

Committee: EPSC
Paper No: 1-3 Date: 3/7/19
Tabled By: Dept. Chief Minister
Signed: JB

Candidates

Definition

A new definition of a candidate is inserted in section 176 of the Electoral Legislation Further Amendment Bill 2019 (the Bill) and means a person:

- declared to be a candidate for the election under section 37; or
- who has been selected, or has won party endorsement, by a registered party to be a candidate in the election; or
- who has publically announced that the person will be a candidate for the election; or
- who contested an election that was within 4 years before election day for the election.

Current reporting requirements

A candidate must currently provide returns outlining donations (s191) and electoral expenditure (s200) to NTEC 15 weeks after election day. These returns are published within 25 weeks of election day (s224).

Proposed new obligations

Electoral expenditure cap

Section 203B of the Bill introduces an expenditure cap of \$40 000 on electoral expenditure per individual candidate. For endorsed candidates, their cap is included in the pooled party cap. As such, the expenditure and donation returns for endorsed candidates are included in its party returns.

Reporting timetable

Increased donation disclosures during election periods are proposed in sections 191 and 192 of the Bill to maximise the availability of up-to-date donation information that can be accessed by the public before and during the voting period.

Routine reporting will continue during election years, with the annual return and an additional return detailing gifts received required every year.

REPORT	PERIOD	DUE*	PUBLISHED**	DISCLOSURE THRESHOLD
<u>ELECTION YEAR</u>				
<u>EXPENDITURE</u>				
Expenditure report	1 Jan - 30 days after election day	30 days	As soon as practicable	N/A
<u>DONATIONS</u>				
Six month report	1 July - 31 Dec in year prior to election	30 days	As soon as practicable	Details for total donations above \$200 in gift aggregation period (s192D). Gift aggregation period is 1 July in year prior to election to 30 days after election day (or if first return - commences 31 days after previous election day (s192E)).
2 x quarterly reports	1 Jan - 30 Jun	10 days	As soon as practicable	
Report prior to early voting	1 July to day writ issued	5 days	3 days	
Report prior to election day	Day after writ issued - 17 days after writ	5 days	2 days	
Post-election report	18 days after writ - 30 days after election day	10 days	As soon as practicable	
<u>ROUTINE</u>				
Annual return - gifts (For unendorsed candidates - does not include gifts already disclosed (s204A))	Financial year	30 days	As soon as practicable	\$200

*report due X days after end of reporting period

**published on NTEC website

Reporting agent

An unendorsed candidate may or may not appoint a reporting agent, however the reporting agent of an endorsed candidate must be the same as its registered party (s184).

Advice about obligations to make returns

Under proposed section 196A, when a candidate receives a gift totalling over \$1500 in a financial year, the candidate must tell the donor about their requirements to disclose the donation to NTEC.

Territory campaign account

The Bill introduces a new requirement for candidates to keep a separate Territory campaign account for Territory electoral purposes (s213A-E). All donations and electoral expenditure in relation to the Northern Territory Legislative Assembly elections must be processed through this account.

Registered parties can keep one account to cover the party and its endorsed candidates.

Transitional arrangements for 2020 election

All provisions in the Bill will commence 1 January 2020.

Currently under section 191 of the *Electoral Act 2004*, a candidate must provide a disclosure of gifts to NTEC within 15 weeks after election day.

Under the proposed amendments, the disclosure period for section 191 is taken to end on 31 December 2019, with the reports due within 60 days (s363 of Bill).

Candidates in the 2020 election who were candidates in the previous election, or are endorsed, declared or announced for the 2020 election must disclose gifts received up to 31 December 2019, within 60 days.