

INDEPENDENT CANDIDATES

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 independent candidate

An independent candidate, in an election, means a person:²

- who has submitted a nomination and the NTEC has publically declared them to be a candidate after the close of nominations, 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 the candidate's own agent.³

Territory Campaign Account (TCA)

Independent candidates must keep a separate bank account with an Authorised Deposit-taking Institution (ADI) for electoral purposes.⁴ All election expenditure must be paid from the TCA, and any gifts intended for electoral purposes must be transferred into the TCA as soon as practicable.⁵ See factsheet 8.

Financial disclosure returns due

Independent candidates must submit (for due dates see calendar below):⁶

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

¹ See section 175S

² See section 175

³ See sections 184-185

⁴ See section 213A. For the list of ADIs, see <https://www.apra.gov.au/register-of-authorized-deposit-taking-institutions>

⁵ See sections 213B – 213D

⁶ See sections 191, 192, 200, 207



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.

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.

Gifts solely or substantially for a purpose related to an election are disclosable. A gift to a candidate made privately for the candidate's personal use is not disclosable as a gift. Independent candidates do not need to disclose any of their private money spent on their campaign as gifts.⁷

- Factsheet 9 defines gifts, volunteer labour, the gift aggregation period, and record-keeping requirements.
- The *Gifts and Electoral Expenditure Guidelines* provide further guidance.
- Before 1 August 2024, independent candidates must inform donors who made gifts over \$1500 in writing about their requirement to submit a donor return. Factsheet 7 outlines donor requirements.

Loans

Independent candidates can enter into loans with an Authorised Deposit-taking Institutions (ADI).⁸ Independent candidates can 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.⁹

- Factsheet 12 defines electoral expenditure, volunteer labour, and record-keeping requirements.
- The *Gifts and Electoral Expenditure Guidelines* provide further guidance.
- The electoral expenditure cap is \$45,600 for the period 1 January 2024 to 23 September 2024.

Record-Keeping Requirements

Financial records relating to elections must be retained for 4 years.¹⁰ 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 See section 3A

⁸ For the list of ADIs, see <https://www.apra.gov.au/register-of-authorized-deposit-taking-institutions>

⁹ See sections 203A-D

¹⁰ See section 220

2024 Calendar of Financial Disclosure Returns

Independent Candidates



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

The electoral expenditure cap is cap is **\$45,600** for independent candidates.