

**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO CHANGE A PARTY NAME AND ABBREVIATION
IN THE REGISTER OF POLITICAL PARTIES APPROVED
CLIVE PALMER'S UNITED AUSTRALIA PARTY**

Notice of decision under s 134(6) of the *Commonwealth Electoral Act 1918* (Electoral Act) and Statement of Reasons

1. I am writing in accordance with s 134(6) of the Electoral Act to notify you of the determination of the application to change the name and abbreviation of Clive Palmer's United Australia Party ('the Party') in the Register of Political Parties ('the Register').
2. I am authorised to determine this application to change the Register ('the Application') under Part XI of the Electoral Act as a delegate of the Electoral Commission.

Decision

3. I have decided to approve the Application. Consequently, I have entered the following changes in the Register:

Registered name:	United Australia Party
Registered abbreviation:	UAP

Materials I have taken into account

4. In making my decision, I have had regard to:
 - the Application received by the Australian Electoral Commission (AEC) on 13 May 2021;
 - Part XI of the Electoral Act;
 - the Register and the Register of Political Parties of each Australian state and territory;
 - the AEC Party Registration Guide;
 - written particulars objecting to the Application (referred to as 'objections') received from a person with the initials LEY ('the LEY Objection'), PK ('the PK Objection'), AG ('the AG Objection'), Mr Patrick Gorman MP, and DN ('the DN Objection');
 - the response to the objections from the Party ('the Response'); and
 - the Administrative Appeal Tribunal ('the AAT') cases of *Woollard and Australian Electoral Commission and Liberal Party of Australia (WA Division) Inc* [2001] AATA 166 (6 March 2001) ('*Woollard*') and *The Fishing Party and Australian Electoral Commission and The Australian Fishing and Lifestyle Party* [2009] AATA 170 ('the *Fishing Party Case*').

Findings of Fact

5. On the material before me, I make the following findings:

Procedural application requirements

6. The Application:

- was in writing, signed by three members of the Party;
- set out the name and address of the applicants and particulars of the capacity in which each applicant makes the application; and
- was accompanied by a fee of \$500.

7. Accordingly, I am satisfied that the Application meets the requirements of ss 134(1)(b) and 134(2) of the Electoral Act.

Party name and abbreviation

8. The name, United Australia Party and the abbreviation, UAP:

- do not comprise more than 6 words;
- are not obscene;
- are not the name, or an abbreviation or acronym of the name of another political party (not being a political party that is related to the Party) that is a recognised political party;
- do not so nearly resemble the name, abbreviation or acronym of the name of another political party (not being a political party that is related to the Party) that is a recognised political party that it is likely to be confused with or mistaken for that name or that abbreviation or acronym;
- are not one that a reasonable person would think suggests a connection or relationship exists between the Party and a registered party;
- do not comprise the words "Independent Party";
- do not contain the word "Independent" and the
 - name, or abbreviation or acronym of the name of a recognised political party; or
 - matter that so nearly resembles the name or an abbreviation or acronym of a recognised political party that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym.

9. Accordingly, I am satisfied on the materials before me that there is no basis to refuse the Application under s 129 of the Electoral Act.

Written particulars

10. Section 132(7) of the Electoral Act provides that the Electoral Commission shall not register a political party (or change the Register) unless it has considered any particulars submitted objecting to a party's registration and any reply to particulars that may have been submitted under s 132 of the Electoral Act. Section 132 of the Electoral Act also outlines the requirements for submitting and processing objections to an application.

11. On 7 June 2021, the Application was advertised in 10 major newspapers circulating in each State and Territory of Australia and published on the AEC website. The advertised closing date for objections was 7 July 2021.

12. The Electoral Commission received 5 objections.

Written particulars from	Date received	Administrative requirements met	Grounds for objection under the Electoral Act
The LEY objection	7 June 2021	Yes	Not provided
The PK objection	7 June 2021	Yes	s 126 or s 129
The AG objection	11 June 2021	Yes	s 129
Patrick Gorman MP	23 June 2021	Yes	Not provided
The DN objection	1 July 2021	Yes	s 126 or s 129

13. Summary of the LEY objection

“I object to the registration of the United Australia Party (UAP) on the grounds that those involved with the party in the past and still presently involved have provided substantial misleading advertising including known lies.”

“The party shows no interest in participating in the government process other than to provide excessive influence to benefit a minority group which is in fact one man's business interests. (ie Clive Palmer). From past experience there is no reason to believe that the lies and misleading advertising will not continue at a level which provides excessive and unfair assistance to a minority.”

“This Party goes against and is a danger to Australia's Democracy.”

14. Summary of the PK objection

“Under section 126 or section 129 of the AEC.”

“I most certainly object to this change of name. What Mr Palmer is trying to do is to conceal that it's his party, knowing that his actions have alienated a good proportion of the Australian people.”

“He has proved himself, on several occasions not a fit and proper person to be in a position of power using his wealth to buy votes, not winning a seat and giving all his preferences to the LNP skewing the last federal elections result.”

“His name must stay on his party's registered name so the less prudent voter can identify him directly with the party.”

15. Summary of AG objection

“I wish to lodge an objection to the naming of a political party as the 'United Australia Party.’”

“I do so under section 129 of the Electoral Act sub sections c and d.”

“My objection is that it is the same name as an Australian political party that functioned from 1931 to 1945 and included two terms in Government in this period the second of which from 1939-1945, when Robert Gordon Menzies was Prime Minister. The successor of the United Australia Party known as the UAP is the Liberal Party of Australia.”

“The UAP of the period mentioned is unrelated to the party claiming the name today. It is misleading to voters who hold Robert Menzies in high regard to use this party name today.

“If the prefix of Palmer is used before the name UAP is used as it makes clear what the party is. To be simply UAT is confusing and misleading and is a distortion of history.”

16. Summary of Patrick Gorman MP objection

“I refer to your notice regarding objections to the application to change the name of the registered political party Clive Palmer’s United Australia Party. The name change should be rejected.”

“There are clear motivations behind the name change. We shouldn’t forget that just over a year ago, Clive Palmer sought to rip open Western Australia’s borders.”

“This is an attempt by Clive Palmer to hide from Western Australians...”

“We need transparency in our political process. Clive Palmer should not be allowed to hide from Western Australians.”

17. Summary of the DN objection

“I wish to lodge an objection to the name and abbreviation change under section 126 and 129.”

“My objection is that the voting public may not recognise that the United Australia Party is the Clive Palmer’s United Australian Party.”

“The voting public may not recognise that the abbreviation UAP is the abbreviation for Clive Palmer’s UAP.”

18. On 26 July 2021, the Party responded to the objections. The Response was published on the AEC website in accordance with s 132(6) of the Electoral Act.

Objections to the Application

Administrative requirements

19. For objections to be assessed as valid, they need to meet the administrative requirements under ss 132(2)–(3) of the Electoral Act.

20. I consider that all of the objections from the persons listed above addressed the administrative requirements of ss 132(2) and 132(3) of the Electoral Act as all five of the objections were submitted within the consideration period (on or before 11.59PM on 7 July 2021, applying ss 2G(1) and 36(1) of the Acts Interpretation Act 1901); were signed by the person submitting the objection and specified an address of that person that did not consist of a post office box number (s 123(1)).

Sections of the Electoral Act objections to the Application have been made

21. Section 132(2)(b) of the Electoral Act provides that a person can only submit written particulars objecting to an application (or a logo in the case of point (iv)) on the following grounds:

- (i) the application does not relate to an eligible political party; or
- (ii) the application is not in accordance with s 126 of the Electoral Act; or

- (iii) the application should be refused under s 129 of the Electoral Act; or
- (iv) the Electoral Commission should refuse to enter a logo of the party in the Register under s 129A of the Electoral Act.

22. I do not consider that any of the objections have provided grounds under s 126 (or s 134 as modified for a change to the Register application) of the Electoral Act that indicate that the Application has not been made in accordance with the requirements for a 'change to the Register' application under s 134 of the Electoral Act (noting that the PK objection and the DN objection both reference s 126 of the Electoral Act).

Consideration of objections

23. I am of the view that the objections have been made on the basis that the name, United Australia Party, and the abbreviation, UAP, are prohibited under s 129 of the Electoral Act.

24. Section 129 of the Electoral Act outlines the requirements for registering party names and abbreviations. An objection to a party name or abbreviation, which is made on the grounds of s 132(2)(b)(iii) of the Electoral Act, can be made against any of the requirements outlined under s 129 of the Electoral Act.

25. Section 129(1) of the Electoral Act provides:

The Electoral Commission shall refuse an application for the registration of a political party if, in its opinion, the name of the party or the abbreviation of its name that it wishes to be able to use for the purposes of this Act (if any):

- (a) comprises more than 6 words;*
- (b) is obscene;*
- (c) is the name, or is an abbreviation or acronym of the name, of another
 - i. political party (not being a political party that is related to the party to which the application relates) that is a recognised political party;**
- (d) so nearly resembles the name, or an abbreviation or acronym of the name, of another political party (not being a political party that is related to the party to which the application relates) that it is likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be;*
or
- (da) is one that a reasonable person would think suggests that a connection or relationship exists between the party and a registered party if that connection or relationship does not in fact exist; or*
- (e) comprises the words "Independent Party" or comprises or contains the word "Independent" and:
 - i. the name, or an abbreviation or acronym of the name, of a recognised political party; or*
 - ii. matter that so nearly resembles the name, or an abbreviation or acronym of the name, of a recognised political party that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be.**

26. In my opinion, the LEY objection and the Patrick Gorman MP objection do not raise any grounds under s 129 of the Electoral Act. Specifically, there is no grounds of objection under s 129 of the Electoral Act that relates to the truthfulness of a party's advertising practices, a party's level of interest in 'participating in the government process', whether a party 'goes against and is a danger to' Australian democracy, or a change of a registered political party name or abbreviation may be an attempt by an individual (in this case Clive Palmer) to hide from Western Australians (presumably a reference to Western Australians voting in a federal

election). On this basis, I have rejected the LEY objection and the Patrick Gorman MP objection.

27. I have also considered, and reject, the PK objection, the AG objection and the DN objection for the following reasons.
28. When undertaking an initial assessment of the Application, I considered the Party's proposed name and proposed abbreviation against the requirements of s 129 of the Electoral Act, and reviewed the Register and the registers for each State and Territory for parties with a similar name, abbreviation or acronym. The Party's proposed name is not the exact name, abbreviation or acronym of the name of a recognised party that is not a related party.
'United'
29. Other than the applicant Party, there were no parties found on either the federal or State and Territory registers that contained the word 'United' that is not a related party.
30. Therefore, the Party's proposed name and abbreviation is not the exact name, abbreviation or acronym of the name of a recognised party. Further, the Party's proposed name and abbreviation can be distinguished from the names and abbreviations of other recognised parties as it contains the words 'United', 'Australia' and 'Party' which when read together would be sufficient to "aurally and visually distinguish" the Party's name from other names and abbreviations on the ballot paper.
31. I also do not consider that the name 'United Australia Party' should be prohibited on the grounds it could be confused with a political party of the same name that contested elections from 1934-1945 and be confused or mistaken with the Liberal Party of Australia due to a historic connection (outlined in the AG objection) for the following reasons.
32. Under the Electoral Act, a party name that was previously the name of a deregistered party will become eligible for registration (should it not be prohibited under s 129 of the Electoral Act) once a general federal election has been held. The applicant party, Clive Palmer's United Australia Party, was initially registered on 12 December 2018 with the name, United Australia Party, and the abbreviation, UAP. This application is effectively reverting the Party's name and abbreviation back to the name and abbreviation of the Party when it attained registration in 2018.
33. On this basis, the Party's proposed name or abbreviation is not likely to be confused with or mistaken for the name or abbreviation of a recognised political party. Further, a reasonable person would not think the Party's proposed name suggests that a connection or relationship exists between the Party and a recognised party.
34. In summary, the proposed name and abbreviation are **not prohibited** under s 129 of the Electoral Act.

Your review rights

35. 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.
36. Requests for review of this decision should be addressed to Mr Tom Rogers, Australian Electoral Commissioner, and emailed to commission.secretariat@aec.gov.au or by post to Locked Bag 4007, Canberra City ACT 2601.

How do I request an internal review?

37. 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; and
 - set out the reasons for making the application.
38. 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?

39. The Electoral Commission, which is comprised of three members: the Australian Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
40. Under s 141(4) of the Electoral Act, the Electoral Commission review an application for review 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?

41. If an internal review decision has been made by the Electoral Commission and you do not agree with that decision, a person whose interests are affected, and who is dissatisfied with the decision made by the Electoral Commission may apply to the Administrative Appeals Tribunal (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.

Freedom of Information

42. 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.

43. Should you have any queries regarding party registration, please contact the AEC on 02 6271 4552, visit www.aec.gov.au or email fad@aec.gov.au.

Yours sincerely
(signed)

Joanne Reid
Assistant Commissioner
Delegate of the Electoral Commission

11 August 2021