

**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO REGISTER A NON-PARLIAMENTARY PARTY IN
THE REGISTER OF POLITICAL PARTIES APPROVED
NO5G PARTY**

Notice of decision under s 133(1A) of the *Commonwealth Electoral Act 1918* (Electoral Act) and Statement of Reasons

I am writing in accordance with s 133(1A) of the Electoral Act to notify you of the determination of the application to register No5G Party (the Party) as a non-Parliamentary party in the *Register of Political Parties* (the Register).

I am authorised to determine this application for party registration under Part XI of the Electoral Act as a delegate of the Electoral Commission.

Decision

I have decided to approve the application for registration. Consequently, I have entered the following Party in the Register.

Name of party:	No5G Party
Abbreviation:	No5G
Registered Officer:	Raymond John Broomhall
Registered Officer's address:	49 Davey Street HOBART TAS 7000
Does party seek election funding:	YES

Materials I have taken into account

In making this decision, I had regard to:

- the application for registration as a non-Parliamentary party received by the AEC on 2 October 2020;
- this application being suspended from 26 October 2020 to 2 December 2020 under s 127 of the Electoral Act as a result of the AEC conducting the Groom by-election
- the results of the testing of the Party's membership list conducted by the AEC in accordance with the sampling methodology developed by the Australian Bureau of Statistics (ABS);
- Part XI of the Electoral Act;
- the Register and the Register of Political Parties of each Australian state and territory; and
- the AEC's *Party Registration Guide*.

Findings of Fact

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

Membership list

The membership list submitted by the Party contained 550 members. AEC staff cross-checked this membership list with the Commonwealth Electoral Roll (electoral roll), as required by s 123(3) of the Electoral Act.

Submitted membership list	550
Automatically matched to the electoral roll	532
Manually matched to the electoral roll	18
Unable to match or not enrolled on the electoral roll	0
Deceased	0
Total	550

Of the 550 members matched to the electoral roll the following were identified as duplicate members who have previously supported the registration of a registered non-Parliamentary party (or parties):

Total matched to the electoral roll	550
Duplicates identified in the membership list provided by the Party	0
Members identified as also supporting the registration of another party	11
Total	539

In accordance with the random sampling formula provided by the Australian Bureau of Statistics, a list of 539 members requires a random sample of 44 contactable members to confirm they are members of the Party, with up to five denials of membership, in order for the Electoral Commission to be assured that the Party has 500 members.

The relevant numbers for this membership test were:	Members
The random sample size	44
Denials Permitted	5
The AEC attempted to contact*	50
The highest 44 responses were:	
- Confirmed Membership	44
- Denied Membership	0
PASS/FAIL	PASS

* Six members could not be contacted by the AEC

Accordingly, I am satisfied the Party meets the requirements of s 126(2)(ca) of the Electoral Act.

Party constitution

A copy of the constitution of the Party accompanied the application as required by s 126(2)(f) of the Electoral Act. The constitution provided in the application for registration:

- is in writing; and
- sets out the aims of the Party, at least one of which being promoting the election of its candidates to the Senate and/or House of Representatives.

Accordingly, I am satisfied that the Party's constitution meets the requirements of having a written constitution set out in the definition of *eligible political party* at s 123(1) of the

Electoral Act, and in accordance with the definition of *political party* at s 4 of the Electoral Act.

Party name and abbreviation

The Party name, No5G Party, and the abbreviation of the Party name, No5G:

- 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.

Accordingly, I am satisfied on the materials before me that there is no basis to refuse the application for registration from the Party under s 129 of the Electoral Act.

Other procedural application requirements

I am satisfied that the application meets the requirements of ss 126(2)(a), 126(2)(b), 126(2)(c), 126(2)(d), 126(2)(e), 126(2)(f) and 126(2)(g) of the Electoral Act as it:

- set out the name of the party (s 126(2)(a));
- set out an abbreviation (s 126(2)(b));
- set out the name and address of the person who is to be the Registered Officer of the Party for the purposes of the Electoral Act (s 126(2)(c));
- included a list of names of the 500 members of the party to be relied on (s 126(2)(ca));
- advised that the Party wishes to receive moneys under Division 3 of Part XX of the Electoral Act (s 126(2)(d));
- set out the names and addresses of the applicants and particulars of the capacity in which each applicant makes the application (s126(2)(e));
- was accompanied by a copy of the constitution of the party (s 126(2)(f)); and
- was accompanied by a fee of \$500 (s 126(2)(g)).

On 13 October 2020, I approved the advertisement of the application under s 132(1)(c) of the Electoral Act. A notice of the application was advertised on the AEC website and in 10 major newspapers on 23 October 2020. The advertised closing date for objections was 23 November 2020. The application was suspended from 26 October 2020 to

2 December 2020 under s 127 of the Electoral Act as a result of the AEC conducting the Groom by election. The objection period was extended accordingly to 31 December 2020. No written particulars objecting to the application were received.

For the reasons outlined above, I approve the registration of No5G Party and the Party's name and abbreviation being entered in the Register, as a delegate for the purposes of Part XI of the Electoral Act.

Your review rights

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.

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 posted to Locked Bag 4007, Canberra City ACT 2601.

How do I request an internal review?

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.

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?

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?

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 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

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.

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.

(signed)

Joanne Reid
Assistant Commissioner
Delegate of the Electoral Commission

5 January 2021