


**NOTICE OF PARTY REGISTRATION DECISION**  
**APPLICATION TO REGISTER A PARTY IN THE REGISTER OF**  
**POLITICAL PARTIES APPROVED**  
**FAMILY FIRST PARTY AUSTRALIA**

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

1. I am writing in accordance with s 133(1) of the Electoral Act to notify you of the determination of the application to register Family First Party Australia (the Party), a non-Parliamentary party, in the *Register of Political Parties* (the Register).
2. I am authorised to determine this application for party registration (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 Party in the Register:

Name of party:	Family First Party Australia
Party abbreviation:	Family First
Registered Officer:	Mr Thomas Kenyon
Registered Officer's address:	Level 20, Tower A, The Zenith 821 Pacific Highway CHATSWOOD NSW 2067
Party logo:	
The party stated that it wishes to receive election funding:	Yes

**Materials I have taken into account**

4. In making this decision, I had regard to:
  - the Application received by the Australian Electoral Commission (the AEC) on 8 September 2023;
  - 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 (the ABS);
  - Parts I and XI of the Electoral Act;
  - the Register and the Register of Political Parties of each Australian State and Territory;
  - the *Commonwealth Electoral (Logo Requirements) Determination 2016*;
  - internet searches of trademarked and licenced logos undertaken by a service provider engaged by the AEC;
  - written particulars objecting to the Application (referred to as 'objections') received from Mr Robert Day AO;

- the response to the objections from the person who is to be the Party's Registered Officer, Mr Thomas Kenyon; and
- the AEC's *Guide for registering a party*.

### Findings of Fact and Consideration

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

#### Procedural application requirements

6. I am satisfied that the Application meets the requirements of ss 126(2)(a)–(g) of the Electoral Act. 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 an abbreviation of the name of the Party (s 126(2)(b));
- set out a logo of the Party (s 126(2)(ba));
- 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 the names of at least 1,500 members of the Party to be relied on for the purposes of registration (s 126(2)(ca));
- 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)).

#### Membership list

7. The membership list submitted for the Application supplied on 4 November 2023 contained 1,650 names of people that the Party considers to be current members (referred to as 'members' below). AEC staff cross-checked this membership list with the Commonwealth Electoral Roll (electoral roll), as required by the meaning of 'member of a political party' in s 123(3) of the Electoral Act.

<b>Submitted membership list</b>	<b>1,650</b>
Automatically matched to the electoral roll	1,198
Manually matched to the electoral roll	444
Unable to match or not enrolled on the electoral roll	(8)
Deceased	(0)
<b>Total</b>	<b>1,642</b>

8. In accordance with s 123A of the Electoral Act, in determining whether a political party has at least 1,500 members, the same member may not be relied on by more than one party. If an individual is a member of more than one political party, only the party nominated by the member may rely on the individual as a member. No party may rely on the individual as a member if the individual does not nominate a party after at least 30 days.

9. After comparing the Party's membership list with other non-Parliamentary parties' membership lists it was found that nine members were identified as supporting the registration of other political parties.

10. The AEC wrote to the nine members identified as also supporting the registration of another party to determine which party they supported for the purpose of being relied upon for registration. The results of the cross-party membership testing is as follows:

<b>Total cross-party duplicates</b>	<b>9</b>
Affirmed support of the registration of the Party	5
Did not affirm support of the registration of the Party	4
<b>Sub-total – removed from the membership list</b>	<b>4</b>

11. Three members were identified as duplicates within the list and none were under the age of 18.

<b>Total matched to the electoral roll</b>	<b>1,642</b>
Inner-party duplicates - members appearing more than once in the list	(3)
Under 18-year-old members	(0)
Cross-party duplicates – members identified as also being on other party membership lists and who did not affirm support for the Party	(4)
<b>Total</b>	<b>1,635</b>

12. A list of 1,635 members requires contact with a random sample of 57 members under the formula provided by the ABS. For the AEC to be satisfied that the Party has the required 1,500 members, up to eight denials of membership are permitted.

<b>The relevant numbers for this membership test were:</b>	<b>Members</b>
The random sample size	57
Maximum number of denials permitted	8
Contact attempts made*	75
Responses received	
- Confirmed Membership	54
- Denied Membership	3
<b>PASS/FAIL</b>	<b>PASS</b>

\*as some members were uncontactable.

13. Accordingly, I am satisfied that the Party has at least 1,500 members and the Application meets the requirements of s 126(2)(ca) of the Electoral Act.

Party constitution

14. 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.

15. Accordingly, I am satisfied that the Party meets 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 and abbreviation

16. When undertaking an initial assessment of the Application, the Party's proposed name and proposed abbreviation was considered against the requirements of s 129 of the Electoral Act, and the Register and the registers for each State and Territory were reviewed for parties with a similar name, abbreviation or acronym.

17. The Party name, Family First Party Australia, and abbreviation, Family First:
- do not comprise more than 6 words;
  - are not obscene, frivolous or vexatious;
  - 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, 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;
  - 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 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.
  - do 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.
18. Under s 129(5)(b) of the Electoral Act, ‘a collective noun for people’, does not require consent. Schedule 1, paragraphs 13 and 15 of the Explanatory Memorandum to the *Electoral Legislation Amendment (Party Registration Integrity) Act 2021*, ‘Collective noun for people’ is intended to include words including, but not limited to ‘Party’, ‘Group’, ‘Alliance’, ‘Network’ and ‘Team’, and therefore ‘Party’ does not require consent.
19. Under s 129(5)(c) of the Electoral Act, ‘the name of a country... or a recognised geographical place’ does not require consent. Schedule 1, paragraphs 13 and 16 of the Explanatory Memorandum states that a ‘recognised geographical place’ is intended to include the name of Australian towns, cities, states and territories, as recognised by State, Territory and Commonwealth authorities. Therefore, the word ‘Australia’ does not require consent.
20. ‘Family’ and ‘First’ are not used by any federally registered party, and as such, do not require letters of consent under s 129(3)(b) of the Electoral Act. In accordance with ss 123(2) and 129(2) regarding the Party’s name, it was determined that two state registered parties containing the words ‘Family First’ are related to the Party. Accordingly, the Party’s name does not contravene s 129(1)(c) of the Electoral Act.
21. Section 129(1)(d) of the Electoral Act states that an application for registration shall be refused if the name of the applicant party “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 is a recognised political party that is it likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be”.
22. A separate entity, Australian Family Party, is registered with the Electoral Commission South Australia, and contested the 2022 South Australian state general election and the 2024

South Australian Dunstan by-election. This means Australian Family Party satisfies the definition of a *recognised political party* as it is defined under s 129(2) of the Electoral Act.

23. The applicant Party and Australian Family Party are not related entities. However, I consider that the names do not so nearly resemble each other as to cause confusion, noting the prominence of the word 'first' which clearly distinguishes the two, including the use of the word 'first' on the Party's logo and abbreviation. The abbreviation of Australian Family Party as registered in the State of South Australia is 'Aust Family Party'. This reasoning is further discussed at paragraph 42 in the context of the objection received in relation to the application.
24. Accordingly, the Party's name does not contravene s 129(1)(d) of the Electoral Act.
25. As Australian Family Party is not a federally registered political party, the word 'Family' does not contravene s 129(3)(a) and so does not require a letter of consent.

#### Party logo

26. The logo set out in the Application:
- is not obscene;
  - is not the logo of any other person;
  - does not so nearly resemble the logo of any other person that it is likely to be confused with or mistaken for that logo;
  - is not one that a reasonable person would think suggests that a connection or relationship exists between the Party and a registered political party if that connection or relationship does not in fact exist;
  - 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 and therefore does not require consent from an existing registered political party;
  - is in black and white;
  - is in a vector graphic in electronic format;
  - is 100% black in a CMYK colour space;
  - is contained within a frame of 10 mm by 10 mm;
  - is able to be reproduced correctly within a frame of 7 mm by 7 mm;
  - does not include live text, transparency, overprinting, custom halftone, transfer curve or colour profile settings; and
  - is in a PDF file, of less than 5 megabytes, that complies with International Standard ISO 32000-1:2008 as in force at the time of the commencement of the *Commonwealth Electoral (Logo Requirements) Determination 2016*.

#### Written particulars

27. Section 132(2)(b) of the Electoral Act provides that a person can only submit written particulars objecting to an application to register a party (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.

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

29. On 26 June 2024, the application was advertised in 10 major newspapers circulating in each State and Territory of Australia and published on the AEC website. The closing date for written particulars objecting to the application was 26 July 2024.

30. Written particulars must also meet the following administrative requirements under ss 132(2)–(3) of the Electoral Act:

- be in writing;
- be signed by the person (either physically, or electronically as per s 10(1) of the *Electronic Transactions Act 1999*);
- specify a postal address of the objector that does not consist of a post office box number (noting the definition of 'address' in s 123(1) of the Electoral Act and the postal service requirements in s 140(1) of the Electoral Act);
- be submitted within one-month after the publication of the relevant s 132(1) Notice on the AEC website on 26 June 2024; and
- set out the person's belief that the Application should be refused for a reason listed in s 132(2)(b) of the Electoral Act and provide grounds for that belief.

Objections to the Application

31. The Electoral Commission received one objection:

<b>Written particulars from</b>	<b>Date received</b>	<b>Administrative requirements met</b>	<b>Grounds for objection under the Electoral Act</b>
Mr Robert Day AO	22 July 2024	Yes	Section 129

32. On 5 August 2024, the Party responded to the written particulars contained in the objection from Mr Day. The Party's response was published on the AEC website in accordance with s 132(6) of the Electoral Act.

Objection to the Application and the Party's response

33. In consideration of the objection, I set out my reasons below why I consider that the Party's proposed name and abbreviation do not infringe the terms of ss 129(1)(d) or 129(1)(da) of the Electoral Act and so can be entered in the Register. The objection does not object to the Party's proposed logo.

34. Before advertising the Application in accordance with s 132(1) of the Electoral Act, an initial assessment of the Application was conducted in accordance with s 131(1) of the Electoral Act. As part of that initial assessment, the Party's proposed name and abbreviation were considered against the requirements of s 129 of the Electoral Act and the Register and the registers for each State and Territory were reviewed for parties with a similar name. The

Party's name or abbreviation were not considered to contravene s 129 of the Electoral Act and the Application proceeded to advertising.

35. Consideration of the one objection referred to in paragraph 26 above, requires me to consider ss 129(1)(d) and 129(1)(da) of the Electoral Act. These sections provide as follows:

**129 Parties with certain names not to be registered**

- (1) 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:

...

- (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 is a recognised political party 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

36. If I am satisfied that either of the grounds in ss 129(1)(d) or (da) is established, I shall refuse the Party's application for registration.

*Objection and response*

37. Mr Day's objection to the name concerns the words "Family First". Mr Day's objection also stated that '...[H]aving two parties with very similar names on the ballot paper on election day could confuse voters resulting in neither party being elected'. Mr Day believes that voters may be misled by the terms, thinking the Party is associated with Mr Day's former party, Family First, and Australian Family Party, registered with the Electoral Commission South Australia.

38. Mr Day did not object to the proposed logo of the Party.

39. The Party's response to this objection stated that: "[T]he (AFP) [Australian Family Party] is **not registered** with the Australian Electoral Commission. Without registration, there can be no confusion with a non-existent or unregistered entity. The AFP obviously cannot object, hence the objection by the objector. Moreover, the Australian Family Party has not made any application for federal registration. This further negates any claim of potential confusion, as there will be no federal entity under the name AFP."

40. I take Mr Day's objection to be about the matters in ss 129(1)(d) and (da) of the Electoral Act, and particularly to be about s 129(1)(da) in relation to the connection or relationship that a reasonable person may think exists between the Party and the Australian Family Party.

41. As set out in paragraph 22, I consider that Australian Family Party, in relation to s 129(1)(d), is a recognised political party having satisfied the definition in s 129(2) of the Electoral Act as it is registered with the Electoral Commission South Australia, and contested the 2022 South Australian state general election and the 2024 South Australian Dunstan by-election.

42. I consider that while the name and abbreviation of the Party and the separate entity in South Australia may bear some resemblance, they are sufficiently distinct, and do not so nearly resemble each other so as to be confused by a reasonable person. In particular, the

abbreviations and acronyms used by the party bear no resemblance to the entity in South Australia, and the word 'first' is unique to the applicant Party. Therefore, I do not consider that the name or abbreviation of the Party so nearly resemble the name of Australian Family Party that is likely to be confused or mistaken.

43. In the context of a ballot paper, the Party will be presented as 'Family First Party Australia' or 'Family First', alongside the Party's logo. As the Australian Family Party is not a federally registered political party, the two parties will not appear on the same ballot paper at a federal election.
44. Because s 129(1)(d) of the Electoral Act specifically contemplates comparison of the name of a party applying to be federally registered with the name of a party registered in a State or Territory, my consideration of the name is not confined to the comparison of two names on the same ballot paper, but whether electors could be mistaken or confused about whether the federally registered party is the same as a party the elector may be aware of in the State or Territory electoral context.
45. I am of the opinion that confusion or mistake, if any, could only arise in South Australia given the Australian Family Party only exists in South Australia. An elector in South Australia is, however, likely to be aware that there are two entities, being the Australian Family Party and Family First Party Inc., thereby reducing the likelihood of mistake or confusion when they prepare to mark their ballot paper. I therefore do not consider that the applicant Party is likely to be confused or mistaken for another recognised party.
46. Australian Family Party is not a registered political party for the purposes of s 129(1)(da) of the Electoral Act. As such, there are no sufficient grounds that require me to refuse the application because of this section.
47. Mr Day's objection to the name of the Party further stipulated that '...Were the name *Family First* to appear on a federal election ballot paper, a voter may be misled into voting for – or not voting for – this party thinking the party was associated with [Mr Day]'.
48. There are no grounds under Part XI of the Electoral Act, in particular s 129, to refuse the name or abbreviation of a party due to a perception that the party has any particular relationship or association with an individual, including whether they are well-known. Specifically, ss 129(1)(d) and (da) of the Electoral Act contemplate comparisons to a political party (as per the definition of s 129(2)) only.
49. Mr Day's objection also relies on what he refers to as 'The South Australian experience', providing a brief history of the formerly registered Family First Party (deregistered 30 August 2017), Australian Conservatives (deregistered 25 June 2019) and the formation of the Australian Family Party in 2020.
50. There are no grounds under Part XI of the Electoral Act to refuse the name or abbreviation of a party due to its history of registration, unless the timing of a previously registered name is relevant to the most recent general election under s 136(2). The previous registration of Family First, referred to in the objection, is not relevant grounds for an ineligible registration, noting the deregistration date of 2017.
51. Accordingly, I do not consider these arguments as grounds to refuse the application under Part XI of the Electoral Act.



## Summary

52. There are two elements to my decision on the Application, as set out in this Statement of Reasons:
- 1) a decision to register the Party under s 133(1); and
  - 2) a decision that the Party's logo should not be refused under s 129A.
53. I am satisfied on the materials before me that there is no basis to refuse the Application under s 129 of the Electoral Act. I do not consider the objections from Mr Day makes out sufficient grounds under s 129 of the Electoral Act to refuse the application. The Party can be registered, and the Party's name and abbreviation entered in the Register.

### Approval of the Application

54. For the reasons outlined above, I approve the application from Family First Party Australia 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**

55. 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.
56. 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?

57. 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.
58. 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?

59. The Electoral Commission, which is comprised of three members, the Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
60. 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?

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

Freedom of Information

62. 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).
63. 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  
20 September 2024