

Committee:..... EPSC .....  
 Paper No: 1-4 ..... Date: 3.17.19 .....  
 Tabled By: Dep. Chief Minister .....  
 Signed: ..... [Signature] .....

## Third party campaigners

### Definition

Section 3 of the Electoral Legislation Further Amendment Bill 2019 (the Bill) defines a third party campaigner as a person who or entity that incurs or expects to incur more than \$1000 of political expenditure during the capped expenditure period (1 January to 30 days after election day), but does not include a candidate (within the meaning of Part 10), a registered party or an associated entity.

Political expenditure is defined as 'expenditure incurred in promoting or opposing a candidate or a registered party' (s3).

The proposed definition of political expenditure is narrower than 'electoral expenditure' and does not capture communications or advertisements on election issues only (i.e. issues which are intended to raise awareness, education or encourage public debate).

### Third party registration process

Part 9A of the Bill specifies the registration process and requirements for third party campaigners. Third party campaigners will need to register on an election by election basis. This is because third party campaigners are not ongoing participants in the electoral system in the same way that parties and associated entities are. Under section 175B of the Bill, registration is required to be received at least five days prior to the election.

Under section 175R(2) of the Bill, it will be an offence if a third party campaigner intentionally fails to register and incurs political expenditure. Additionally, it will be an offence if a third party campaigner does not notify NTEC of changes to their details in the register within 30 days.

### Current reporting requirements

Third party campaigners are a new proposal, however the concept is similar to the existing 'persons incurring political expenditure' in section 192 of the *Electoral Act 2004*. The provisions relating to third party campaigners clarify and replace these obligations.

### Proposed reporting requirements

Reporting from third party campaigners is proposed for the election period only (s191 and s192). Under section 3A of the Bill, third party campaigner donation disclosures are limited to those gifts that are specified by the donor to be used for political expenditure, or reasonably believed by the campaigner to be intended by the donor to be used for political expenditure.

REPORT	PERIOD	DUE*	PUBLISHED**	DISCLOSURE THRESHOLD
EXPENDITURE				
Expenditure report	1 Jan – 30 days after election day	30 days	As soon as practicable	N/A
DONATIONS				
Six month report	1 July – 31 Dec in year prior to election	30 days	As soon as practicable	Details for total donations above \$1500 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	

\*report due X days after end of reporting period

\*\*published on NTEC website

## **Transitional arrangements for 2020 election**

Requirements for third party campaigners will commence 1 January 2020.

Under the proposed amendments, disclosure periods for existing section 192 'persons incurring political expenditure' is taken to end on 31 December 2019, with the reports due to NTEC within 60 days (s363 of Bill).