

Committee:..... *EPSC*
Paper No: *1-5* Date: *3/7/19*
Tabled By:..... *Dept Chief Minister*
Signed:..... *[Signature]*

Associated Entities

Definition

The definition of an associated entity in section 176 of the *Electoral Act 2004* (the Act) remains the same, and means an entity that:

- is controlled by one or more registered parties; or
- operates wholly or to a significant extent for the benefit of one or more registered parties.

Current reporting requirements

An associated entity must currently provide a financial year annual return, within 16 weeks after the end of the financial year (s208). These returns are published by NTEC by the start of March in the next year (s224).

Proposed new obligations

Registration

Associated entities will need to register with NTEC under Part 9A of the Electoral Legislation Further Amendment Bill 2019 (the Bill), which specifies the registration process. NTEC will develop a registration form detailing the required information as set out in the Bill. Registration is required to be received by NTEC at least five days prior to the election (s175B).

Under section 175R(1) of the Bill, it will be an offence if an associated entity intentionally fails to register and receives a gift or incurs electoral expenditure. Additionally, it will be an offence if an associated entity does not notify NTEC of changes to their details in the register within 30 days.

Electoral expenditure cap

Section 203B of the Bill introduces an expenditure cap of \$40 000 on electoral expenditure per individual candidate, with a maximum pooled cap of \$1 million for parties with 25 candidates. Any electoral expenditure by an associated entity is to be aggregated with the electoral expenditure by the registered party with which the entity is associated.

Routine reporting

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

Reporting timetable (s191)

REPORT	PERIOD	DUE*	PUBLISHED**	DISCLOSURE THRESHOLD
ELECTION YEAR				
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

REPORT	PERIOD	DUE*	PUBLISHED**	DISCLOSURE THRESHOLD
<u>ROUTINE</u>				
Annual return	Financial year	60 days	As soon as practicable	N/A
Annual return – gifts	Financial year	30 days	As soon as practicable	\$1500

*report due X days after end of reporting period

**published on NTEC website

Transitional arrangements for 2020 election

Currently under section 208 of the Act, an associated entity must provide their annual return to NTEC within 16 weeks of the financial year and this will apply for the 2018-19 annual return.

Under the proposed amendments, the 2019-20 annual return will be due to NTEC within 60 days of the end of financial year.