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Appendix K – AEC Proposed changes to penalty provisions

Changes to penalty provisions as outlined by the Australian Electoral Commission in Submission 3A

Section	Nature of the	Current	Possible
Number	Offence	Penalty	Change
78	Improper	\$2,000 or	
	influence of a	imprisonment	
	member of a	for 12 months,	
	Redistribution	or both	
	Committee		
91A(1)	Prohibition on	100 penalty	
	the improper	units	
	use of		
	information from		
	the Roll		
91B(2)	Prohibition on	1,000 penalty	
	the disclosure of	units	
	protected		
	information from		
	the Roll		
91B(3)	Prohibition on	1,000 penalty	
	the improper	units	
	use of protected		
	information from		
	the Roll		
101(6)	Failure to enrol	1 penalty unit	
	to vote or to	and a strict	
	transfer	liability/absolute	
	enrolment when	liability offence	
	there is a	depending on	
	change in the	type of	
	place of living	enrolment claim	
103	Penalty on an	\$1,000	
	officer		
	neglecting to		
	enrol claimants		
187(1)	Breach of the	\$500	
	duty of a		
	witness to a		
	postal vote		
4000(0)	application	4.000 manuality	
189B(2)	Prohibition on	1,000 penalty	
	the improper	units	
	disclosure of information from		
	the electronic		
	list of postal		
190P(2)	vote applicants Prohibition on	1,000 papalty	
189B(3)	the commercial	1,000 penalty units	
	use of	units	
	information from		
	the electronic		
	list of postal		

vote applicants195Interference with a postal vote ballot paper\$1,000196Prohibition on any person other than an AEC officer opening a envelope containing a postal vote ballot paper\$500 and strict liability197Failure to post or deliver postal\$1,000	
a postal vote ballot paper196Prohibition on any person other than an AEC officer opening a envelope containing a postal vote ballot paper\$500 and strict liability196Prohibition on any person other than an AEC officer opening a envelope fortal number of the strict\$500 and strict liability197Failure to post\$1,000	
ballot paper196Prohibition on any person other than an AEC officer opening a envelope containing a postal vote ballot paper\$500 and strict liability197Failure to post\$1,000	
196Prohibition on any person other than an AEC officer opening a envelope containing a postal vote ballot paper\$500 and strict liability196Prohibition on any person liability\$500 and strict liability197Failure to post\$1,000	
any person other than an AEC officer opening a envelope containing a postal vote ballot paperliability197Failure to post\$1,000	
other than an AEC officer opening a envelope containing a postal vote ballot paper	
AEC officer opening a envelope containing a postal vote ballot paper 197 Failure to post \$1,000	
opening a envelope containing a postal vote ballot paper197Failure to post\$1,000	
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postal vote ballot paper197Failure to post\$1,000	
ballot paper197Failure to post\$1,000	
197 Failure to post \$1,000	
or deliver postal	
vote application	
or a postal vote	
ballot paper	
200DB(1) Offence for Imprisonment	
scrutineer for 6 months	
interfering or	
influencing	
elector in pre-	
poll voting office	
200DB(2) Offence for Imprisonment	
scrutineer for 6 months	
communicating	
with some else	
at pre-poll voting	
office where that	
communication	
is not necessary	
for the	
discharge of the	
functions of a	
scrutineer	
200JProhibition on\$500 and strict	
any person liability	
other than an	
AEC officer	
opening a pre-	
poll voting	
envelope	
200K Breach of \$1,000	
obligations on	
person present	
when an elector	
signs a pre-poll	
certificate or	
marks a ballot	
paper	
218 Prohibition on \$1,000 or	
scrutineers imprisonment	

	interfering or	for 6 months, or	
	influencing	both	
	electors within a		
245	polling booth Failure to vote	24E(E)	
240	without a valid	245(5) administrative	
	and sufficient	penalty \$20	
	reason	penalty \$20	
	1003011	245(15) \$50	
		penalty imposed	
		by court and a	
		strict liability	
		offence	
		245(15C) \$50	
		penalty imposed	
		by court for false	
		or misleading information in	
		response to a	
		penalty notice	
		for failure to	
		vote	
271	Prohibition on	\$1,000	
	officers marking		
	ballot papers		
	which would		
	enable a voter		
315(1) and (1A)	to be identified Failure to lodge	\$5,000 for agent	120 penalty
515(1) and (1A)	donor returns,	of a political	units
	election returns	party and	unito
	and annual	\$1,000 for all	
	returns relating	others – strict	
	to election	liability offence	
	funding and		
	disclosure		
	matters		
315(2) and (2A)	Lodging an	\$1,000 and strict	120 penalty
	incomplete	liability offence	units
	return or failing to retain		
	to retain relevant records		
315(3)	Lodging of a	A fine not	Imprisonment
	return by the	exceeding	for 2 years or
	agent of a	\$10,000	240 penalty
	political party	,	units or both
	that is false or		
	misleading in a		
	material		
	particular.		
315(4)	Lodging of a	A fine not	Imprisonment

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	return by persons other than political party agent that is false or misleading in a	exceeding \$5,000	for 12 months or 120 penalty units or both
	material		
315(6A)	Prohibition on persons providing false or misleading information in relation to a claim for election funding	\$1,000	Imprisonment for 2 years or 240 penalty units or both
315(7)	Prohibition on persons providing false or misleading information in a person who is required to lodge a return	\$1,000	Imprisonment for 12 months or 120 penalty units or both
315(8)	Additional daily penalty of \$100 for failing to lodge a return within the required period	\$100 per day	1 penalty unit per day
315(10)	Cap on the total penalty that may be imposed		
316(5), (5A) and (5B)	Refusing or failing to comply with a notice from an authorized officer to produce information relating to an investigation	\$1,000 and strict liability offence	Imprisonment for 12 months or 60 penalty units or both
316(6)	Prohibition on persons providing false or misleading information in response to a notice	\$1,000 or imprisonment for 6 months, or both	Imprisonment for 12 months or 60 penalty units or both
323	Officers and scrutineers to observe secrecy	\$1,000 or imprisonment for 6 months, or	Maximum penalty of 50 penalty units or

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	in relation to the identification of electors who have voted	both	imprisonment for 10 months or both
324	Officers not to contravene a provision of the Act for which no other penalty applies or contravenes a direction given under the Act	\$1,000	Maximum penalty 50 penalty units
325(1) &(2)	Officers not to influence the vote of another person	\$1,000 or imprisonment for 6 months, or both	Maximum penalty of 50 penalty units or imprisonment for 10 months or both
325A	Proprietors and employees in hospitals and nursing homes not to influence the votes of patients and residents	\$1,000 or imprisonment for 6 months, or both	Maximum penalty of 50 penalty units or imprisonment for 10 months or both
326 (1) & (2)	Bribery for votes and support	\$5,000 or imprisonment for 2 years, or both	Maximum penalty of 240 penalty units or imprisonment for 4 years or both
327(1)	Interference with any political right or duty	\$1,000 or imprisonment for 6 months, or both	Maximum penalty of 240 penalty units or imprisonment for 4 years or both
327(2)	Discrimination against persons who have given donations to a political party or candidate	Offender is a natural person - \$5,000 or imprisonment for 2 years Offender is a body corporate - \$20,000	Maximum penalty of 240 penalty units or imprisonment for 4 years or both
328	Failure to include authorization details on printed electoral	Offender is a natural person – a fine not exceeding \$1,000	Maximum penalty of 50 penalty units for a natural person or a maximum

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	advertisements	Offender is a body corporate – a fine not exceeding \$5,000	penalty of 250 penalty units for a body corporate
328A	Failure to include authorization details on paid for electoral advertisements published on the Internet	10 penalty units	Maximum penalty of 50 penalty units for a natural person or a maximum penalty of 250 penalty units for a body corporate
329	Prohibition on certain types of misleading or deceptive publications during the election period	Offender is a natural person – a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months or both Offender is a body corporate – a fine not exceeding \$5,000	Maximum penalty of 50 penalty units for a natural person or a maximum penalty of 250 penalty units for a body corporate
330	Prohibition on making false or misleading statements about the enrolment of an elector on polling day	\$1,000 or imprisonment for a period not exceeding 6 months or both	Maximum penalty of 50 penalty units or imprisonment for 10 months or both
331(1)	Failure to include the word "advertisement" as a headline for electoral advertisements in the print media	5 penalty units	Maximum penalty of 25 penalty units
331(2)	Failure to include the word "advertisement" as a headline for electoral advertisements that take up 2	\$500	Maximum penalty of 25 penalty units

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	opposing pages		
	in the print		
224(1) and (24)	media Depiction of	¢1.000 and a	Movimum
334(1) and (2A)	Depiction of certain electoral	\$1,000 and a strict liability	Maximum penalty of 25
	matter directly	offence	penalty units
	on public	Ullence	and a strict
	property and		liability offence
	locations		hability offence
335	Leaving How to	\$500	Maximum
	Vote material in		penalty of 25
	a polling booth		penalty units
336	Prohibition on	\$1,000	Maximum
	making the		penalty of 50
	signature of		penalty units
	another person		
	on an electoral paper		
337(1)	Falsely	Imprisonment	Maximum
	witnessing any	for 12 months	penalty of 240
	electoral paper		penalty units or
			imprisonment
			for 4 years or
338		¢1.000.or	both Maximum
330	Unlawfully marking ballot	\$1,000 or imprisonment	penalty of 50
	papers	for 6 months, or	penalty units or
		both	imprisonment
		5011	for 10 months or
			both
339(1)	Other offences	Imprisonment	Maximum
	in relation to	for 6 months	penalty of 50
	nomination		penalty units or
	papers and		imprisonment
	ballot papers		for 10 months or
	Duck in the se	40 mars = 10 x - 11	both
339(1A) and	Prohibition on a	10 penalty units	Maximum
(1B)	person voting	and a strict	penalty of 50
	more than once	liability offence	penalty units
	in an election		and a strict liability offence
339(1C)	Prohibition on a	60 penalty units	Maximum
	person	or imprisonment	penalty of 240
	intentionally	for 12 months,	penalty units or
	voting more	or both	imprisonment
	than once in an		for 4 years or
	election		both
339(2)	Prohibition on	\$500	Maximum
	any act that		penalty of 25
	results in the		penalty units
	defacement or		
	destruction of a		
	notice list or		

	other document affixed under		
	the authority of		
	a DRO	#5 00	NA
340(1) and (2)	Prohibition on	\$500	Maximum
	canvassing within 6 metres		penalty of 25
	of a polling		penalty units
	booth		
341(1) and (2)	Prohibition on	\$1,000 and a	Maximum
	officers and	strict liability	penalty of 50
	scrutineers	offence	penalty units
	wearing political badges or		and a strict liability offence
	emblems in a		liability offence
	polling booth		
342	Breach of the	\$1,000	Maximum
	duty of a		penalty of 240
	witness to		penalty units or
	enrolment claim		imprisonment
			for 4 years or
343	Breach of duty	\$1,000 and a	both Maximum
343	to forward	strict liability	penalty of 50
	claims for	offence	penalty units
	enrolment to a		and a strict
	DRO		liability offence
345(3)	Breach of duty	Offender is a	Maximum
	on employers to	natural person –	penalty of 50
	allow an	\$500	penalty units for
	employee time off (of up to 2	Offender is a	a natural person or a maximum
	hours) for the	body corporate	penalty of 250
	purpose of	- \$2,500	penalty units for
	voting	+_,	a body
			corporate
346(1)	Prohibition on	\$1,000	Maximum
	making or		penalty of 50
	possessing any		penalty units
	papers with the "official mark"		
	that is used on		
	ballot papers		
	without lawful		
	authority	•	
347(1)	Disorderly	\$500	Maximum
	behaviour at any		penalty of 25
	lawful public political		penalty units
	meetings held in		
	relation to the		
	election of MPs		
	during the		
		1	1

347(4)	election period Prohibition on a	\$1,000 or	Maximum
347(4)	person who has	imprisonment	penalty of 50
	been removed	for 6 months, or	penalty units or
	from a public	both	imprisonment
	political meeting	DOUT	for 10 months or
	for being		both
	disorderly		boun
	returning to the		
	meeting		
348(1)	Prohibition on	\$500	Maximum
	misconduct at a		penalty of 25
	polling booth		penalty units
351(1)	Prohibition on	Offender is a	Maximum
	the publication	natural person –	penalty of 50
	of certain	\$1,000	penalty units for
	unauthorised		a natural person
	statements	Offender is a	or a maximum
	purporting to be	body corporate	penalty of 250
	made on behalf	- \$5,000	penalty units for
	of candidates		a body
	0"		corporate
384	Offence under	315(3) – a fine	
	section 315(3)	not exceeding	
	and 326 are indictable	\$5,000	
	offences which	226 a fina not	
	may be dealt	326 – a fine not exceeding	
	with by a court	\$2,000 or	
	of summary	imprisonment	
	jurisdiction with	for a period not	
	decreased	exceeding 12	
	penalties	months or both	
	Portanioo		1