

Offences and Penalties

Financial disclosure factsheet – Legislative Assembly

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.

What are the 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.

Act	Offence	Applies to	Maximum Penalty
Section 175R	Failure to register and incur expenditure or receive a gift	Associated entity Third party campaigners	Individual: 200 penalty units (\$35,200) or 12 months imprisonment or both Body Corporate: 1,000 penalty units (\$176,000)
Section 196	Party does not advise a donor about the obligation to make returns	Political party	500 penalty units (\$88,000)
Section 196A	Candidate does not advise a donor about the obligation to make returns	Candidate	100 penalty units (\$17,600)
Section 203C	Breach of expenditure cap	Political party Associated entity Candidate	Registered party: 1500 penalty units (\$264,000) Associated entity: 1500 penalty units (\$264,000) Candidate: 300 penalty units (\$52,800) or 18 months imprisonment or both
Section 203D	Circumvent expenditure cap	All persons and organisations	Up to 10 years imprisonment
Section 213E	Failure to use campaign account in accordance with the Act	Political party Candidate	Individual: 200 penalty units (\$35,200) or 12 months imprisonment or both Body Corporate: 1000 penalty units (\$176,000)
Section 215(1)	Fail to submit return in specified time	Political party Associated entity Candidate Third-party campaigners Donor	Individual: 200 penalty units (\$35,200) or 12 months imprisonment or both Body Corporate: 1000 penalty units (\$176,000) PLUS NTEC, under section 2 of the Electoral Regulations Act 2004 (NT), can issue an infringement notice up to: Individual: 10 penalty units (\$1,760) Body Corporate: 50 penalty units (\$8,800)

Act	Offence	Applies to	Maximum Penalty
Section 215(2)	Incomplete return	Political party Associated entity Candidate Third-party campaigners Donor	Individual: 200 penalty units (\$35,200) or 12 months imprisonment Body Corporate: 1000 penalty units (\$176,000) PLUS NTEC, under section 2 of the Electoral Regulations Act 2004 (NT), can issue an infringement notice up to: Individual: 10 penalty units (\$1,760) Body Corporate: 50 penalty units (\$8,800)
Section 215(2A)	Failure to keep records	Political party Associated entity Candidate Third-party campaigner Donor	Individual: 200 penalty units (\$35,200) or 12 months imprisonment Body Corporate: 1000 penalty units (\$176,000) PLUS NTEC, under section 2 of the Electoral Regulations Act 2004 (NT), can issue an infringement notice up to: Individual: 10 penalty units (\$1,760) Body Corporate: 50 penalty units (\$8,800)
Section 215(3)	Submit a return that is false or misleading	Political party Associated entity Candidate Third-party campaigner Donor	Individual: 200 penalty units (\$35,200) or 12 months imprisonment Body Corporate: 1000 penalty units (\$176,000)
Section 215(4)	Provide another person, who is required to give a return, with false or misleading information	Political party Associated entity Candidate Third-party campaigner Donor	Individual: 200 penalty units (\$35,200) or 12 months imprisonment Body Corporate: 1000 penalty units (\$176,000)
Section 218(1)	Contravening an investigation notice	Any person	Individual: 200 penalty units (\$35,200) or 12 months imprisonment Body Corporate: 1000 penalty units (\$176,000)
Section 218(2)	Providing false or misleading information in an investigation	Any person	Individual: 200 penalty units (\$35,200) or 12 months imprisonment Body Corporate: 1000 penalty units (\$176,000)

Version	Date	Author	Changes made
2.0	19 April 2024	Chris Brack, Financial Disclosure and Compliance Manager	Updated for 2024 Territory Election