

Commonwealth Electoral Act 1918

Extract of provisions governing the Register of Political Parties

4 Interpretation

- (1) In this Act unless the contrary intention appears:

abbreviation of the name of a political party means a shortened version, or an acronym, of the party's name and does not include an alternative name of the party.

General election means a general election of the members of the House of Representatives.

Organization includes:

- (a) a body corporate;
- (b) an association or other body of persons;
- (c) an association that consists of 2 or more organizations within the meaning of the preceding paragraphs; and
- (d) a part of an organization within the meaning of a preceding paragraph.

Part, in relation to an organization, includes:

- (a) a branch or division of the organization; and
- (b) a part of a part of the organization.

Political party means an organization the object or activity, or one of the objects or activities, of which is the promotion of the election to the Senate or to the House of Representatives of a candidate or candidates endorsed by it.

Register of Political Parties means the Register of Political Parties established under section 125.

Senate election means an election of Senators for a State or Territory.

4C Registered officer of political party

- (1) Subject to subsection (2), a reference in this Act to the registered officer of a registered political party is a reference to the person shown in the Register of Political Parties as the registered officer of the party.
- (2) A reference in Part XIV or XVI to the registered officer of a registered political party includes a reference to a person for the time being nominated by the registered officer of a party as a deputy registered officer of the party for the purposes of this Act.
- (3) A nomination under subsection (2):
 - (a) shall be in writing, signed by the registered officer and lodged with the Commission;
 - (b) shall specify the name and address of the person nominated and bear the signature of that person; and
 - (c) may be revoked at any time by the registered officer by written notice lodged with the Commission.

Part XI—Registration of political parties

123 Interpretation

- (1) In this Part, unless the contrary intention appears:

address does not include a postal address that consists of a post office box number.

eligible political party means a political party that:

- (a) either:
 - (i) is a Parliamentary party; or
 - (ii) has at least 500 members; and
- (b) is established on the basis of a written constitution (however described) that sets out the aims of the party.

Parliamentary party means a political party at least one member of which is a member of the Parliament of the Commonwealth.

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.

- (2) For the purposes of this Part, 2 political parties shall be taken to be related if:
- (a) one is a part of the other; or
 - (b) both are parts of the same political party.
- (3) A reference in this Part to a member of a political party is a reference to a person who is both:
- (a) a member of the political party or a related political party; and
 - (b) an elector.

124 Registration of political parties

Subject to this Part, an eligible political party may be registered under this Part for the purposes of this Act.

125 Register of Political Parties

The Electoral Commission shall establish and maintain a Register, to be known as the Register of Political Parties, containing a list of the political parties that are registered under this Part.

126 Application for registration

- (1) An application for the registration of an eligible political party may be made to the Electoral Commission by:
- (a) in the case of a Parliamentary party:
 - (i) the secretary of the party; or
 - (ii) the member, or all the members, of the Commonwealth Parliament who is a member, or who are members, of the party; or
 - (b) in the case of a political party other than a Parliamentary party—10 members of the party, of whom one is the secretary of the party.

However, where a member of a Parliamentary party:

- (c) who is a member of the Commonwealth Parliament; and
- (d) who has previously made an application for the registration of that Parliamentary party (the *first party*);

makes an application for the registration of another party, the Commission must not proceed with the application for the registration of that other party unless the Commission is satisfied that the member is no longer a member of the first party. If the Commission is so satisfied, the Commission must take any action required by section 136 immediately.

- (2) An application for the registration of an eligible political party shall be in writing, signed by the applicant or applicants and by the person who is to be the registered officer of the party, and shall:
 - (a) set out the name of the party;
 - (b) if the party wishes to be able to use for the purposes of this Act an abbreviation of its name—set out that abbreviation;
 - (c) set out the name and address of the person who is to be the registered officer of the party for the purposes of this Act;
 - (ca) include a list of the names of the 500 members of the party to be relied on for the purposes of registration;
 - (d) state whether or not the party wishes to receive moneys under Division 3 of Part XX;
 - (e) set out the name and address of the applicant or the names and addresses of the applicants and particulars of the capacity in which the applicant or each applicant makes the application; and
 - (f) be accompanied by a copy of the constitution of the party; and
 - (g) be accompanied by a fee of \$500.
- (2A) Two or more parties cannot rely on the same member for the purpose of qualifying or continuing to qualify as an eligible political party. The following provisions apply accordingly:
 - (a) a member who is relied on by 2 or more parties may nominate the party entitled to rely on the member, but if a party is not nominated after the Electoral Commission has given the member at least 30 days to do so, the member is not entitled to be relied on by any of those parties;
 - (b) the members on whom a registered party relies may be changed at any time by an amendment of the Register of Political Parties;
 - (c) the registration of a party is not to be cancelled because of this subsection unless the Electoral Commission has taken action to determine whether the party should be deregistered because of paragraph 137(1)(a), (b) or (c).
- (3) Upon receipt of an application for the registration of a political party, the Electoral Commission shall deal with the application in accordance with this Part and determine whether the party can be registered.

127 Party not to be registered during election

During the period commencing on the day of the issue of the writ for a Senate election or a House of Representatives election and ending on the day on which the writ is returned, no action shall be taken in relation to any application for the registration of a political party, including any action by the Administrative Appeals Tribunal in respect of a decision of the Electoral Commission that relates to such an application.

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 (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 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 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; 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.

- (2) In this section:

recognised political party means a political party that is:

- (a) a Parliamentary party; or
- (b) a registered party; or
- (c) registered or recognised for the purposes of the law of a State or a Territory relating to elections and that has endorsed a candidate, under the party’s current name, in an election for the Parliament of the State or Assembly of the Territory in the previous 5 years.

130 Different levels of party may be registered

The Electoral Commission may register an eligible political party notwithstanding that a political party that is related to it has been registered.

131 Variation of application

- (1) Where, after initial consideration of an application for the registration of a political party, the Electoral Commission is of the opinion that it is required to refuse the application but that the applicant or applicants might be prepared to vary the application in such a way that it would not be so required, the Commission shall give the applicant or applicants written notice that it is of that opinion, setting out the reasons for its opinion and the terms of the provisions of subsections (2) and (3).

- (2) Where notice is given under subsection (1) in relation to an application, the Electoral Commission is not required to give further consideration to the application unless and until notice is lodged with it under subsection (3).
- (3) Where notice is given under subsection (1) in relation to an application for the registration of a political party, the applicant or applicants may lodge with the Electoral Commission a written request, signed by the applicant or applicants, to:
 - (a) vary the application in a manner specified in the request; or
 - (b) proceed with the application in the form in which it was lodged;
 and the Commission shall comply with the request.
- (4) If a request is made under subsection (3) to vary an application, the application as varied is to be treated for the purposes of this section as if it were a new application.

132 Procedure for dealing with application

- (1) If:
 - (a) an application for registration is lodged with the Electoral Commission; and
 - (b) the Commission does not give a notice under subsection 131(1) in respect of that application;
 the Electoral Commissioner:
 - (c) must publish a notice of the application:
 - (i) in a newspaper circulating generally in each State and Territory; and
 - (ii) on the Electoral Commission's website; and
 - (d) may publish the notice in any other way the Electoral Commissioner considers appropriate.
- (2) A notice under subsection (1) in relation to an application shall:
 - (a) set out the particulars specified in the application in accordance with subsection 126(2); and
 - (b) invite any persons who believe that the application:
 - (i) does not relate to an eligible political party;
 - (ii) is not in accordance with section 126; or
 - (iv) should be refused under section 129;
 to submit written particulars of the grounds for that belief to the Electoral Commission within 1 month after the date of the publication of the notice on the Electoral Commission's website.
- (3) Particulars submitted by a person under subsection (2) shall be signed by, and specify an address of, that person.
- (4) Particulars submitted under paragraph (2)(b) shall, as soon as practicable, be made available at the principal office of the Electoral Commission in Canberra for inspection by members of the public.
- (5) The Electoral Commission shall:
 - (a) give a copy of all of the particulars (if any) submitted under paragraph (2)(b) to the person who is to be the registered officer of the party concerned; and
 - (b) at the same time, give to the person a notice inviting the person to submit a reply to the particulars to the Commission within the time specified in the notice.

- (6) A reply submitted under subsection (5) shall, as soon as practicable, be made available at the principal office of the Electoral Commission in Canberra for inspection by members of the public.
- (7) The Electoral Commission shall not register a political party unless:
 - (a) it has published notice of the application for registration in accordance with this section;
 - (b) a period of at least one month has elapsed after the date of publication of notice of the application on the Electoral Commission's website;
 - (c) where particulars have been submitted under paragraph (2)(b), either:
 - (i) the time specified in a notice under subsection (5) has expired; or
 - (ii) a reply to the particulars has been received; and
 - (d) the Commission has considered those particulars (if any) and any reply to the particulars.

132A Electoral Commission to give reasons for decisions under this Part

- (1) The Electoral Commission must:
 - (a) give the parties to an application under section 126 written notice of the reasons for its decision in relation to the application if it decides not to register the party concerned; and
 - (b) take such steps as the Commission considers appropriate to publicise those reasons.
- (2) For the purposes of subsection (1), the parties to the application are:
 - (a) the applicant; and
 - (b) any person who submits particulars in relation to the application under subsection 132(2).

133 Registration

- (1) Where the Electoral Commission determines that a political party an application for the registration of which has been made should be registered, it shall:
 - (a) register the party by entering in the Register:
 - (i) the name of the party;
 - (ii) if an abbreviation of the name of the party was set out in the application—that abbreviation;
 - (iii) the name and address of the person who has been nominated as the registered officer of the party for the purposes of this Act; and
 - (iv) where the party has in its application stated that it wishes to receive moneys under Division 3 of Part XX—a statement indicating that the party so wishes;
 - (b) give written notice to the applicant or applicants that it has registered the party;
 - (c) if any person or persons submitted particulars in response to the invitation referred to in paragraph 132(2)(b) in relation to the application—give written notice to that person or those persons that it has registered the party, setting out in the notice to each person the reasons for rejecting the reasons particulars of which were so submitted by the person.
- (1A) If the Electoral Commission makes a determination under subsection (1) that a political party should be registered, the Electoral Commissioner:

- (a) must publish notice of the registration of the party on the Electoral Commission's website; and
 - (b) may publish notice of the registration in any other way the Electoral Commissioner considers appropriate.
- (2) Where a statement is entered in the Register that a political party wishes to receive moneys under Division 3 of Part XX, that party shall, for the purposes of Part XX, be taken to have been registered for public funding.
- (3) Where the Electoral Commission determines that an application for the registration of a political party should be refused, it shall give the applicant or applicants written notice that it has refused the application, setting out the reasons for its so refusing.

134 Changes to Register

- (1) Where a political party is registered under this Part, an application may be made to the Electoral Commission, by:
- (a) in the case of a Parliamentary party—either the secretary of the party or all the members of the Commonwealth Parliament who are members of, or the member of that Parliament who is a member of, the party; or
 - (b) in the case of a political party other than a Parliamentary party—3 members of the party;
- to change the Register by:
- (c) changing the name of the party to a name specified in the application;
 - (d) if an abbreviation of the name of the party is entered in the Register—changing that abbreviation to an abbreviation specified in the application;
 - (e) if an abbreviation of the name of the party is not entered in the Register—entering in the Register an abbreviation of the name of the party, being an abbreviation specified in the application;
 - (f) entering in, or removing from, the Register a statement that the party wishes to receive moneys under Division 3 of Part XX; or
 - (g) substituting for the name of the registered officer entered in the Register the name of a person specified in the application.
- (1A) Where a political party is registered under this Part, the registered officer of the party may apply to the Electoral Commission to change the Register by substituting for the address of the registered officer entered in the Register the address specified in the application.
- (2) An application under subsection (1):
- (a) shall be in writing, signed by the applicant or applicants;
 - (b) in the case of an application to substitute the name of a person as the name of the registered officer of a political party, shall be signed by that person and may be signed by the registered officer; and
 - (c) shall set out the name and address of the applicant or the names and addresses of the applicants and particulars of the capacity in which the applicant or each applicant makes the application; and
 - (d) for the purposes of paragraph (1)(c), (d) or (e)—must be accompanied by a fee of \$500.
- (2A) An application under subsection (1A) shall be signed by the applicant.

- (3) Upon receipt of an application under subsection (1) or (1A), the Electoral Commission shall deal with the application in accordance with this Part and determine whether the change requested in the application should be made.
- (4) In respect of an application under subsection (1) for a change referred to in paragraph (1)(c), (d) or (e), sections 127, 129, 131 and 132 apply in relation to the application as if:
 - (a) a reference in those sections to an application for registration were a reference to an application for that change;
 - (b) subparagraph (2)(b)(i) were omitted from section 132; and
 - (c) a reference in subparagraph 132(2)(b)(ii) to section 126 were a reference to this section.
- (5) Where an application under subsection (1) to substitute the name of a person for the name of the registered officer of a political party is not signed by the registered officer, the Electoral Commission shall:
 - (a) give the registered officer written notice of the application for the change and invite the registered officer, if he or she considers that there are reasons why the change should not be made, to submit written particulars of those reasons to the Commission within 7 days after the date on which the notice was given; and
 - (b) consider any particulars submitted in response to the invitation referred to in paragraph (a).
- (6) Where the Electoral Commission determines that an application under subsection (1) or (1A) should be granted, it shall:
 - (a) change the Register accordingly;
 - (b) give the applicant or applicants written notice that it has made the change;
 - (c) in the case of a change referred to in paragraph (1)(c), (d) or (e) in respect of which any person or persons submitted particulars in response to the invitation referred to in paragraph 132(2)(b) in its application by virtue of subsection (4)—give written notice to that person or those persons that it has made the change, setting out in the notice to each person the reasons for rejecting the reasons particulars of which were so submitted by the person;
 - (d) in the case of an application to substitute the name of a person for the name of the registered officer of the party, being an application in respect of which the registered officer submitted particulars under paragraph (5)(a)—give written notice to that registered officer that it has made the change setting out the reasons for rejecting the reasons particulars of which were so submitted.
- (6A) If the Register is changed in accordance with paragraph (6)(a), the Electoral Commissioner:
 - (a) must publish notice of the change on the Electoral Commission's website; and
 - (b) may publish notice of the change in any other way the Electoral Commissioner considers appropriate.
- (7) Where the Electoral Commission determines that an application under subsection (1) or (1A) should be refused it shall give the applicant or applicants written notice that it has so determined.
- (8) The Electoral Commission must:

- (a) give an applicant who makes an application under subsection (1) to change the Register in the way referred to in paragraph (1)(c), (d) or (e) written notice of the reasons for its decision in relation to the application if it refuses to grant the application; and
- (b) take such steps as the Commission considers appropriate to publicise those reasons.

134A Objection to continued use of name

(1) If:

- (aa) one registered political party (the *parent party*) was registered under section 126 before another registered party (the *second party*); and
- (a) the Electoral Commission is satisfied that:
 - (i) the name of the parent party is the same as, or relevantly similar to, the name of the second party and the parties are not related at the time of the objection; or
 - (ii) the name of the second party is one that a reasonable person would think suggests that a connection or relationship exists between the second party and the parent party and that connection or relationship does not in fact exist; and
 - (iii) the second party was registered after the commencement of this section; and
- (b) the registered officer of the parent party objects in writing to the continued use of the name by the second party;

the Commission must:

- (d) uphold the objection; and
- (e) notify the registered officer of the second party, at the address specified in the Register, that the second party will be deregistered under section 137 if:
 - (i) it does not make an application under section 134 for a change of name within 1 month of the date of the notice; or
 - (ii) it makes such an application, but the application is refused.

(2) For the purposes of paragraph (1)(a), the name of a party is *relevantly similar* to the name of another party if, in the opinion of the Electoral Commission, the name so nearly resembles the name of the other party that it is likely to be confused with or mistaken for that name.

(2A) The Electoral Commission must:

- (a) give the parties to an objection under this section written notice of the reasons for its decision in relation to the objection if it upholds the objection; and
- (b) take such steps as the Commission considers appropriate to publicise those reasons.

(2B) For the purposes of subsection (2A), the parties to the objection are:

- (a) the registered officer of the parent party; and
- (b) the registered officer of the second party.

(3) In this section:

name, in relation to a registered political party, means:

- (a) the name of the party that is entered in the Register; or
- (b) the abbreviation, entered in the Register, of the name of the party.

135 Voluntary deregistration

- (1) A political party that is registered under this Part shall be deregistered by the Electoral Commission if an application to do so is made to the Commission by a person or persons who are entitled to make an application for a change to the Register under section 134 in relation to the party.
- (2) An application under subsection (1) shall:
 - (a) be in writing, signed by the applicant or applicants; and
 - (b) set out the name and address of the applicant or the names and addresses of the applicants and particulars of the capacity in which the applicant or each applicant makes the application.
- (3) Where a political party is deregistered under subsection (1), that party, or a party that has a name that so nearly resembles the name of the deregistered party that it is likely to be confused with or mistaken for that name, is ineligible for registration under this Part until after the general election next following the deregistration.

136 Deregistration of party failing to endorse candidates or ceasing to be a Parliamentary party

- (1) A registered political party is liable to deregistration if:
 - (aa) the party has been registered for more than 4 years and during that time has not endorsed a candidate for any election; or
 - (a) a period of 4 years has elapsed since the polling day in the last election for which the party endorsed a candidate; or
 - (b) in the case of a party that was a Parliamentary party when it was registered:
 - (i) the party has ceased to be a Parliamentary party; and
 - (ii) the party has fewer than 500 members.
- (1A) If a party becomes liable to deregistration, the Electoral Commission shall:
 - (a) deregister the party;
 - (b) give written notice of the deregistration to the person who was the registered officer of the party immediately before the deregistration.
- (1B) If a political party is deregistered under subsection (1A), the Electoral Commissioner:
 - (a) must publish notice of the deregistration on the Electoral Commission's website; and
 - (b) may publish notice of the deregistration in any other way the Electoral Commissioner considers appropriate.
- (2) Where a political party is deregistered under subsection (1A), that party, or a party that has a name that so nearly resembles the name of the deregistered party that it is likely to be confused with or mistaken for that name, is ineligible for registration under this Part until after the general election next following the deregistration.
- (3) A Parliamentary party shall not be deregistered under this section.

137 Deregistration of political party on other grounds

- (1) If the Electoral Commission is satisfied on reasonable grounds that:
 - (a) a political party registered under this Part has ceased to exist (whether by amalgamation with another political party or otherwise); or
 - (b) a political party so registered, not being a Parliamentary party, has ceased to have at least 500 members; or
 - (c) the registration of a political party so registered was obtained by fraud or misrepresentation; or
 - (ca) an objection against the continued use of a name (within the meaning of section 134A) by a political party so registered has been upheld under section 134A, but an application to change the party's name:
 - (i) was not made under section 134 within one month of the upholding of the objection; or
 - (ii) was so made within one month of the upholding of the objection, but was later refused; or
 - (cb) the registered officer of a registered political party has failed to comply with a notice under section 138A (Review of eligibility of parties to remain in the Register);

the Commission must give the registered officer of the party notice, in writing, that it is considering deregistering the party under this section, setting out its reasons for considering doing so and the terms of the provisions of subsections (2), (3), (4) and (5).

- (1A) If the Electoral Commission gives a notice under subsection (1), the Electoral Commissioner:
 - (a) must publish a notice, on the Electoral Commission's website:
 - (i) stating that the Commission is considering deregistering the party under this section; and
 - (ii) specifying the paragraph of subsection (1) by reason of which it is considering doing so; and
 - (b) may publish a notice covered by paragraph (a) of this subsection in any other way the Electoral Commissioner considers appropriate.
- (2) Where a notice is given under subsection (1) in relation to a political party, the registered officer of the party or 10 members of the party may, within 1 month after the date on which the notice was given, lodge with the Electoral Commission a statement, in writing, signed by the registered officer or by those members of the party, as the case may be, setting out reasons why the party should not be deregistered under this section.
- (3) Where a statement lodged under subsection (2) is signed by 10 members of a political party, the statement shall set out the names and addresses of those members and contain a statement that they are members of that party.
- (4) Where a notice is given under subsection (1) in relation to a political party and a statement is not lodged under subsection (2) in response to that notice, the Electoral Commission shall deregister the party.
- (5) Where, in response to a notice given under subsection (1) in relation to a political party, a statement is lodged under subsection (2), the Electoral Commission shall consider that statement and determine whether the political party should be deregistered for the reason set out in that notice.

- (6) Where, under subsection (5), the Electoral Commission determines that a political party should be deregistered, it shall:
 - (a) deregister the party;
 - (b) give the person who was the last registered officer of the party written notice of the deregistration, setting out its reasons for rejecting the reasons set out in the statement lodged under subsection (2).
- (6A) If the Electoral Commission deregisters a party under subsection (4) or (6), the Electoral Commissioner:
 - (a) must publish a notice of the deregistration on the Electoral Commission's website; and
 - (b) may publish a notice of the deregistration in any other way the Electoral Commissioner considers appropriate.
- (7) Where, under subsection (5), the Electoral Commission determines that a political party should not be deregistered under this section, it shall give the registered officer of the party written notice of its determination.

138 Deregistration

Where a political party is deregistered under section 135, 136 or 137, the Electoral Commission shall cause the particulars on the Register that relate to that party to be cancelled.

138A Review of eligibility of parties to remain in the Register

- (1) The Electoral Commission may review the Register to determine whether one or more of the parties included in the Register:
 - (a) is an eligible political party; or
 - (b) should be deregistered under section 136 or 137.
- (2) The Electoral Commission may do so at any time other than during the period that:
 - (a) starts on the day of the issue of a writ for a Senate election or House of Representatives election; and
 - (b) ends on the day on which the writ is returned.
- (3) For the purposes of reviewing the Register, the Electoral Commission may give a written notice to the registered officer of a registered political party requesting specified information on the party's eligibility to be registered under this Part.
- (4) The notice must specify a period within which the information must be provided. The period must be at least 2 months.
- (5) The registered officer must comply with the notice within the specified period. However, the Electoral Commission may extend that period.

Note: A failure to comply with the notice may lead to deregistration (see paragraph 137(1)(cb)).

139 Inspection of Register

The Register shall be open for public inspection, without fee, during ordinary office hours at the principal office of the Electoral Commission in Canberra.

140 Service of documents

- (1) Where the Electoral Commission is required by this Part to give a written notice to:
 - (a) an applicant or applicants for registration;
 - (b) the registered officer of a political party;
 - (c) the person who was the registered officer of a political party immediately before its deregistration;
 - (d) a person who submitted particulars to it; or
 - (e) a person who made an application under subsection 141(2);that notice shall be given by being posted by pre-paid post as a letter addressed to:
 - (f) the person nominated as the registered officer in the application for registration at his or her address shown in the application;
 - (g) the registered officer of the political party at his or her address set out in the Register;
 - (h) the last registered officer of the party at his or her address shown in the Register;
 - (j) the person who submitted the particulars at the address specified in the particulars; or
 - (k) the person who made the application under subsection 141(2) at the address specified in the application;as the case may be.
- (2) Where a person is, or persons are, entitled by this Part to make an application to the Electoral Commission, the person or persons shall do so by causing the application to be lodged at the principal office of the Commission in Canberra, in the capital city of a State or in Darwin.
- (3) Where a person is, or persons are, entitled by this Part to lodge a document (other than an application) with the Electoral Commission, the person or persons shall do so by causing the documents to be lodged at the principal office of the Commission in Canberra.

141 Review of certain decisions

- (1) In this section:

decision has the same meaning as it has in the *Administrative Appeals Tribunal Act 1975*.

Electoral Commission does not include a delegate of the Electoral Commission.

person includes a political party.

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

- (a) to register a political party under this Part; or
- (b) to refuse an application for the registration of a political party under this Part; or
- (c) to grant an application under subsection 134(1); or
- (ca) to uphold an objection under subsection 134A(1); or
- (cb) to refuse to uphold an objection under subsection 134A(1); or
- (d) to refuse an application under subsection 134(1); or

- (e) to deregister a political party under subsection 137(6).
- (2) 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 (either before or after the expiration of that period) allows, make a written application to the Commission for the review of the decision by the Commission, specifying in the application an address of the applicant.
- (3) There shall be set out in the application under subsection (2) the reasons for making the application.
- (4) Upon the receipt of an application under subsection (2) for the review of a reviewable decision, the Electoral Commission shall review that decision and shall make a decision:
- (a) affirming the decision under review;
 - (b) varying the decision under review; or
 - (c) setting aside the decision under review and making a decision in substitution for the decision so set aside.
- (5) Application may be made to the Administrative Appeals Tribunal for review of a reviewable decision made by the Electoral Commission or a decision under subsection (2) or (4).
- (6) For the purposes of a review referred to in subsection (5), the Administrative Appeals Tribunal is to be constituted by 3 members, at least one of whom is a Judge of the Federal Court of Australia.
- (6A) Subsection 21(1AA) of the *Administrative Appeals Tribunal Act 1975* does not apply in relation to a review referred to in subsection (5) of this section.
- (7) Where the Electoral Commission makes a decision under subsection (4), it shall give written notice of that decision to:
- (a) the person, or each person, to whom written notice of the reviewable decision to which the decision of the Commission relates was given under this Part; and
 - (b) the person who made the application for the review of that reviewable decision.
- (8) Where a delegate of the Electoral Commission makes a reviewable decision, a written notice of the decision given to a person or persons under this Part shall include a statement to the effect that:
- (a) a person affected by the decision may, if dissatisfied with the decision, seek a review of the decision by the Commission in accordance with subsection (2); and
 - (b) a person whose interests are affected by the decision may, subject to the *Administrative Appeals Tribunal Act 1975*, if dissatisfied with a decision made by the Commission upon that review make application to the Administrative Appeals Tribunal for review of the decision made by the Commission.
- (9) Where the Electoral Commission makes a reviewable decision or a decision under subsection (2) or (4), a written notice of the decision given to a person or persons under this Part shall include a statement to the effect that a person whose interests are affected by the decision may, subject to the *Administrative Appeals*

Tribunal Act 1975, if dissatisfied with the decision, make an application to the Administrative Appeals Tribunal for review of the decision.

- (10) Any failure to comply with the requirement of subsection (8) or (9) in relation to a decision does not affect the validity of the decision.