

THIRD PARTY CAMPAIGNER

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.

Who is a third party campaigner?

A third party campaigner is a person or entity that incurs or expects to incur more than \$1,000 of political expenditure during the capped expenditure period, but it does not include a candidate, a registered party, or an associated entity.²

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.³

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.⁴

Financial controller of a third party campaigner 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

Third party campaigners must submit (for due dates see calendar below):⁶

- electoral gift returns
- an electoral expenditure return (political expenditure).

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)

¹ See section 175S

² See section 3

³ See part 9A

Published 19 April 2024

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⁴ See sections 184-185

⁵ See section 176

⁶ See sections 191, 192, 200



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.

Third party campaigners only need to disclose gifts that are specified by the donor to be used for political expenditure or donations that the third party campaigner reasonably believes the donor intends for political expenditure.⁷

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

Political expenditure

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.⁸ For example:

- The advertising costs of a poster supporting a candidate on behalf of the third party campaigner qualifies as political expenditure
- Running an advertisement asking electors to consider the impact of gamba grass does not qualify as political expenditure.

There is no expenditure cap for third party campaigners.

Association with a party or candidate

Third party campaigners can endorse and support parties or candidates. However:

- If a third party campaigner pays for advertising/materials that have a party logo and/or are consistent with the format of party advertisements, the party needs to declare the expenditure as a gift-in-kind. For example, an advertisement in the party colours and the same style as party ads, even without a logo, would be considered a gift-in-kind.
- It needs to be clear to a reasonable person that the campaign material represents the views of the third party campaigner and not a party or candidate, otherwise it is a gift in kind and counts as electoral expenditure under the cap of the party/candidate.

Record-Keeping requirements

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

2024 Calendar of Financial Disclosure Returns

Third Party Campaigners



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
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

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

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