

## Electoral Commissioner

Senator James Paterson  
Chair  
Senate Finance and Public Administration Legislation Committee  
Parliament House  
CANBERRA ACT 2600

Dear Senator

### **Correction: Penalty for failure to comply with a notice to produce documents**

I am writing to correct my response to a question asked during the Supplementary Budget Estimates hearings of the Senate Finance and Public Administration Legislation Committee on Tuesday 23 October 2018.

Senator Watt asked about the penalty that a court may impose for a failure of a person or entity to comply with a notice issued under subsections 316(2A), (3) or (3A) of the *Commonwealth Electoral Act 1918* (the Electoral Act) in the context of the investigation into the use of the aircraft by the Pauline Hanson's One Nation party (proof Hansard page 129).

The answer provided at the hearing was that the maximum penalty was \$1,000. I would like to advise that subsections 316(5) and (5A) of the Electoral Act currently provide that the maximum penalty that may be imposed by a court is 10 penalty units. A penalty unit is defined in section 4AA of the *Crimes Act 1914* and is currently \$210. Accordingly, for a natural person the maximum penalty for a failure to comply with such a notice is \$2,100. In addition, where the offence is committed by a body corporate subsection 4B(3) of the *Crimes Act 1914* provides that a penalty that is five times the amount that may be imposed on a natural person could be imposed by a court.

Yours sincerely

Tom Rogers 

30 October 2018