

The following is a public statement authorised by the Independent Commissioner Against Corruption, Kenneth Fleming QC.

Alleged anti-democratic conduct

I have received numerous reports of alleged anti-democratic conduct relating to the election for the Northern Territory Legislative Assembly on 22 August 2020.

These reports range from matters that are trivial, to matters that are serious.

My obligation under the ICAC Act is to deal with matters that may offend against the provision of the Electoral Act, and which affects or is aimed at affecting the community or multiple members of the community in relation to voting.

I am entitled to make a public statement in relation to a particular matter that I am dealing with.

The integrity of any election is fundamental to the proper functioning of representative democracy and must be protected.

I have issued this statement to ensure that the community has confidence that anti-democratic conduct will be detected and dealt with appropriately.

I remind the community that the Electoral Act has created offences in respect of individual elections and candidates for election, political parties, corporations, and electoral staff amongst other. The scope of these offences include breaching duties relating to:

- Campaigning
Example: Publishing or distributing campaign material that is likely to mislead or deceive a voter is an offence. Campaign material includes an advertisement, document or any other thing that is intended to promote the electoral prospect of a particular candidate or group of candidates.
- Compulsory voting and entitlement to vote
Example: Voting more than once at an election is an offence.
- Voting fraud
Example: Fraudulently placing a ballot paper or other paper in a ballot box is an offence
- Electoral papers
Example: Unlawfully inducing or persuading a person to apply for a postal ballot paper is an offence.
- Performance of official functions
Example: Improperly influencing the exercise or performance of the Electoral Commissioner's powers or functions is an offence.

All allegations in relation to offences against the Electoral Act or anti-democratic conduct will be carefully assessed and, if substantiated, they will be thoroughly investigated.