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## Part 5—Other matters

### 221 Participation of delegates of organisations in decision-making processes of registered political parties

- (1) This section applies if, under the constitution or rules of a registered political party, an organisation, or a branch of an organisation, has a right (the *participation right*) to have one or more delegates participate in a decision-making process of the party.
- (2) An officer of the organisation or branch must not authorise a person to participate in a decision-making process of the party pursuant to the participation right if the officer knows that the person has not been chosen to perform that role by a ballot that satisfies the requirements of subsection (4).

Note: This subsection is a civil penalty provision (see section 305).

- (3) A person must not participate in a decision-making process of the party pursuant to the participation right if the person knows that he or she has not been chosen to perform that role by a ballot that satisfies the requirements of subsection (4).

Note: This subsection is a civil penalty provision (see section 305).

- (4) The requirements for the ballot are as follows:
  - (a) all the members of the organisation or branch must have a right to vote in the ballot;
  - (b) reasonable notice of the ballot must be given to those members;
  - (c) the ballot must be a secret ballot;
  - (d) the voting process for the ballot must be fair;
  - (e) any additional requirements specified in regulations made for the purposes of this paragraph.
- (5) A contravention of subsection (2) or (3) does not affect the validity of any decision taken by the party.

- (6) In this section:

*delegate*, in relation to an organisation, or a branch of an organisation, includes:

- (a) a representative of the organisation or branch, however described; and
- (b) an alternative or other substitute for a delegate of the organisation or branch.

*registered political party* means a political party, or a branch or division of a political party, that is registered under:

- (a) the *Commonwealth Electoral Act 1918*; or
- (b) a law of a State or Territory that deals with electoral matters.

### 222 Offences in relation to section 221 ballots

#### *Interference with ballot papers*

- (1) A person commits an offence in relation to a ballot to which section 221 applies if the person:
  - (a) impersonates another person with the intention of:
    - (i) securing a ballot paper to which the impersonator is not entitled; or
    - (ii) casting a vote; or

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- (b) does an act that results in a ballot paper or envelope being destroyed, defaced, altered, taken or otherwise interfered with; or
  - (c) fraudulently puts a ballot paper or other paper:
    - (i) into a ballot box or other ballot receptacle; or
    - (ii) into the post; or
  - (d) delivers a ballot paper or other paper to a person other than a person receiving ballot papers for the purposes of the ballot; or
  - (e) records a vote that the person is not entitled to record; or
  - (f) records more than one vote; or
  - (g) forges a ballot paper or envelope, or utters a ballot paper or envelope that the person knows to be forged; or
  - (h) provides a ballot paper without authority; or
  - (i) obtains a ballot paper which the person is not entitled to obtain; or
  - (j) has possession of a ballot paper which the person is not entitled to possess; or
  - (k) does an act that results in a ballot box or other ballot receptacle being destroyed, taken, opened or otherwise interfered with.

Maximum penalty: 30 penalty units.

*Hindering the ballot, threats and bribes etc.*

- (2) A person commits an offence in relation to a ballot to which section 221 applies if the person:
  - (a) hinders or obstructs the taking of the ballot; or
  - (b) uses any form of intimidation or inducement to prevent from voting, or to influence the vote of, a person entitled to vote at the ballot; or
  - (c) threatens, offers or suggests, or uses, causes or inflicts, any violence, injury, punishment, damage, loss or disadvantage with the intention of influencing or affecting:
    - (i) any vote or omission to vote; or
    - (ii) any support of, or opposition to, voting in a particular manner; or
    - (iii) any promise of any vote, omission, support or opposition; or
  - (d) gives, or promises or offers to give, any property or benefit of any kind with the intention of influencing or affecting anything referred to in subparagraph (c)(i), (ii) or (iii); or
  - (e) asks for or obtains, or offers or agrees to ask for or obtain, any property or benefit of any kind (whether for that person or another person), on the understanding that anything referred to in subparagraph (c)(i), (ii) or (iii) will be influenced or affected in any way; or
  - (f) counsels or advises a person entitled to vote to refrain from voting.

Maximum penalty: 30 penalty units.

*Secrecy of vote*

- (3) A person (the **relevant person**) commits an offence in relation to a ballot to which section 221 applies if:
  - (a) the relevant person requests, requires or induces another person:
    - (i) to show a ballot paper to the relevant person; or
    - (ii) to permit the relevant person to see a ballot paper;

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in such a manner that the relevant person can see the vote while the ballot paper is being marked or after it has been marked; or

- (b) in the case where the relevant person is a person performing duties for the purposes of the ballot—the relevant person shows another person, or permits another person to have access to, a ballot paper used in the ballot, otherwise than in the performance of the duties.

Maximum penalty: 30 penalty units.

### **3 After paragraph 305(2)(n) of Schedule 1B**

Insert:

(na) subsections 221(2) and (3);

***[whistleblowers; registered organisations sending delegates to political parties]***