

**NOTICE OF DECISION ON PARTY REGISTRATION  
DEREGISTERING A POLITICAL PARTY AND REMOVAL FROM THE  
REGISTER OF POLITICAL PARTIES  
AUSTRALIAN AFFORDABLE HOUSING PARTY**

**Notice of decision under s 137(6) of the *Commonwealth Electoral Act 1918* (Electoral Act) and Statement of Reasons**

1. I am writing in accordance with s 137(6)(b) of the Electoral Act to notify you of the review conducted under s 138A(1) of the Electoral Act and the determination to deregister Australian Affordable Housing Party (the Party) and cancel the Party's particulars from the *Register of Political Parties* (the Register).
2. As a delegate of the Electoral Commission, I am authorised to deregister the Party under s 137(6)(a) of the Electoral Act, and to cancel the particulars of the Party on the Register under s 138 of the Electoral Act.
3. On 8 October 2021, the Electoral Commission issued a Notice to the Registered Officer of the Party, Mr Andrew Potts, under s 138A(3) of the Electoral Act (s 138A Notice). This Notice requested the Party provide the Australian Electoral Commission (AEC) with an electronic membership list of between 1,500 and 1,650 members in order for the AEC to determine the eligibility of the Party to remain registered. The due date for responding was 8 December 2021.
4. On 26 November 2021, I sent a reminder to the Party outlining the requirements of the s 138A Notice.
5. On 9 December 2021, the Party was issued with a notice under s 137(1) of the Electoral Act (the s 137 Notice), that I, as the delegate of the Electoral Commission, was satisfied on reasonable grounds that the Party did not comply with the s 138A Notice. Pursuant to s 137(2) of the Electoral Act, the Party was provided with one month to respond to the s 137 Notice (being 9 January 2022).
6. On 8 January 2022, the Registered Officer of the Party provided a statement in accordance with s 137(2) of the Electoral Act.
7. Section 137(5) of the Electoral Act prescribes that:

*Where, in response to a notice given under s 137(1) in relation to a political party, a statement is lodged under s 137(2), the Electoral Commission shall consider that statement and determine whether the political party should be deregistered for the reason set out in that notice.*

**Decision**

8. As a delegate of the Electoral Commission, I am satisfied on reasonable grounds that the Party has not complied with a notice issued under s 138A of the Electoral Act, and the Party should be deregistered.
9. I have determined that Australian Affordable Housing Party be deregistered under s 137(1)(cb) of the Electoral Act, for the reasons set out in this Notice, and that the particulars of the Party be cancelled from the Register under s 138 of the Electoral Act.

## Materials I have taken into account

10. In making my decision, I have had regard to:
- the s 138A Notice;
  - the reminder letter sent to the Party on 26 November 2021;
  - the s 137 Notice;
  - the statement provided by the Party in response to the s 137 Notice on 8 January 2022;
  - Part XI of the Electoral Act; and
  - the AEC *Guide for maintaining party registration*.

## Findings of Fact

11. On the material before me, I make the following findings:
12. The statement lodged under s 137(2) of the Electoral Act submitted by the Party provided no evidence or reasons as to why the Party failed to comply with the s 138A Notice.
13. On that basis, I am satisfied that the Party has failed to comply with a notice issued under s 138A of the Electoral Act.

### Supporting statement

14. I have considered the statement lodged by the Party on 8 January 2022, setting out reasons why the Party should not be deregistered. The following is a summary of that statement.
- a. “The Affordable Housing Party was subjected to a post election membership audit after the 2019 federal election as part of the AEC's normal post election processes and successfully passed it in May of 2021. For the government to force us to go through another membership audit just months later because of the passage of this bill is manifestly unfair to my party's members”.
  - b. “When the bill received assent on September 2, that left the affected parties just over three months to triple their memberships in the middle of a Covid Pandemic that placed them at great disadvantage when it came to recruiting new members through traditional face-to-face means”.
  - c. “[The] party was able to grow our membership to over 1,250 members, and I believe we would have easily been able to meet the requirement of 1,500 members before the writs of the federal election are issued, if not for the arbitrary date of December 9 for parties to prove they had 1,500 or be deregistered that was set by the parliament when it passed the legislation.”
  - d. “[The] AEC will not have time to complete the membership testing of those parties that were able to submit 1,500 members by December 9”.
  - e. “[We] ask for the AEC to suspend deregistrations of parties until after the next federal election, and asks for an extension of three months to produce a list of 1,500 members”.
15. I have considered the statement lodged by the Party, and in doing so have rejected the reasons provided by the Party for the following reasons.
- a. Section 138A of the Electoral Act emphasises the importance of reviewing the eligibility of registered political parties, and provides the Electoral Commission with the power

under s 137 of the Electoral Act, to deregister parties for failing to comply with a notice under s 138A of the Electoral Act.

- b. The Party's statement does not provide reasons as to why the Party did not respond to the s 138A Notice by the due date of 8 December 2021.

16. In summary, I consider the Party has been provided sufficient opportunities, even with the challenges presented by the COVID-19 pandemic, to respond to the s 138A notice issued on 8 October 2021. It is my view that the Party has not provided sufficient grounds in its statement of 8 January 2022, to satisfy me as a delegate of the Electoral Commission that the Party attempted to, or reasons for failing to, comply with the due date of 8 December 2021.
17. Accordingly, I am satisfied that the Party has failed to comply with a notice issued under s 138A of the Electoral Act. As such, in my capacity as a delegate of the Electoral Commission I have deregistered Australian Affordable Housing Party under s 137(6) of the Electoral Act and the particulars of the Party have been cancelled from the Register under s 138 of the Electoral Act.

### **Review rights**

18. Under s 141(2) of the Electoral Act, a person (including an organisation) affected by the decision who is dissatisfied with the decision may make a written application to the Electoral Commission for internal review of this decision within 28 days after the day on which the decision first comes to the notice of that person. There is no fee payable for requesting an internal review.
19. Requests for review of this decision should be addressed to Mr Tom Rogers, Australian Electoral Commissioner, and emailed to [commission.secretariat@aec.gov.au](mailto:commission.secretariat@aec.gov.au) or posted to Locked Bag 4007, Canberra City ACT 2601.  
How do I request an internal review?
20. In accordance with ss 141(2) and 141(3) of the Electoral Act, an application for review must:
- be in writing;
  - specify the name of the applicant;
  - specify an address of the applicant; and
  - set out the reasons for making the application.
21. If you wish to apply for additional time beyond the 28 days to make an application for review of the delegate's decision, please also include the reasons for the application for additional time.

### Who conducts an internal review?

22. The Electoral Commission, which is comprised of three members, the Australian Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews. Under s 141(4) of the Electoral Act, the Electoral Commission shall review an application and make a decision to either:
- affirm the decision under review;
  - vary the decision under review; or
  - set aside the decision under review and make a decision in substitution for the decision set aside.

### What can I do if I disagree with the outcome of an internal review?

23. If an internal review decision has been made by the Electoral Commission a person whose interests are affected, and who is dissatisfied with the decision made by the Electoral Commission, may apply to the AAT for an external merits review of the decision. More information on how to apply to the AAT and any applicable fees can be found on its website: [www.aat.gov.au/applying-for-a-review/how-to-apply](http://www.aat.gov.au/applying-for-a-review/how-to-apply).

### Freedom of Information

24. Under the *Freedom of Information Act 1982* ('the FOI Act') any person has the right to request access to documents held by the AEC. For more information about access to documents under the FOI Act please visit the AEC's "Access to AEC information" webpage at: [www.aec.gov.au/information-access/index.htm](http://www.aec.gov.au/information-access/index.htm).
25. Should you have any queries regarding party registration, please contact the AEC on 02 6271 4552, visit [www.aec.gov.au](http://www.aec.gov.au) or email [fad@aec.gov.au](mailto:fad@aec.gov.au).

Yours sincerely

(signed)

Joanne Reid  
Assistant Commissioner  
Delegate of the Electoral Commission

23 February 2022