general elections

Local government elections are fixed date elections in the Northern Territory and are scheduled to occur on the fourth Saturday in August every 4 years, in the year immediately after a scheduled Legislative Assembly general election.

The disclosure period for scheduled general elections begins 1 July in the calendar year immediately preceding the calendar year in which the scheduled general elections are to be held. The period ends 30 days after election day. This means the total disclosure period is approximately 15 months for scheduled general elections, beginning in the July of the year before the scheduled general election and finishing about 1 month after election day.

For example: Election day for the next periodic election is Saturday 23 August 2025. The disclosure period will begin 1 July 2024 and end 30 days after the election day being Monday 22 September 2025.

Non-scheduled general elections

A general election can occur outside of the legislated scheduled general elections mentioned above. The Minister responsible for local government may call for a general election for a council area if: it is newly constituted; a substantial change is made to the electoral representation of a council area; or a general election fails for any reason. The Minister may also call for a general election for a council area if it is under official management and all of the suspended members are dismissed.

The disclosure period for a non-scheduled general election begins 1 July in the preceding year if the non-scheduled election is to be held in the same year as a scheduled general election. The disclosure period ends 30 days after election day.

For example: If a non-scheduled election is called for February prior to a scheduled general election due in August of the same year, the disclosure period would be approximately 8 months, beginning from 1 July of the year before the non-scheduled election and finishing about 1 month after election day.

The disclosure period for a non-scheduled general election that occurs in a different year to a scheduled general election, begins 1 July preceding the day which the election is to be held. The disclosure period ends 30 days after election day.

For example: If a non-scheduled election is called for September in a year where there is no scheduled general election, the disclosure period would be approximately 4 months, beginning from 1 July preceding the day on which the election is to be held and finishing about 1 month after election day.

By-elections

The disclosure period for a by-election begins on 1 July preceding the day which the election is to be held. The disclosure period ends 30 days after election day.

For example: If a by-election is called and the election day is Saturday 17 September, the disclosure period would be approximately 109 days, beginning from 1 July 2022 and finishing 30 days after the election day being 17 October.

Disclosure thresholds

Candidates are only required to disclose the details of donations and loans they received for use in an election if the sum of the donations or loans (from a single person or entity) reaches a certain amount, called a threshold. If the sum of the donations and loans do not reach this amount, the candidate does not have to submit a campaign donation return.

The threshold for donations is \$200 or more. This means that if the sum of all donations received by the candidate for use in an election, from a single person or entity during the disclosure period, totals \$200 or more, then a campaign donation return is required. The details of the donations and the donor must be provided to the NTEC so that they can provide this information to the public.

The threshold for loans is \$1,500 or more. This means that if the sum of all loans received by the candidate for use in an election, from a single person or entity during the disclosure period, totals \$1,500 or more, then a campaign donation return is required. The details of the loan, including its terms, and the lender must be provided to the NTEC so that they can provide this information to the public.

If the candidate has taken out a loan from an ADI or financial institution, whether is it for use in an election or for personal use, this does not have to be disclosed and does not have to be included in a campaign donation return.

If a candidate receives a loan from a person or entity that is not an ADI or financial institution, but it is loaned in a private capacity for the candidate's personal use (not for use in an election), this also does not have to be disclosed and does not have to be included in a campaign donation return.

Donations

Cash and non-cash donations made to a candidate during the disclosure period for use in an election must be disclosed to the NTEC and public if they are above the legislated threshold.

Any cash or non-cash donations to a candidate made in a private capacity during the disclosure period for the candidate's personal use, which is not related to the election or the candidate's election campaign, does not have to be disclosed.

Donations can be gifts or 'gifts-in-kind', which are defined below with examples provided.

Volunteer labour that is conducted outside the person's normal working hours, or while the person is on leave and is not paid for in any way, is not considered a donation that is required to be disclosed.

Gifts

By definition, a gift is a disposition of property, including the provision of a service, made by a person to someone else without any consideration of its monetary value (i.e. it does not have to be paid for or have any transaction of any kind to receive it). When referring to financial disclosure, gifts are cash donations or non-cash donations (also referred to as gift-in-kind) to a candidate for use in an election.

Any cash donations that add up to \$200 or more from a single person or entity, received as a gift by a candidate to use in an election during the disclosure period must be disclosed to the NTEC and the public. Using a donation for election campaign spending may include the purchase of corflute signage or any materials and equipment used for signage, campaign t-shirts, hire of vehicles or trailers, printing of pamphlets and how-to-vote information, social media spending, any advertising spending.

Any gifts that are received by will (i.e. when someone has died and through their legal will has left money, goods or assets to the candidate) do not have to be included in a campaign donation return.

Gifts sourced from crowdfunding

Crowdfunding is the practice of sourcing funding for a project by raising cash donations (or 'gifts') from a large number of people, typically via the internet. It is a popular option and there are several platforms available to set up crowdfunding. Through crowdfunding, candidates can reach a broad range of people easily and cost effectively, and therefore raise election campaign funds as well as raise their profile in the community.

The same rules for donations disclosure apply to crowdfunding as with any other gift received by the candidate in the election period. The threshold also still applies, where the total sum of donations from any one person or entity must reach \$200 or more before it needs to be disclosed. However, the way crowdfunding is set up can make it difficult to get the required details of any donors, or to refuse a gift when it is made anonymously. To comply with disclosure reporting requirements, when setting up a donation page on a crowdfunding platform, candidates must clearly inform potential donors of the details they require in order to receive the gift.

Gifts-in-kind

Non-cash donations, such as goods, assets or services, received by a candidate for use in an election during the disclosure period, without any consideration of their monetary value (i.e. it does not have to be paid for or have any transaction of any kind to receive it), must be disclosed to the NTEC and the public. These must be disclosed at an appropriate value, normally the commercial sale value of the item or service.

Any discounts, other than in the normal course of business, non-commercial or excessive payment for goods and services are also considered gifts-in-kind that may need to be disclosed.

Volunteer labour is not considered to be a donation or gift-in-kind. It is recommended that candidates keep a register of volunteer labour provided.

Examples of gift-in-kind donations include:

- Free or discounted printing of posters, pamphlets and how-to-vote material
- Free or discounted office space to use for campaigning purposes
- Free or discounted services such as legal advice, website or IT services, accounting services
- Free or discounted use of a vehicle or trailer and/or the provision of free or discounted fuel or servicing of a vehicle
- Free or discounted advertising goods and services across any media platform
- Free or discounted items and services for a raffle where the proceeds are put toward a candidate's election campaign.

Determining the value of gift-in-kind goods and services

When providing information about any gifts-in-kind received, candidates will need to record the value of the gift, and this value must be fair and reasonable. Some methods for determining the value of a gift-in-kind are:

- the recommended retail price for the gift
- the price of comparative goods or services
- expert valuation
- fair market value – i.e. a price that an interested buyer and seller would agree upon.

Donors

Any person or entity that who gives a cash or non-cash donation to a candidate for use at an election is a donor. Donors do not have to submit any kind of return when donating to a candidate in a local government election. This is not the case for Legislative Assembly elections.

A person who provides volunteer labour is not considered a donor. A person who provides a candidate with a cash or non-cash donation to be used in a private capacity not related to an election, is also not considered a donor. There is no disclosure requirements for people who provide volunteer labour or donations in a private capacity.

Loans

A loan can be:

- a) an advance of money
- b) a provision of credit or other financial accommodation
- c) a payment with the expectation of repayment
- d) a transaction, which has the effect of a loan of money.

A loan of \$1,500 or more from a single person or entity (the lender) that a candidate receives for use in an election during the disclosure period, must be disclosed to the NTEC and the public. The details of the loan provided in the return should include any terms and conditions associated with the loan such as the amount, interest rate and repayment terms.

If the candidate has taken out a loan from an ADI or financial institution, whether is it for use in an election or for personal use, this does not have to be disclosed and does not have to be included in a campaign donation return.

If a candidate receives a loan from a person or entity that is not an ADI or financial institution, but it is loaned in a private capacity for the candidate's personal use, this also does not have to be disclosed and does not have to be included in a campaign donation return.

Campaign donation returns

Submitting a campaign donation return

A campaign donation return must be submitted to the NTEC **40 days** after the end of the disclosure period. The return forms can be found on the NTEC's website under the financial disclosure tab, then by following the prompts to donation disclosure return forms for local government elections.

Once complete, the return form should be sent as an attachment to an email to disclosure.ntec@nt.gov.au

Information about all donations and loans received is to be included in the one campaign donation return. There is no need for candidates to submit multiple returns.

If a candidate has not received any donations or loans during the disclosure period, or the donations or loans received are below the threshold, then **no return is required** (i.e. there is no requirement for a 'nil return').

Incomplete donation returns

If a candidate cannot complete a campaign donation return they are permitted to complete the form as much as possible and submit the form to the NTEC as an incomplete return. When submitting an incomplete form, a candidate must:

- Inform the NTEC that the return is incomplete
- List the information that is missing from the return
- Provide a reason why the information is missing from the return
- Provide the name and address of any person who the candidate believes may be able to provide the missing information.

Amending donation returns

If a candidate makes a mistake on a campaign donation return that has already been submitted to the NTEC, or has new information that needs to be added to the return, it is possible to make changes to a return after it has been submitted. Candidates may request permission from the NTEC to amend a return themselves, or candidates may ask the NTEC to correct an omission or error.

Administration of donation disclosure

NT Electoral Commission's role

The NTEC manages the receipt, processing and publication of campaign donation returns from candidates. This includes reviewing campaign donation returns received to determine whether they are complete and then make these returns available for public inspection 30 days after the date the candidate was required to submit the return.

The NTEC's role is also to provide education and guidance to help candidates in local government elections understand and meet their donation disclosure obligations.

Record keeping

Candidates are required to keep a copy of any campaign donation returns they have submitted, and must keep this record for 4 years from the submission date.

The NTEC is also required to keep any submitted campaign donations returns for 4 years after the date it was due to be submitted.

Compliance

The NTEC seeks to achieve voluntary compliance from candidates who are required to submit a campaign donation return by providing information to candidates about their responsibilities and obligations. This information is also available on the NTEC's website at all times (not just at election time).

The NTEC will also send information and reminders to candidates by email or by mail if no email address is available. However, the *Local Government Act 2019* does not place responsibility on the NTEC to contact candidates about their donation disclosure obligations.

Allegations

Allegations of non-compliance should, where practicable, be made to the NTEC in writing. If the person or organisation making the allegation provides their details to the NTEC, these will not be disclosed to the public or candidate who is the subject of the allegation.

Both the subject of the allegation and the person or organisation who made the allegation will be informed of the outcome of any initial assessment and/or any decision to escalate the matter to the investigation or enforcement stage.

Investigations

The *Local Government Act 2019* states that the investigation provisions regarding compliance to election financial disclosure requirements from the *Electoral Act 2004* (sections 216 to 219) apply for local government elections.

These provisions allow the NTEC to commence an investigation where it has reasonable grounds to suspect that a candidate has committed an offence (see offences and penalties below), and considers it necessary to conduct an investigation.

The purpose of any investigation would be to establish any non-compliance by a candidate (i.e. they have not submitted a campaign donations return when they were required to), and any facts surrounding the non-compliance.

If an investigation establishes that a candidate has been non-compliant, evidence collected from the investigation will be used to determine whether any enforcement action will occur, including whether the legislated penalty should be applied.

Offences and penalties

Under section 154 of the *Local Government Act 2019* there are penalties related to the non-compliance of donations disclosure requirements for candidates at local government elections.

If a candidate receives a donation or loan over the legislated thresholds during the disclosure period, and does not submit a campaign donation return by the due date, the penalty is 100 penalty units.

If a candidate receives a donation or loan over the legislated thresholds during the disclosure period, and submits an incomplete campaign donation return, and does not inform the NTEC that the return is incomplete (with the required details of the incompleteness), the penalty is 100 penalty units.

If a candidate is charged with either of the above 2 offences, the candidate has to be able to prove they submitted a campaign donation return, or that they informed the NTEC of the required details if they submitted an incomplete return.

If a candidate is found to have a reasonable excuse for either of the above 2 offences, this is an acceptable defence.

Please refer to the Attorney-General and Justice [penalty units webpage](#) for current values of penalty units.

