

ASSOCIATED ENTITIES

FINANCIAL DISCLOSURE FACTSHEET

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.

Why are there financial disclosure requirements

Financial disclosure requirements are designed to:¹

- establish a transparent electoral expenditure and disclosure regime
- increase the transparency of election campaigns
- reduce undue influence in the electoral process
- promote the accountability of, and compliance by, registered parties, elected members, candidates, associated entities, third party campaigners, and donors.

Definition of an associated entity

An associated entity is an entity that:²

- 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.³

The associated entity's registered officer may appoint a reporting agent for financial disclosure. However, if there no appointment in force for an associated entity, the financial controller of the entity is taken to be the reporting agent.⁴ Financial controller of an associated entity means:⁵

- if the entity or campaigner is a corporation – the secretary of the corporation, or
- if the entity or campaigner is the trustee of a trust – the trustee, or
- otherwise – the person responsible for keeping the financial records of the entity or campaigner.

Financial disclosure returns due

Associated entities must submit (for due dates see calendar below):⁶

- electoral and annual gift returns
- an electoral expenditure return and an annual (expenditure) return.

Nil returns must be submitted if no gifts were received or expenditure incurred during the relevant period.

Approved forms are on the NTEC website. See factsheets 13 and 14 for further information on returns.

¹ See section 175S

² See section 176

³ See Part 9A

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⁴ See sections 184 - 185

⁵ See section 176

⁶ See sections 191, 192, 200, 208, 209



Gifts (donations)

A gift is when a person or entity gives money, services, expertise, or something else belonging to them to another without expecting equal value in return. Gifts include monetary transactions and non-monetary transactions, known as gifts in kind. It's important to note that the terms 'gift' and 'donation' are used interchangeably and carry the same meaning within this context.

- Factsheet 9 defines gifts, volunteer labour, the gift aggregation period, and record-keeping requirements.
- The *Gifts and Electoral Expenditure Guidelines* provide further guidance.
- Factsheet 10 outlines the federal purposes gift exemption.

Loans

Associated entities can enter into loans with an Authorised Deposit-taking Institutions (ADI).⁷ Associated entities must only receive a loan of \$1,500 or more from a person or entity (other than an ADI) if certain details are recorded. Factsheet 11 outlines requirements for loans.

Electoral expenditure

Electoral expenditure from 1 January 2024 to 23 September 2024 must remain within the 2024 Territory Election electoral expenditure cap.⁸

- Factsheet 12 defines electoral expenditure, volunteer labour, and record-keeping requirements.
- The *Gifts and Electoral Expenditure Guidelines* provide further guidance.
- The capped electoral expenditure period is from 1 January 2024 to 23 September 2024. The cap is \$45,600 multiplied by the number of divisions where the party endorses a candidate, with expenditure by parties and their associated entities combined for cap purposes. If a party endorses candidates in all 25 divisions, the overall cap on election expenditure is \$1.14m.

Record-keeping requirements

Financial records relating to elections must be retained for four years starting on election day, and records relating to annual returns must be retained for four years starting the day after the last day when the return must be given to the NTEC.⁹ For further details see factsheet 15.

Offences and Penalties

The NTEC applies a constructive compliance approach to its regulatory activities, providing electoral participants with resources and information to support compliance with their obligations. Where education does not address non-compliance or where the NTEC believes an offence has been committed, the NTEC can undertake a range of actions to ensure and enforce compliance. For further details see factsheet 16.

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

⁷ For the list of ADIs, see <https://www.apra.gov.au/register-of-authorized-deposit-taking-institutions>

⁸ See sections 203A-D

⁹ See section 220

2024 Calendar of Financial Disclosure Returns

Registered Political Parties / Associated Entities



Northern Territory
Electoral Commission
EVERY vote counts

The Territory Election will be held on 24 August 2024. The returns outlined below are due this calendar year:

Return	Reporting Period	Due	NTEC to Publish
Election gift return – 6 month report	1 July 2023 to 31 December 2023	30 January 2024	ASAP
Election gift return – quarterly report	1 January 2024 to 31 March 2024	10 April 2024	ASAP
Election gift return – quarterly report	1 April 2024 to 30 June 2024	10 July 2024	ASAP
Annual gift return	Financial year – 1 July 2023 to 30 June 2024	30 July 2024	ASAP
Election gift return – report prior to early voting	1 July 2024 to 1 August 2024	6 August 2024	By 9 August 2024
Election gift return after issue of writ	2 August 2024 to 19 August 2024	21 August 2024	By 23 August 2024
Annual (expenditure) return	Financial year – 1 July 2023 to 30 June 2024	29 August 2024	ASAP
Post-election gift return	20 August 2024 to 23 September 2024	3 October 2024	ASAP
Electoral Expenditure (Political Expenditure) Return	1 January 2024 to 23 September 2024	23 October 2024	ASAP

For more information contact **Chris Brack**,
Financial Disclosure and Compliance Manager

 disclosure.ntec@nt.gov.au

 08 8999 7618

Approved forms for returns and support resources are available at ntec.nt.gov.au

The electoral expenditure cap is **\$45,600 multiplied by the number of divisions** where the party endorses a candidate. If your party has an endorsed candidate in all 25 divisions, the overall cap on expenditure is \$1.14M.