

**NOTICE OF DECISION ON PARTY REGISTRATION  
APPLICATION TO REGISTER A NON-PARLIAMENTARY PARTY IN  
THE REGISTER OF POLITICAL PARTIES REFUSED  
EMPOWER OUR FUTURE**

**Notice of decision under s 133(3) of the *Commonwealth Electoral Act 1918*  
(Electoral Act) and Statement of Reasons**

1. I am writing in accordance with s 133(3) of the Electoral Act to notify you of the determination of the application to register Empower Our Future (the Party) as a non-Parliamentary party in the *Register of Political Parties* (the Register).
2. I am authorised to determine this application for party registration under s 133 of the Electoral Act as a delegate of the Electoral Commission.
3. On 16 January 2019, the Australian Electoral Commission (AEC) received the application to register the Party as a non-Parliamentary party (the Application) under s 126(1)(b) of the Electoral Act.
4. On 16 August 2019, a delegate of the Electoral Commission issued a Notice to the Party under s 131(1) of the Electoral Act. The s 131 Notice stated that the membership list lodged with the Application failed to demonstrate that the Party had at least 500 members<sup>1</sup>.
5. On 8 October 2019, the AEC contacted the Party to obtain an update on the Party's application. The AEC did not receive any response from the Party to the s 131 notice and as is standard practice the application was set aside awaiting the Party to rectify the deficiencies.
6. On 3 September 2021, the requirements of membership under ss 123 and 126(2)(ca) of the Electoral Act were amended by the *Electoral Legislation Amendment (Party Registration Integrity) Act 2021* (Registration Amendment Act) increasing the requirement for non-Parliamentary parties from 'at least 500 members' to 'at least 1,500 members'.
7. On 8 September 2021, the AEC wrote to the proposed secretary advising of the introduction of the Registration Amendment Act, and the increased requirement of 'at least 1,500 members'.
8. Processing of the application was suspended from 11 April 2022 until 23 June 2022 under s 127 of the Electoral Act due to the issue of writs for the 2022 federal election.
9. On 18 July 2022, the AEC issued a second notice in accordance with s 131(1) of the Electoral Act.
10. The second s 131 notice stated that the Party's membership list did not satisfy the legislative requirement of 'at least 1,500 members'. Furthermore, the Applicants were required to respond on or before 18 September 2022 in the following terms:
  - vary the Application, in relation to the membership list in a manner that meets the legislative requirements of s 123(a)(ii) of the Electoral Act;
  - proceed with the Application in the form in which it was lodged; or
  - withdraw the Application.
11. As at 25 October 2022, no response has been received by the AEC.

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<sup>1</sup> At the time the application was lodged the membership requirement in ss 123 and 126(2)(ca) of the Electoral Act was at least 500 members

12. Accordingly, my determination is based on the Application, as lodged on 16 January 2019.

### **Decision**

13. I have determined that the application to register the Party as a non-Parliamentary party in the *Register of Political Parties* must be refused.

### **Materials I have taken into account**

14. In making this decision, I had regard to:

- the Application received by the AEC on 16 January 2019;
- Part XI of the Electoral Act;
- Section 4 of the Electoral Act;
- the Registration Amendment Act;
- the Register and the Register of Political Parties of each Australian State and Territory; and
- the AEC's *Guide for registering a party*.

### **Findings of Fact and Consideration**

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

#### Procedural application requirements

16. I am satisfied that the Application met the following requirements of s 126 of the Electoral Act.

17. The Application:

- was in writing, signed by the applicants (s 126(2));
- set out the name of the Party (s 126(2)(a));
- 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));
- stated 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 (s 126(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)).

#### Party constitution

18. 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:

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

19. Accordingly, I am satisfied that the Application met the requirements of having a written constitution in accordance with the definition of *eligible political party* at s 123(1) of the Electoral Act and the definition of *political party* at s 4 of the Electoral Act.

### Party name

20. When undertaking an initial assessment of the Application, I considered the Party's proposed name 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.
21. The Party name, Empower Our Future:
- does not comprise more than 6 words;
  - is not obscene, frivolous or vexatious;
  - is 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;
  - does not so nearly resemble 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 that it is likely to be confused with or mistaken for that name or that abbreviation or acronym;
  - is not one that a reasonable person would think suggests a connection or relationship exists between the Party and a registered party;
  - does not comprise the words "Independent Party";
  - does not comprise or 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 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.
  - does not contain a word that is in the name, or the abbreviation of the name, of a registered political party that requires consent from an existing registered political party.
22. Accordingly, I am satisfied on the materials before me that there is no basis to refuse the name under s 129 of the Electoral Act.

### Membership list

23. The membership list submitted with the Application on 16 January 2019 contained 550 names of individuals that the Party considers to be current members (referred to as 'members' below).
24. On 16 August 2019, a delegate of the Electoral Commission issued a Notice to the Party under s 131(1) of the Electoral Act. The s 131 Notice stated that the membership list lodged with the Application failed to demonstrate that the Party had at least 500 members.
25. On 3 September 2021, the Registration Amendment Act commenced and the membership threshold for non-Parliamentary parties under ss 123 and 126(2)(ca) of the Electoral Act increased from 'at least 500 members' to 'at least 1,500 members'.
26. On 18 July 2022, I issued a notice to the Party under s 131 of the Electoral Act (the s 131 Notice), advising that the Application in its current form did not meet the requirements of ss 123 and 126(2)(ca) of the Electoral Act as it did not include a membership list supporting that the Party 'has at least 1,500 members'.

27. The s 131 Notice provided that should the AEC not receive a response on or before 18 September 2022, I would consider that the applicants wish to proceed with the Application in the form in which it was lodged.
28. As at 25 October 2022, no response from the Party has been received.
29. Accordingly, I am not satisfied that the Application meets the requirements of s 126(2)(ca) of the Electoral Act as it does not include a list of the names of the 1,500 members of the Party to be relied on for the purposes of registration.

### **Conclusion**

30. For the reasons outlined above, I refuse the application from Empower Our Future for registration in the Register, as a delegate of the Electoral Commission for the purposes of ss 126(3) and 133(1) of the Electoral Act.

### **Your Review rights**

31. Under s 141(1)(b) of the Electoral Act, my decision to refuse an application for registration of a political party is a reviewable decision.
32. 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.
33. 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?

34. 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.
35. 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?

36. The Electoral Commission, which is comprised of three members, the Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
37. 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?

38. 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](http://www.aat.gov.au/applying-for-a-review/how-to-apply).

Freedom of Information

39. 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).
40. 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).

*(signed)*

Joanne Reid  
Assistant Commissioner  
Delegate of the Electoral Commission  
25 October 2022