

Australian Electoral Commission

Party Registration Guide

May 2017

**Federal registration
of political parties**

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Introduction

Part XI of the *Commonwealth Electoral Act 1918* (the Electoral Act) deals with the registration of political parties. The Australian Electoral Commission (AEC) maintains a *Register of Political Parties* and administers the Commonwealth party registration scheme. The primary function of the scheme is to establish a register of party names, abbreviations and logos that can be printed on ballot papers at elections for the Senate and House of Representatives.

Registration as a federal political party is not compulsory. Parties can promote the election of their candidates to the Commonwealth Parliament without being registered.

The benefits of registration include:

- the party's registered party name, registered abbreviation or registered logo may be printed next to the names of its endorsed candidates and Senate groups on ballot papers
- political parties can have additional registrations for their branches, but each branch registered will need to separately prove its eligibility (that is, a member in the Commonwealth Parliament or 500 members on the electoral roll)
- the registered officer or deputy registered officer of a political party can nominate the party's endorsed candidates without requiring the signatures of 100 electors in the particular electorate. 100 electors are required to nominate an unendorsed (independent) candidate
- the registered officer or deputy registered officer of a political party can make a bulk nomination of all the party's House of Representatives candidates in respect of the Divisions situated in a particular State or Territory to the Australian Electoral Officer for that State or Territory, without needing to nominate individually with each Divisional Returning Officer
- election funding for endorsed candidates who receive at least 4% of the formal first preference votes. The election funding entitlements of candidates who were endorsed by a registered political party are paid through the party agent
- access to information held by the AEC including:
 - electronic copies of the electoral roll and additional elector information, plus copies of the printed electoral roll – enquiries to rps@aec.gov.au
 - electronic lists of applicants for postal votes – enquiries to info@aec.gov.au
 - voting information in relation to an election – enquiries to info@aec.gov.au.

Please refer to Appendix 1 of this document for an outline of which sections of the Electoral Act are applicable to political party registration.

The Guide

This guide is intended to assist political parties to understand the party registration provisions of Part XI of the Electoral Act. It provides general guidance on the requirements and process for:

- registering a political party
- maintaining party registration
- deregistration of political parties.




This guide is one of a series of publications prepared by the Funding and Disclosure Area of the AEC to help parties, candidates, donors, and other affected persons to better understand the requirements of the party registration, election funding, and financial disclosure provisions of the Electoral Act.

The Party Registration Guide, along with the financial disclosure guides and election funding guide, provides information derived from the Electoral Act as well as from the experience of the AEC in the administration of its provisions.

The guides attempt to simplify and explain what are in some cases complex legislative provisions. While these are intended to act as user-friendly guides to the requirements of the Electoral Act, they cannot fully address every possible issue that may arise.

Importantly, do not use the guides as a substitute for legal advice on specific detailed compliance, disclosure and party registration issues. Users are urged to seek their own independent advice where necessary and to read and familiarise themselves with the relevant parts of the Electoral Act.

The Guide for party registration incorporates text boxes to highlight important information. Each text box is prefaced with a symbol. For example:

	A light bulb symbol indicates a useful tip.
	A warning symbol indicates information relating to a legal obligation under the Act.
	A timing symbol indicates a due date.

Further enquiries

Additional information and advice on party registration is available from the AEC. If you have any questions or require further information, please contact the Disclosure and Party Registration Section of the AEC on 02 6271 4552 or email fad@aec.gov.au

Written enquiries should be addressed to the:

Disclosure and Party Registration Section
Australian Electoral Commission
Locked Bag 4007
CANBERRA ACT 2601

The *Commonwealth Electoral Act 1918* is freely available online at www.aec.gov.au
Select the link to 'Electoral Legislation' at the foot of the home page.

Eligibility requirements for registration

All federally registered political parties must meet the eligibility requirements for political party registration on an ongoing basis. These requirements include:

- being an organisation (constitution, structure and membership) with an aim of endorsing candidates for election to the House of Representatives and/or Senate
- having:
 - at least one Commonwealth Parliamentarian who is a member of the party but not a member of another party; or
 - at least 500 members who are on the Commonwealth electoral roll and who are not also relied upon by another party for registration purposes.

A new party applying for registration must propose a party name and optional abbreviation which meet the requirements of the Electoral Act. There is a detailed description of prohibited names later in this Guide.

The AEC maintains the federal *Register of Political Parties*. The Register contains a list of the registered names of all federally registered political parties, their registered abbreviation (if any), the name and address of the registered officer and whether the party chooses to receive election funding. A registered political party should ensure that the information in the *Register of Political Parties* is up to date and accurate.

Public Information about political parties

The public accountability of political parties and the Australian federal political process is enhanced by the disclosure of information lodged with the AEC by the parties and others. Information available includes:

- the *Register of Political Parties*
- annual financial disclosure returns
- election financial disclosure returns of candidates, Senate groups and donors to candidates.

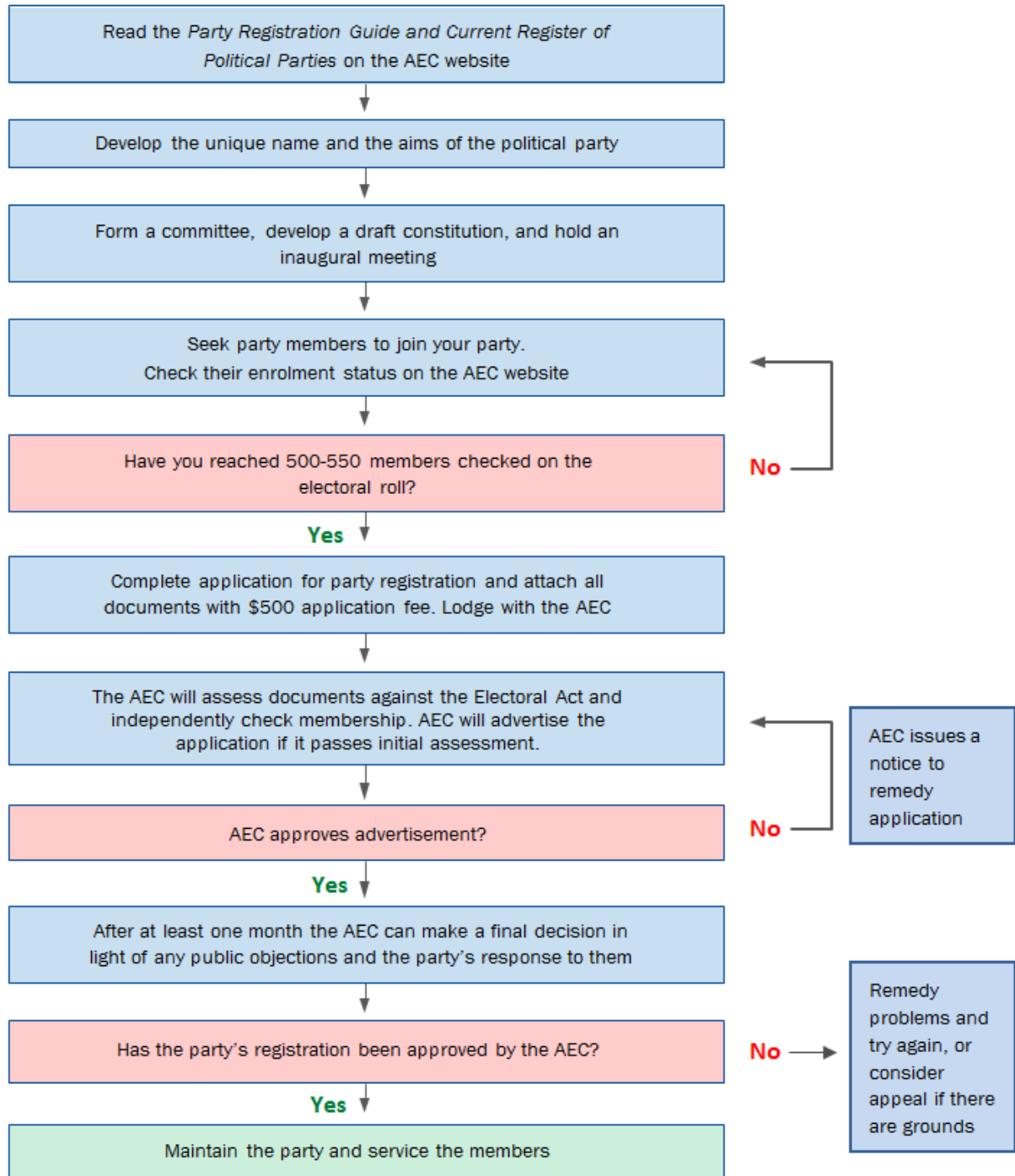
This public information is available on the AEC website at www.aec.gov.au. Please note that any lists of members of political parties held by the AEC are documents containing “personal information”. Such documents could be claimed as ‘exempt documents’ under the *Freedom of Information Act 1982*.



An application for party registration will take a **minimum of three months** to process.

If there are problems with an application the process may take longer than three months.

Party registration process



Party name selection

Limitations in choice

Section 129 of the Electoral Act provides that an application will be refused if the party name or its abbreviation:

- is more than six words long
- is obscene
- is the same as, or is likely to be confused with, or mistaken for, the name of a 'recognised political party'¹, unless that other party is a 'related party'²
- suggests a relationship or connection with a registered political party if that connection or relationship does not in fact exist
- uses the words 'Independent Party', or the word 'Independent' along with the name, or abbreviation or acronym of the name, of a recognised political party, or in a way that is likely to be confused with the name, abbreviation or acronym of a recognised political party.

The naming rules also apply to any abbreviation of the name put forward for registration.

Registered abbreviation

A party may register an abbreviation of its name, which is a shortened version or an acronym of its full party name. The abbreviation or acronym cannot be a separate or alternate name for the party. The abbreviation is simply a shorter version of the party name which can be printed on the ballot papers instead of the full party name if the party wants a shorter version for the ballot papers.

When choosing the name and abbreviation in the initial application for party registration, the party should consider the ways in which it might want its party name to appear on ballot papers. The registered officer can decide whether the party name or abbreviation will appear near endorsed candidates' names on the ballot paper for the House of Representatives and above-the-line on the Senate ballot paper.

¹ Recognised political party means a Commonwealth parliamentary party, a federally registered political party, or a party that is recognised or registered in a State or Territory and has endorsed a candidate in its current name in that State or Territory in the previous 5 years.

² A political party is related to another political party if it is part of the same party, for example, one is a branch or division of the other.

Similarity to names of currently registered parties

The most contentious party names are those that may be too similar to the name of an already registered or recognised party. The Administrative Appeals Tribunal has considered this matter in the following decisions:

- Woollard and Australian Electoral Commission and Liberal Party of Australia (WA Division) Inc [2001] AATA 166 (6 March 2001). This case considered an appeal against an AEC refusal to register the party “liberals for forests” because the name was too similar to that of the Liberal Party of Australia and its abbreviation “Liberal”. The Tribunal, comprising three federal court judges, directed the AEC to register “liberals for forests” and held that the names were not so similar as to prohibit the registration of “liberals for forests”. The Tribunal stated that political parties use in their names generic words such as “Australia”, “liberal”, “labour”, “democrat”, “national”, “christian”, “progressive”, “socialist” and the like.
- The Fishing Party and Australian Electoral Commission and Australian Fishing and Lifestyle Party [2009] AATA 170 (17 March 2009). This case considered an appeal against an AEC decision to register the Australian Fishing and Lifestyle Party. One of the matters raised and considered was the similarity of the names and whether the new party’s name should therefore be prohibited. The Tribunal stated that the AEC “has previously formed the opinion that the two names of the Fishing Party and the Australian Fishing and Lifestyle Party are not sufficiently similar as to be misleading or confusing. No argument was advanced by [the applicant] in support of this contention. We agree with this determination because the words “and Lifestyle” are sufficient to aurally and visually distinguish the two parties as separate entities without risk of confusion or mistake, and would prevent a reasonable person from thinking there was any connection or relationship between the two parties.”

In light of the relevant decisions of the Administrative Appeals Tribunal and legal advice provided to the AEC (published on the AEC website), the AEC considers the sorts of similar names that would be prohibited are those that might indicate that the new party is likely to be regarded as being related to an existing party.

For example, the AEC has refused a party called the “Country Liberals” (unrelated to the Liberal Party) as it could be seen to be the branch of the Liberal Party of Australia which addresses the needs of country Australia. Note: the party was eventually registered using the name Country Liberals (Northern Territory). Equally, new parties such as the “Western Districts Labor Party” or the “Nationals for Northern Australia” would be likely to be refused unless related to the already registered parties with similar names.

The following are examples of parties with similar names to already registered parties that were registered in recent years on the basis that their names were not likely to be confused with the names of the major parties:

- Christian Democratic Party (Fred Nile Group)
- Curtin Labor Alliance
- Country Liberals (Northern Territory)
- Democratic Labour Party (DLP)
- Democratic Socialist Party
- Liberal Democratic Party
- Progressive Labour Party

Party logo selection

Limitations in choice

Section 129A of the Electoral Act provides that registration of a logo will be refused if it:

- is obscene
- is the same as, or is likely to be confused with, or mistaken for, the logo of another person³
- suggests a relationship or connection with a registered political party if that connection or relationship does not in fact exist
- uses the words 'Independent Party', or the word 'Independent' and the name of a recognised political party, or abbreviation or acronym of that name, or in a way that is likely to be confused with the name, abbreviation or acronym of a recognised political party.

The refusal of a logo does not fail the registration of a political party.

Format and submission of logo

A party's logo must meet the following requirements as set out in the [Commonwealth Electoral \(Logo Requirements\) Determination 2016](#):

- be a vector graphic in electronic format
- be 100% black in a CMYK (Cyan-Magenta-Yellow-Black) colour space
- be contained within a frame of 10 mm by 10 mm
- be able to be reproduced correctly within a frame of 7 mm by 7 mm
- not include these features:

³ 'Person' covers a wider range than just political parties, and so includes the logos of other organisations including companies, unincorporated associations and Government bodies.

- live text
- transparency or overprinting
- custom halftone, transfer curve or colour profile settings
- be a PDF file, of less than 5 megabytes, that complies with International Standard ISO 32000-1:2008 as was in force on 22 March 2016.

The logo must be emailed to the AEC at: fad@aec.gov.au (the email cannot exceed 10 megabytes).

Develop a party constitution

Sections 4 and 123 of the Electoral Act define an eligible political party as an organisation with an object or activity of promoting the election of its endorsed candidates to the Senate and/or House of Representatives. An eligible political party must be established on the basis of a written constitution which sets out the aims of the party, and the party must meet the membership criterion. The membership criterion is at least one member who is a member of the Parliament of the Commonwealth of Australia, or at least 500 members who are on the Commonwealth electoral roll.

To qualify for registration under the Electoral Act, a political party must have a written constitution that establishes it as an organisation. While the Electoral Act is not specific about all the matters which must be included in the party constitution, it should include:

- the name of the party
- the aims of the party
- the structure and office bearers of the party, including provisions for electing or appointing those office bearers and describing the duties of the office bearers. These provisions should include details about the administration of the party and the handling of the party's assets such as money
 - the constitution must contain a description of the role of the secretary of the party which satisfies the definition of secretary in section 123 of the Electoral Act (Refer to section—Office bearers for more detail)
- detailed provisions for obtaining and retaining membership of the party
- the requirements for holding annual general meetings or committee meetings and their conduct
- the means by which the party constitution can be amended
- provisions governing State, Territory, local branches if the party is to comprise a branch structure
- provisions for winding up the party and apportioning its assets.

To assist parties to develop their constitutions, detailed guidelines on [party constitutions](#) are provided. The guidelines will assist to create a constitution which will satisfy the requirements of the Electoral Act and would support the party's registration.

The Electoral Act does not require a political party to be incorporated or registered as an unincorporated association. Some new parties have advised the AEC, however, that they have been unable to open party bank accounts to receive membership fees or party post office boxes without evidence that the party is a formal entity.

Office bearers

Parties seeking registration need to appoint the office bearers listed below. Office bearers must be selected in accordance with the terms of the party's constitution.



It is important to outline the responsibilities of the party's office bearers in accordance with the requirements of the Electoral Act.

If office bearers' responsibilities are not properly outlined, the AEC will seek an amendment to the party's constitution, delaying the application.

Secretary

The Electoral Act requires a party to have an office bearer responsible for the day to day management of the party. In section 123 of the Electoral Act, the position is defined as:

- secretary, in relation to a political party, means the person who holds the office (however described) the duties of which involve responsibility for the carrying out of the administration, and for the conduct of the correspondence, of the party.

In section 126(1) of the Electoral Act, the secretary is required to be one of the signatories to an application for registration by a non-parliamentary party.

A party cannot be registered if it does not have an office bearer equivalent to the Electoral Act definition of secretary identified in its constitution, as it would fail the requirements of the Electoral Act. Party constitutions variously describe this position as (Federal/State/Territory) Secretary, Director, Convenor, or General Secretary.

While many party constitutions place the ultimate responsibility for the management of the party in the hands of an elected Management Committee or Executive Committee, it is

essential that the party constitution delegates the day to day management duties to a particular office bearer. The constitution can require the day to day manager to perform those duties as directed by the party's management committee.

As the manager of day to day duties, the AEC expects the secretary to be the office bearer who contacts it on general election and enrolment matters, such as to appoint a party agent or to notify updates in the contact details for the party or its office bearers.

When the AEC is writing to parties about election and enrolment matters in general, it normally writes to the secretary. An [Appoint Party Secretary](#) form should be completed and lodged with a party's application for registration.

Registered officer

The registered officer is the party office bearer empowered to nominate the party's endorsed candidates and also select either the party's registered name or the party's registered abbreviation to be printed on ballot papers adjacent to the party's endorsed candidates. Candidates not endorsed by a party's registered officer must be nominated by at least 100 electors entitled to vote in the election for which the candidate is standing (that is the particular electorate for a House of Representatives candidate or the State or Territory for a Senate candidate).

Section 140 of the Electoral Act requires the AEC to send any formal notices about party registration to the party's registered officer.

The name of each party's registered officer is recorded in the *Register of Political Parties*, and therefore the appointment of a registered officer is part of the application for registration. The registered officer must provide a street address, however, they are not required to give their residential address; the street address of the party's office is sufficient. A post office box is not permitted for this purpose by section 123 of the Electoral Act.

The registered officer of a party may appoint deputy registered officers to assist in the nomination process. To appoint a deputy registered officer the registered officer should complete an [Appoint Deputy Registered Officer](#) form. The registered officer can also revoke the appointments of their deputies in writing over their signature.

Section 126(2B) of the Electoral Act provides that a person cannot hold the position of registered officer and/or deputy registered officer for more than one political party. Failure to resolve any instance where a person holds multiple appointments as a registered officer / deputy registered officer constitutes grounds for the party to be deregistered.

Party agent

Section 288 of the Electoral Act provides that registered parties and their State or Territory branches must appoint a party agent. The party agent is responsible for lodging the party's annual financial disclosure return.

Section 290 of the Act provides that to be eligible for appointment as an agent, a person must:

- be a natural person and not a corporation
- be at least 18 years of age
- not have been convicted of an offence under the funding and disclosure provisions of the Electoral Act
- have signed a consent to the appointment
- have signed a declaration of eligibility for appointment.

Election funding is paid through the party agent. If no current party agent is appointed, no election funding can be paid even if some of the party's endorsed candidates meet the 4 per cent threshold.

An [Appoint Party Agent](#) form should be completed and lodged with the party's application for registration.

Changes to details recorded for party office bearers

Changes to update the address details for the party office bearers can be notified to the AEC by the office bearers themselves. If party office bearers do not keep their contact details up to date with the AEC, they may miss an important reminder or advice.

Registered officer

A change to the person who is the registered officer for a party is a formal change to the *Register of Political Parties* under section 134 of the Electoral Act. This change can be made by the secretary of a [parliamentary party](#) or three members of a [non-parliamentary party](#). Where three members of a non-parliamentary party are making the application to change the registered officer and those members do not include the party secretary and/or other office bearers known to the AEC, further enquiries will be made before the change is recorded. If the current registered officer does not sign the application to change the *Register of Political Parties*, the AEC must notify them and provide 7 days for them to advise any reasons why the new appointment should not be made. To change a party's registered officer contact details a [Change Registered Officer Details](#) form should be used.

Secretary

The secretary of a registered political party is a powerful position and therefore the AEC will seek evidence that a new party secretary has been appointed in accordance with the party constitution before recording a change in officer bearer. The [Change Party Secretary](#) form provides for an independent party official, for example, the President or Treasurer of the party to certify that the secretary has been properly appointed in accordance with the party's constitution to perform the role of secretary defined in the Electoral Act.

Most other changes, such as a new party agent or an update to the party's contact details, would be notified to the AEC by the party secretary. [Forms](#) are available at www.aec.gov.au to assist in notifying these changes. Appendix 2 includes the list of forms.

Party membership

The Electoral Act provides for two types of political parties which may be registered.

Parliamentary parties

Parliamentary parties are those political parties which have at least one member who is also a Senator or a Member of the House of Representatives. While a parliamentary party must be an organisation, it does not need an extensive membership list. One member who is a parliamentarian qualifies the party against the membership criterion.

If a new political party is seeking registration as a parliamentary party, it needs to lodge a declaration signed by a Senator or Member of the House of Representatives, on their parliamentary letterhead, that they are a member of the party and not a member of any other registered political party.

Non-parliamentary parties

Most new political parties seeking registration are non-parliamentary parties and need to prove that they have at least 500 members who are on the Commonwealth electoral roll.

The party needs to lodge a membership list as part of their application. The membership list needs to contain each member's full name, residential address and date of birth. To allow the processing of a party's application to proceed quickly, please include email and telephone contacts for each member. Otherwise there will be delays in processing the application while the AEC waits for members to respond to letters.

The party can use the details in the membership list to check that each member is enrolled by using the [Check my electoral enrolment](#) facility or eRoll which is available in all

AEC offices. Party members used to support the application must be listed on the Commonwealth electoral roll.



It can save a party several weeks in delays if the party takes the trouble to do its own check of its members' electoral enrolment online or at an AEC office.

The AEC requires parties to choose a maximum of 550 members for the membership list which they include with their application. A list in excess of 550 members can cause significant delays in the registration process. The AEC may return an application accompanied by a list in excess of 550 members and ask the party to lodge the application again with a smaller list.

The Electoral Act does not require the party to charge its members a membership fee. This decision is left to the discretion of the party constitution.

Completing the application

Application form

To register a party, an [Application for registration of a Parliamentary party](#) or an [Application for registration of a non-Parliamentary party](#) form (as appropriate) should be completed. All parts of the respective form should be completed to avoid delays in processing the application. The form contains a checklist to help ensure documentation is complete before submitting the application to the AEC.

The application form must contain:

- the name of the party
- an abbreviation of that name if the party wishes to use a shorter name on ballot papers
- whether the party wishes to register a logo (and the correctly formatted proposed logo must be emailed to the AEC)
- the details and signature of the secretary of the party
- contact details for the party office such as website, phone number, street address, postal address, fax number and email address

- the name, street address and signature of the proposed registered officer of the party
- whether the party is a branch or part of another registered party
- whether the party wishes to receive election funding if its endorsed candidates receive at least four per cent of the vote
- the name, street address, party position and signature of nine other members of the party (not required for a parliamentary party).

Statutory declaration by party secretary

A [statutory declaration](#) is to be completed by the party secretary. The AEC confirms membership of a party with a random membership sample under a formula provided by the Australian Bureau of Statistics.

The AEC relies on the secretary's statutory declaration as evidence regarding the other members. In the event of evidence of fraud in a party's membership, the AEC would seek advice about prosecuting the secretary for making a false statutory declaration.

The declaration needs to include the following matters:

- that he or she is the properly appointed secretary (or Director, or Convener, etc.) of the party
- that a copy of the party's constitution is formally annexed to the declaration (marked A, for example)
- that a list of the 500+ party members supporting the application, showing each members' full name, residential address, and date of birth and contact details is formally annexed (marked B, for example)
- that each of the members on the membership list is a member of the party and has been accepted in accordance with the party's constitution
- that an electronic list of the 500+ party members supporting the application, showing each member's full name, residential address, and date of birth and contact details is enclosed.

Each annexure to a statutory declaration needs to be marked:

- This is the annexure marked A (or 1,2,3, etc.) referred to in the statutory declaration sworn by me (put full name), on (put full date – day, month, year) before (put name of authorised witness to the statutory declaration). Each annexure must be signed by both the party secretary as the person who made the declaration and the witness as the person who witnessed the declaration.

Party agent appointment

An application to register a political party should be accompanied by an [Appoint Party Agent](#) form. That is, a party agent appointment must be in force at all times so the appointment would take effect upon registration.

Application fee

Each application to register a political party or to change a registered party's name or abbreviation must be accompanied by a fee of \$500. This fee can be paid by direct deposit to:

BSB: 092-009 Account: 113597
Bank: Reserve Bank of Australia
Branch: Canberra ACT

Please ensure that the funds transfer is clearly described.

If paying by cheque, it should be made payable to The Collector of Public Monies, Australian Electoral Commission.

Lodge the application

The application and its supporting documentation can be lodged with the AEC at its principal office in any State/Territory capital city, however, the AEC suggests that applications be lodged directly, by post or courier, at either of the following addresses. Alternatively, applications can be sent via email to: fad@aec.gov.au.

Disclosure and Party Registration Section
Australian Electoral Commission
Locked Bag 4007
CANBERRA ACT 2601

or

Disclosure and Party Registration Section
Australian Electoral Commission
50 Marcus Clarke Street
CANBERRA ACT 2600

Please use the checklist on the application form to ensure you lodge all the required documents.

Processing an application

Acknowledgement

The AEC will write to the applicant within a few days to acknowledge receipt of the application and enclose a receipt for the application fee. The letter will also advise the next steps.

Initial assessment

The AEC will examine the application against all the requirements of the Electoral Act. That is, the AEC will test for evidence that:

- the party is an organisation, established on the basis of a written constitution that sets out the aims of the party, including that the party intends to promote the election to the Senate and/or House of Representatives of candidates endorsed by it. An active party website or regular newsletter to the members may also provide some evidence that the party is operating as an organisation
- the name of the party and any abbreviation sought are not prohibited
- any logo sought is not prohibited and has been provided in a format that conforms to technical requirements
- the constitution comprises the elements either required directly by the Electoral Act or necessary to establish an organisation
- the application is made by the secretary of the party and a further nine members
- the application form is complete with all the details and the attachments required under the Electoral Act
- that the 500 to 550 members provided to support the party's registration, can be found on the Commonwealth Electoral Roll (see Appendix 3 for membership testing process).

If there are apparent problems with the application that might require the AEC to refuse it when the initial assessment is complete, section 131 of the Electoral Act provides for the AEC to issue a formal notice to the party, giving it an opportunity to amend the application.

The party can amend the application so that the AEC is able to proceed with advertising it, or request that the AEC determine the application in its current form. If the application is not amended, it is likely the AEC will refuse to register the party.

If the application passes its initial assessment, the AEC will advertise the party's application as required by section 132 of the Electoral Act.

Publication Australia-wide

When the AEC is satisfied that the party's application is in order, it must advertise the application in accordance with section 132 of the Electoral Act on the AEC website and in newspapers circulating generally in each State and Territory. The advertisement will give any person or organisation an opportunity to object to the registration of the party.

Objections are considered only on the following grounds:

- that the party is not eligible for registration under the provisions of the Electoral Act
- that the application does not contain all the elements required by the Electoral Act
- that the name or abbreviation of the party is prohibited under the names provisions in section 129 of the Electoral Act
- that the logo is prohibited under s.129A of the Electoral Act.

The advertisements provide a period of one month in which any person or organisation can lodge an objection. If an objection under the grounds set out above is lodged, the AEC will forward it to the proposed registered officer of the party so that the party can respond to the objection.

Final decision and statement of reasons

The application, any objections lodged and any comments on those objections from the party are then put to a delegate of the AEC who will make a final determination on the application. The AEC will advise the registered officer of the party of the final decision and provide a copy of a Statement of Reasons for the decision. The Statement of Reasons is also published on the AEC website.

If the party has been registered, the AEC will provide the registered officer with a copy of the party's entry in the *Register of Political Parties* and relevant information for newly registered political parties. The AEC will also update the copy of the Register on the AEC website to include the new party.

The Electoral Act provides appeal rights in relation to party registration decisions. See "Appeals" later in this Guide.

How long will the process take?

The minimum timeframe to process an application for party registration is three months. It may take the AEC one month to complete an initial assessment of the application (including contacting members) and two weeks for the arrangement for the compulsory advertisements to be published. One month is set aside by law to allow the lodgement of objections to the registration and then a further two weeks to finalise the application if no objections are received.

If there are problems with the application which require the AEC to invite the party to amend it, or if objections are lodged in response to the advertisements, the processing time will be extended and include the time taken by the party to respond to both circumstances.

No action during an election

Section 127 of the Electoral Act provides that “no action shall be taken in relation to any application for the registration of a political party” in the period commencing on the day of the issue of a writ for a federal election and finishing on the day of the return of that writ. That means that the processing of applications must freeze on the issue of a writ for a federal election (including a by-election) and can commence only after that writ is returned.

State branches

Section 130 of the Electoral Act provides that the AEC may register an eligible political party notwithstanding that a political party that is related to it has been registered. Often a political party may establish branches or divisions in one or more States or Territories and want to separately register those branches or divisions. Registration of such branches would follow the same process as previously outlined in this guide.

Recognised branches

A State or Territory branch of a registered political party may approach the AEC to request that it recognise the respective State or Territory branch.

In determining whether to recognise a State or Territory branch, the AEC relies on the definition of State branch in Part XX of the Electoral Act. Section 287(1) of the Electoral Act defines:

State branch, in relation to a political party, means a branch or division of the party that is organised on the basis of a particular State or Territory.

For the AEC to recognise a State or Territory branch it **must** be satisfied that the branch or division is **organised** on the basis of a particular State or Territory.

A branch or division that wants to be recognised must provide evidence to the AEC to support its case that it is organised on the basis of a particular State or Territory. The type of evidence the AEC would consider when making a determination would include:

- details of the establishment of the branch including the inaugural meeting minutes
- details of the current office bearers and their most recent appointment or election

- a copy of the constitution of the branch
- details of the activities of the branch, its website, the way it services the members in that State or Territory
- the level of ongoing financial activity along with copies of statements from the branch's bank accounts
- any further evidence that might show that the branch should be recognised, such as registration with the electoral commission in that State or Territory, or other evidence of the membership of the branch.

If the AEC formally recognises a State or Territory branch of a registered political party, the branch then lodges its own financial disclosure returns. Additionally, any election funding paid in respect of votes won by the party's endorsed candidates in that State or Territory would be paid to the State or Territory branch, not to the main registered body of the party.

Obligations of registered political parties

The financial disclosure obligation under the Act

Section 314AB of the Act governs the lodgement of annual disclosures by political parties.

The agent of each political party must within 16 weeks after the end of each financial year furnish to the AEC a return in the approved form.

The Political Party Disclosure Return (the return) requires disclosure of the following information covering the financial year from 1 July to 30 June:

- total receipts
- details of amounts received that are more than the disclosure threshold
- total payments
- total debts as at 30 June
- details of debts outstanding as at 30 June that total more than the disclosure threshold.



The disclosure threshold for the 2016–17 financial year is for amounts of more than \$13 200. This figure is indexed annually.

State branches

A State branch that is registered under section 130 of the Electoral Act must lodge annual financial disclosure returns covering the operation of the party in their State or Territory. The party agent of the State branch is responsible for lodging the annual financial disclosure return for the registered State branch of the party.

Where a registered political party has State and Territory branches that are **not** separately registered or recognised, the party agent of the registered political party at the national level must lodge annual financial disclosure returns covering the operation of all those State and Territory branches together with the national level operations.

Recognised branches

Where a registered political party has State or Territory branches which are separately recognised by the AEC, a State or Territory branch so recognised must lodge a separate annual financial disclosure return covering the operation of the party in their State or Territory.

Associated entities of political parties

Associated entities of registered political parties must lodge similar annual financial disclosure returns.

An associated entity of a registered political party is:

- an entity controlled by one or more registered political parties
- an entity that operates wholly, or to a significant extent, for the benefit of one or more registered political parties
- an entity that is a financial member of a registered political party or on whose behalf another person is a financial member of a registered political party
- an entity that has voting rights in a registered political party or on whose behalf another person has voting rights in a registered political party.

The AEC releases a series of publications designed to assist political parties, candidates, donors and other persons that may have financial disclosure obligations under the Act. These publications include:

- [Financial Disclosure Guide for Political Parties](#)
- [Financial Disclosure Guide for Associated Entities](#)
- [Financial Disclosure Guide for Donors to Political Parties](#)
- [Financial Disclosure Guide for Third Parties](#)

- [Financial Disclosure Guide for Election Donors](#)
- [Financial Disclosure Guide for Candidates and Senate Groups](#)

Date for public inspection of annual returns

Annual returns are made available for public inspection on the first working day of February each year.

Returns can be seen at:

- [the AEC's website](#)
- through public access terminals in the AEC National Office in Canberra and at its AEC State Offices located in each state and territory capital city.

Record keeping

Political parties must give consideration to the financial recording systems and procedures that are appropriate to their needs and circumstances.

Financial recording systems and procedures must be sufficient to enable the return, which will be publicly available, to be properly completed.

All transactions should be supported by source documents recording the details of individual transactions.

Examples of source documents are:

- receipts
- tax invoices
- loan documents
- wages records
- bank deposit books and cheque butts
- bank account statements
- credit card statements.

Source documents contain information required to complete the return, such as the:

- date of the transaction
- name of person and/or organisation from whom a receipt was received
- name of person and/or organisation to whom a payment was made
- name and address of organisation that has provided a loan to the party
- total payment made or amount received
- amount of goods and services tax (GST)

- merchant fees.

A cash book may be used to record all receipts and payments, whether by cash, cheque, credit card, direct debit, direct credit, EFTPOS or other payment or receipt method. An example of another payment or receipt method is where the party has received a gift-in-kind.

While all amounts received and paid can be recorded in a cash book, the cash book may be incomplete. Therefore the cash book should be reconciled to external bank statements to ensure transactions that have been made directly to all the party's bank accounts are included. A cash book can assist with completing the return.

Retention of records

All relevant records, whether formal or informal, should be retained for a minimum of three years. Receipt books, bank records, receipt registers, source documents and working papers documenting how figures disclosed in the return were derived must be kept for this period.

Election funding

Qualifying for election funding

Division 3 of Part XX of the Electoral Act deals with election funding. To be entitled to election funding a candidate must receive a least 4% of the formal first preference votes in an election in which the candidate stands. For a Senate group, the group as a whole must receive at least four per cent of the formal first preference votes in the Senate election in that state or territory.

Payment of election funding

Sections 299(1)(d) and 299A of the Act provide that payment of an election funding entitlement in respect of a candidate or candidates endorsed by a registered political party be made to the party agent of the State branch of the party that is organised on the basis of the State or Territory in which the candidate or candidates stood for election.

The election funding scheme operates through the compulsory appointment of party agents by each registered political party and their State and Territory branches. The party agents are responsible for completing annual financial disclosure returns and being the conduit through whom the payment of election funding is organised.

If no party agent is appointed, no election funding can be paid. Procedures for the appointment of party agents were discussed previously in this guide.

Candidates at an election also have the option to appoint an agent, or to fulfil the requirements of the scheme through being their own agent.

The election funding scheme is quite complex and full details are provided in the [Election Funding Guide](#).

Reviews of party registration

Parliamentary parties that lose that status

If a parliamentary party ceases to have a member who is a Senator or Member of the House of Representatives, the AEC will review that party's registration to see if they are eligible to be registered as a non-parliamentary party or whether the party needs to be deregistered.

For example, on 30 June 2011, Senator Fielding's term expired. The AEC wrote to the Family First Party and commenced a review of its continuing eligibility for registration. The party was able to satisfy the AEC that it continued to be eligible for registration by meeting the 500 member requirement.

Parties which do not endorse candidates

The Electoral Act provides that a party is to be deregistered if it does not endorse a candidate at an election for the Senate or House of Representatives (or a by-election) in any four year period. Following each Federal Election, the AEC reviews the *Register of Political Parties* to see if each registered party has endorsed a candidate in the previous four years. A parliamentary party cannot be deregistered under this provision.

Parties that no longer exist

If media or other public commentary indicates that a currently registered party may have ceased to operate, the AEC may commence a review to determine whether that party continues to be eligible for registration.

Periodic reviews

Political parties need to meet the requirements for registration at all times to remain on the *Register of Political Parties* and access the benefits of party registration. Section 138A of the Electoral Act provides the AEC with a power to review the continued eligibility of

registered political parties at any time other than during the period when writs in relation to an election are outstanding. The AEC's current policy to satisfy this requirement is to review each registered political party once between federal elections, that is, in the mid-term of each federal parliament.

For registered parliamentary parties, the AEC determines that there is at least one Senator or Member of the House of Representatives that represents the party.

For registered non-parliamentary parties, the AEC seeks a statutory declaration from the party secretary annexing an up-to-date copy of the party's constitution and a list of at least 500 party members on the electoral roll. The AEC then contacts a random sample of the members on the list to verify they are willing to confirm they are members of the party.

When the AEC seeks this information from parties, section 138A of the Electoral Act provides a period of two months for the parties to provide the information sought in the AEC's request. If a party does not comply with the request for information, or a registered political party appears to be no longer eligible for registration, the AEC issues a formal notice under section 137 of the Electoral Act that the AEC is considering deregistering the party. The party then has a further month to respond to that notice.

Appeals

Section 141 of the Electoral Act provides for the review of certain decisions of the Electoral Commission, or of a delegate of the Electoral Commission.

Section 141(2) provides that where a delegate of the Electoral Commission makes a reviewable decision, a person affected by the decision, who is dissatisfied with the decision may, within the period of 28 days after the day on which the decision first comes to the notice of the person, or within such further period as the Commission (being the three Commissioners of the AEC) allows, make a written application to the AEC to have the decision reviewed by the Commission.

A reviewable decision means a decision of the Electoral Commission, or of a delegate of the Electoral Commission:

- to register a political party; or
- to refuse an application for the registration of a political party; or
- to enter a logo of a political party in the *Register of Political Parties*; or
- to refuse to enter a logo of a political party in the *Register of Political Parties*; or

- to grant an application under section 134(1) to change the *Register of Political Parties*; or
- to refuse an application under section 134(1); or
- to uphold an objection under section 134A(1) relating to the continued use of name by a political party; or
- to refuse to uphold an objection under section 134A(1); or
- to deregister a political party under section 137(6).

An application for review must include the person's name, street address and the reasons why the decision should be overturned.

Section 141(5) of the Electoral Act provides that an application may be made to the Administrative Appeals Tribunal (the AAT) for review of a reviewable decision made by the Electoral Commission or a decision under section 141(2) or (4). An application to the AAT can be made under the provisions of the *Administrative Appeals Tribunal Act 1975*. Further information is available on the AAT website at www.aat.gov.au

When the AEC makes a reviewable decision, it must advise all interested parties of their review rights as set out above.

Appendix 1

Disclosure Legislative Reference Guide

Part XI, ss.123-141 of the Act, deals with registration of political parties. The following additional sections underpin the Commonwealth party registration scheme:

- ss.4, 4C – **Definitions** which apply to Part XI.
- s. 90B – **Information on Rolls and certified lists of voters to be provided to particular people and organisations** – Who is eligible to access copies of the Electoral Roll, and under which circumstances they are allowed access.
- s. 166 – **Mode of nomination** – Method for nomination for both independent and party-endorsed candidates.
- s. 167 – **To whom nominations made** – Which officers can accept and process nominations. Different officers are responsible for different types of nominations.
- s. 169 – **Notification of party endorsement** – Allows the registered officer of a party to apply for the party's name or abbreviation to be printed on the ballot paper.
- s. 189A – **Access to electronic list of postal vote applicants** – Who is eligible to access a list of postal vote applicants, and under which circumstances they are allowed access.
- s. 210A – **Form of party name on ballot papers** – Whether a party wishes to display its full name or its registered abbreviation on ballot papers.
- s. 214 – **Printing of political party names etc. on ballot papers** – Allows the full name or registered abbreviation of a political party to be printed next to their endorsed candidates' names on the ballot paper. Also allows for the word 'Independent' to be printed next to an individual candidate's name in conjunction with s. 169A.
- s. 214A – **Printing of party logos on ballot papers** – Allows the logo of a political party to be printed adjacent to their endorsed candidates' names on House of Representatives ballot papers. For Senate groups the logo can be printed adjacent

to the square that carries the party's name 'above the line' on the ballot paper (or up to two party logos where it is a jointly endorsed Senate group).

- ss. 294-302 (Part XX, Division 3) – **Election Funding** – Outlines the requirements for receiving election funding from the Electoral Commission, and how the funding is to be paid.

Appendix 2

Forms relating to party registration

The following forms are available on the AEC website at www.aec.gov.au

For the registration of a new party:

- [Application for registration of a parliamentary party](#)
- [Application for registration of a non-parliamentary party](#)
- [Appoint Party Secretary](#)
- [Secretary's statutory declaration](#)
- [Sample membership spread sheet](#)
- [Appoint Party Agent](#)

After a party is registered:

- [Application+ to change the *Register of Political Parties*](#)
- [Change Registered Officer for parliamentary party](#)
- [Change Registered Officer for non-parliamentary party](#)
- [Change registered officer's details](#)
- [Appoint Deputy Registered Officer](#)
- [Change Party Secretary](#)
- [Appoint Party Agent](#)

Election related forms:

- [Appoint Candidate Agent](#)
- [Appoint Senate Group Agent](#)

[Guidance material on political party constitutions](#)

Appendix 3

Membership testing process

When a membership list is submitted to the AEC to support either registration or a review, the following steps are taken:

1. The membership list is checked to confirm that it contains between 500 and 550 names.
2. The membership list is checked against the Electoral Roll through an automated process. Party members will fall into the following three categories: matched to one; matched to many; or no match.
3. The names in the categories 'matched to many' and 'no match' are individually checked against the Electoral Roll. These members now fall into one of four categories: matched to the Electoral Roll; deceased; not currently enrolled to vote; or not found on the roll.
4. Unique members – Two or more parties cannot rely on the same members for the purpose of registration or continued registration. The names of party members matched to the Electoral Roll in both stages of testing are then compared to membership lists of other registered political parties to identify any cross party duplicates. Duplicates are removed from the membership list.
5. **Less than 500** - If after this verification process the membership list does not contain 500 names, the party will be issued with a Notice to either vary their application or review submission.
6. **500 or more** - If after this verification process is completed, the membership list contains between 500 and 550 names of electors, the second phase of testing commences.
7. *Random testing* - The membership list is now randomised using an excel function. The size of the random sample is determined by the number of members on the list after steps 2 to 4 are completed.
8. Party members are contacted starting from the top of the randomised list. In the first instance emails are sent to those members with an email address. If no response is received after 24-48 hours the member will be contacted via phone.
9. Contact is attempted on three separate occasions. If after the third attempt the member is still uncontactable they are deemed a non-response (**not a denial**) and the next consecutive person on the list is contacted. Phone contact is continued in this way until the required number of contacts is reached.

Membership testing table

To determine whether a political party meets the requirements of the Electoral Act relating to number of members, the AEC as part of party membership testing will contact a random sample of 18-50 members. The determination of the sample size is based on advice from the Australian Bureau of Statistics (ABS). Dependent on the actual sample size, and to allow the AEC to be confident that a political party meets the requirements, a certain percentage of members must confirm their membership when contacted by the AEC. Based on a recommendation from the ABS a political party is permitted a number of denials, before the AEC would determine that the political party does not meet the number of members' required for registration under the Act.

Members Lodged	Random Sample	Max Denials to Pass
500	18	0
503	26	1
511	32	2
519	37	3
526	41	4
534	44	5
541	47	6
548	50	7
550	50	7