

Overview

The Electoral Legislation Further Amendment Bill 2019 (the Bill) implements a new scheme to regulate political donations and campaign expenditure across candidates, political parties, associated entities and third party campaigners. If passed, the new scheme will commence on 1 January 2020 and be in place for the next Northern Territory general election, scheduled for 22 August 2020.

Third party campaigners and associated entities

The proposed amendments extend the scheme to cover third party campaigners and associated entities. The Bill imposes new requirements for disclosures by third party campaigners and associated entities, and caps electoral expenditure for associated entities.

Third party campaigners and associated entities will be required to register with the Northern Territory Electoral Commission (NTEC). The register will be available on the NTEC website.

Cap on electoral expenditure

The reforms introduce an indexed \$40 000 cap on electoral expenditure for individual candidates, with a pooled cap for political parties (shared with associated entities). This means the maximum cap for political parties with candidates in all 25 seats would be \$1 million. A cap on electoral expenditure works towards the objective of reducing reliance on private donations, levelling the playing field across all candidates and minimising excessive advertising.

The cap on electoral expenditure will not include travel and accommodation so as not to constrain the travel of candidates contesting rural and remote electorates, which is a particularly important element given the Northern Territory's geographical context.

For general elections, the cap will apply in election years from 1 January to 30 days after election day. An expenditure report is required from unendorsed candidates and registered parties (which covers the party, endorsed candidates and associated entities). Third party campaigners are not subject to an expenditure cap, but are required to report on their political expenditure as a transparency mechanism.

Political donations

The proposed amendments also focus on increasing the transparency of political donations, particularly in election years, to maximise the availability of up-to-date donation information that can be accessed by the public before and during the voting period.

Under the proposed amendments, candidates, parties, associated entities and third party campaigners will be required to submit the following reports to NTEC for publication:

- a six-month report covering the period from 1 July to 31 December in the year prior to the election (not required for 2020 election; this requirement will commence from 2023)
- two quarterly reports during the period 1 January to 30 June
- a report prior to the early voting period from 1 July to the day the writ is issued (30 July for 2020 election)
- a report prior to election day from the day after the writ is issued to 17 days after that
- a post-election report from 18 days after the writ is issued to 30 days after election day.

A timeline of electoral expenditure and political donations reports is at Attachment A.

Strengthened routine disclosure requirements

Routine reporting obligations have been strengthened to provide transparency across the whole election cycle. Candidates and donors to candidates will have a new requirement to provide annual returns disclosing gifts received or provided over the financial year.

The timeframes for registered parties and associated entities to submit annual returns has been shortened from 16 weeks (or 112 days) to 60 days to ensure that voters have access to more recent information.

Transitional arrangements for 2020 election

All provisions in the Bill will commence 1 January 2020.

Existing obligations in the *Electoral Act 2004* relating to the disclosure of gifts under sections 191 (candidates), 192 (persons incurring political expenditure) and 193 (donations to candidates) will end on 31 December 2019, with each return due to NTEC within 60 days.

Non-financial reforms

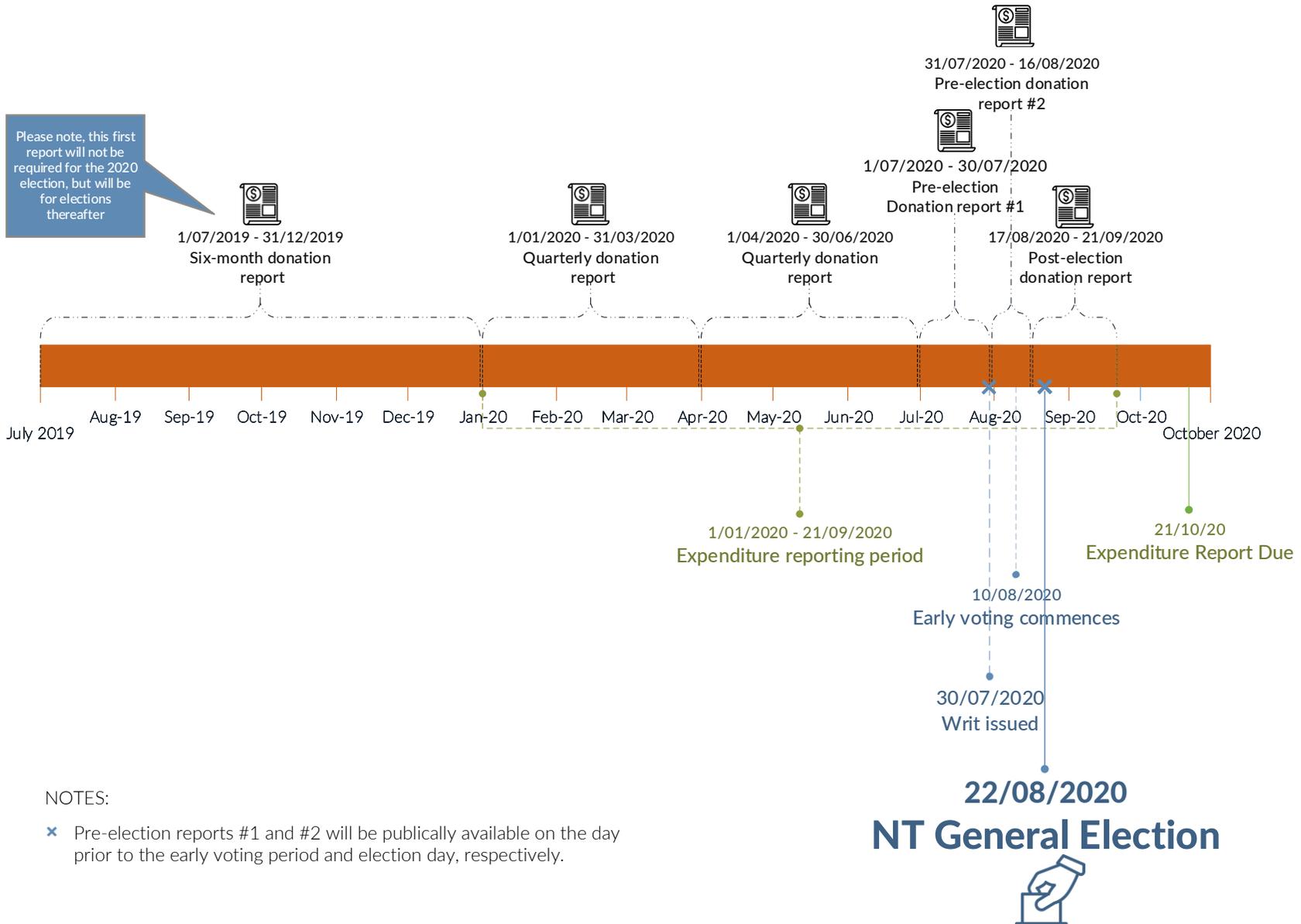
The Bill also includes non-financial reforms which aim to streamline and contemporise voting and electoral processes. Key reforms include extending the election timetable by four days; provisional on-the-day voting; aligning voting provisions for early, mobile and election day voting; and clarifying campaign material requirements.

Additional factsheets

Further details are available in the following factsheets:

1. Registered parties
2. Candidates
3. Third party campaigners
4. Associated entities
5. Donors
6. Offences and penalties
7. Non-financial reforms.

Proposed timeline of donations and expenditure returns for 2020 election



NOTES:

- × Pre-election reports #1 and #2 will be publicly available on the day prior to the early voting period and election day, respectively.