

CANDIDATES

Offences and penalties

Unless otherwise stated, all references to legislation are to the *Local Government Electoral Act 2011* (LGEA). The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

The ECQ is responsible for administering and enforcing the LGEA which includes enforcing penalties that may apply to local government candidates and sitting councillors who breach their disclosure obligations. Note that councillors and candidates may also be subject to laws enforced by other government agencies. This fact sheet is intended to provide information only in relation to those laws administered by the ECQ.

What happens if a candidate or councillor commits an offence under the LGEA?

A candidate or councillor who commits an offence under the LGEA may be subject to fines or prosecution in court, depending on the seriousness of the offence.

Further, a sitting councillor will be automatically suspended if they are charged with an integrity offence or a serious integrity offence as specified under either the *Local Government Act 2009* or the *City of Brisbane Act 2010*.

Any person including a sitting councillor or candidate will be disqualified from being or becoming a councillor for:

- 4 years after being convicted of an integrity offence
- or
- 7 years after being convicted of a serious integrity offence.

A finding of guilt or acceptance of a plea of guilty will lead to disqualification from being a councillor. A conviction does not need to be recorded for disqualification.

What are the integrity offences relating to election activity under the LGEA?

See the next page for a list of offences relating to election activity under the LGEA. This list is not exhaustive and there are other penalties that apply outside of these integrity offences. Election participants should all familiarise themselves with the full content of the relevant legislation and seek independent legal advice if required.

Version: July 2024

More information

If you need more information relating to Funding, Disclosure and Compliance, please contact ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.



**Electoral
Commission**
QUEENSLAND

Integrity offences under the Local Government Electoral Act 2011

LGEA Section	Offence	Description	Maximum penalty*
Serious integrity offences			
123N(2)	Knowingly incurring electoral expenditure exceeding a participant's expenditure cap	A person must not incur electoral expenditure during the capped expenditure period that exceeds a participant's electoral expenditure cap, or where the person knows or ought reasonably to know the expenditure would, when added to other relevant electoral expenditure, result in the cap being exceeded. This offence is a crime.	1,500 penalty units or 10 years imprisonment
169(1)	Knowingly giving false or misleading information	A person must not give information under the LGEA to a returning officer or the electoral commission that a person knows is false or misleading in a material particular.	7 years imprisonment
170	Bribery	A person must not ask for, receive or offer a benefit of any kind to influence or affect the person's election conduct. A person must not, in order to influence another person's election conduct, give or offer to give a benefit of any kind to anyone.	7 years imprisonment
175	Forged election papers	A person must not forge an election paper or knowingly use a forged election paper.	10 years imprisonment
194B	Knowingly seeking to circumvent the prohibition on political donations or electoral expenditure	A person must not knowingly participate in a scheme to circumvent a prohibition on political donations or the caps on electoral expenditure. This offence is a crime.	1,500 penalty units or 10 years imprisonment

More information

If you need more information relating to Funding, Disclosure and Compliance, please contact ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.

Integrity offences

116G	Agent's obligation to ensure compliance	The agent of an election participant must take all reasonable steps to inform the participant about obligations that apply and the agent must take all reasonable steps to establish and maintain systems to support the participant in complying with the obligations.	100 penalty units
123O	Knowingly exceeding the expenditure cap of an unregistered third party	An unregistered third party must not incur electoral expenditure during the capped expenditure period that exceeds the third party's expenditure cap, or where the third party knows or ought reasonably to know the expenditure would, when added to other relevant electoral expenditure, result in the cap being exceeded.	200 penalty units or twice the amount exceeding the cap, whichever is greater
126, 127, 127AA, and 127AB	Failure to operate a dedicated account in accordance with the LGEA	An election participant must operate a dedicated account for the election in the ways permitted under sections 126, 127, 127AA and 127AB of the LGEA.	100 penalty units
127V	Must assist appointed auditor	An election participant must give an appointed auditor assistance including full and free access at all reasonable times to all accounts, records and documents that the auditor reasonably requires.	200 penalty units
135E	Auditor to give notice of contravention	If while carrying out an audit, an auditor becomes aware of a matter that is reasonably likely to constitute a convention of Part 6 or Part 9, division 5, the auditor must, within 7 days after becoming aware of the matter, give the ECQ written notice of the matter.	100 penalty units
171	Assisting illegal payments	A person must not knowingly give an amount which assists in the making of a bribery payment or benefit.	2 years imprisonment
183	Engaging in group campaign activities	A person must not engage in a group campaign activity for an election unless the activity relates to candidates who are members of the same group of candidates for the election or candidates who are	100 penalty units

More information

If you need more information relating to Funding, Disclosure and Compliance, please contact ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.

		endorsed by the same registered political party for the election.	
186	Influencing voting by violence or intimidation	A person must not, by violence or intimidation, influence a person's vote at an election.	2 years imprisonment
189	Voting if not entitled	A person must not, at an election, vote in someone else's name, vote more than once, cast a vote that the person knows they are not entitled to cast or assist another person who is not entitled to vote.	3 years imprisonment
194A	Knowingly making or accepting an unlawful political donation	A person must not knowingly do an act or make an omission that is unlawful under the prohibited donor provisions of the LGEA. This offence is a misdemeanour. Refer to Prohibited Donors Scheme for more information.	400 penalty units or 2 years imprisonment
194C	Knowingly providing false or misleading information relating to a determination	A person must not provide information in an application for determination that the person knows is false or misleading. This offence is a misdemeanour. Refer to Prohibited Donors Scheme for more information.	400 penalty units or 2 years imprisonment
195(2) & 195(3)	Knowingly giving a return that contains false or misleading particulars	A person must not give a return that contains particulars that are, to their knowledge, false or misleading.	100 penalty units

**As of 1 July 2024, the value of one penalty unit is \$161.30.*

More information

If you need more information relating to Funding, Disclosure and Compliance, please contact ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.