

**NOTICE OF PARTY REGISTRATION DECISION  
APPLICATION TO CHANGE A PARTY NAME AND REMOVE AN  
ABBREVIATION IN THE REGISTER OF POLITICAL PARTIES  
APPROVED  
INVOLUNTARY MEDICATION OBJECTORS  
(VACCINATION/FLUORIDE) PARTY**

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

I am writing in accordance with subsection 134(6) of the Electoral Act to notify you of the determination of the application from Involuntary Medication Objectors (Vaccination/Fluoride) Party (the Party) to change its name (and remove the abbreviation of the name) in the *Register of Political Parties* (the Register).

I am authorised to determine this application under section 134 of the Electoral Act as a delegate of the Electoral Commission.

**Decision**

I have decided to approve the application to change the Party's name in the Register from Involuntary Medication Objectors (Vaccination Fluoride) Party to Informed Medical Options Party, and remove the abbreviation of the Party's name, Involuntary Vaccine/Fluoride Objectors, in the Register.

**Materials I have taken into account**

In making my decision, I have had regard to:

- the application to change the name of the Party, and remove the abbreviation of the Party name, in the Register received by the Australian Electoral Commission (AEC) on 4 December 2019;
- Part XI of the Electoral Act;
- the Register and the Register of Political Parties of each Australian state and territory; and
- the AEC *Party Registration Guide*.

**Findings of Fact**

Written particulars

On 17 January 2020, a notice of the application was advertised on the AEC website and in 10 major newspapers nationwide. This provided an opportunity for a person to lodge an objection to the application. The closing date for objections was 17 February 2020.

Paragraph 132(2)(b) of the Electoral Act provides that a person can only submit written particulars objecting to an application to register a political party (or a logo in the case of subparagraph (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 section 126 of the Electoral Act (the section setting out the requirements to be met by an applicant party); or
- (iii) the application should be refused under section 129 of the Electoral Act (the name and abbreviation tests); or
- (iv) the Electoral Commission should refuse to enter a logo of the Party in the Register under section 129A of the Electoral Act (the logo test).

27 written particulars were lodged objecting to the Party's application. 13 written particulars were assessed as meeting the legislative requirements of a valid objection under paragraph 132(2)(b) of the Electoral Act. The AEC published a redacted version of all 13 objections on the AEC website and provided the written particulars, including a notice inviting a reply, to Ms Megan Bennetts, former Registered Officer of the Party.

On 16 March 2020, the Party responded to the objections. The Party's response was published on the AEC website in accordance with subsection 132(6) of the Electoral Act.

The grounds for objection cited by 12 of the 13 objectors was under paragraph 129(1)(b) of the Electoral Act. The ground for objection cited by one of the 13 objectors was under paragraph 129(1)(da) of the Electoral Act.

The basis for the objections is summarised below:

- 'It is obscene to mislead the public'... 'the party is far from informed and it is not medical'.
- 'My Oxford Dictionary notes that to be obscene (in law, of publication) means tending to deprave or corrupt or be highly offensive'.
- 'I object to the use of this name for a political party under the grounds it is misleading and obscene'.
- 'To support continuing misinformation through a change of party name for an anti-vaccination party to obscure its true intent, obtain votes in Australia and advocate against vaccines when safe vaccines are available to prevent life-threatening disease, would be obscene'.
- 'The proposed name change is obscene. I am relying on accepted definitions, including that the name change would be offending moral principles and would be repugnant'.
- 'The proposed name change violates s129(1)(b), in that is obscene. I am relying on accepted definitions of that word, including offending moral principles and being repugnant'.

The written particulars citing an objection under paragraph 129(1)(da) of the Electoral Act. provided the following supporting particulars:

- 'I am a reasonable person, and I believe that it breaches Section 129 (1)(da) of the COMMONWEALTH ELECTORAL ACT 1918 in that its inclusion of the term "Medical" is a clear intent to "... suggest(s) that a connection or relationship exists between the party and a registered party if that connection or relationship does not in fact exist;" I assert that, as a specific example, the "Australian Medical Association" (AMA) is clearly a "political campaigner" and is therefore a "registered party" as defined within the Electoral Act'.

The Party's response to the objections to its application included:

- 'We submit that neither the name 'Informed Medical Options Party', or its component words, could be construed as obscene by any dictionary meaning or proper interpretation of the word/s';

- 'The AMA does not appear on the federal/state/territory registers of political parties; and therefore, is not a registered party within the meaning of section 129(1) of the Act'; and
- 'Further, the federal/state/territory registers of political parties do not include any parties which include the word 'medical' in their names, so the potential for confusion with any other registered party is non-existent'.

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

Party name

The Party's proposed name Informed Medical Options Party:

- does not comprise more than 6 words;
- is not obscene;
- 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, 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 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.

*Paragraphs 129(d)-(da) of the Electoral Act*

When undertaking an initial assessment of the Party's application, the AEC assessed the Party's proposed name against the requirements of section 129 of the Electoral Act, reviewed the Register and the registers for each state and territory and did not identify any recognised political parties on either the Register or the state or territory registers that included the same or similar words in its name (or abbreviation or acronym of its name) to that of the Party's proposed name 'Informed Medical Options Party'.

Based on the information communicated to an elector by the name 'Informed Medical Options Party' I do not consider there is a real chance that an elector would mistake or confuse that name with one of the names or abbreviations currently on the Register in a situation where an elector is preparing to mark a ballot paper.

The objection to the Party's proposed name 'Informed Medical Options Party' under paragraph 129(1)(da) of the Electoral Act is based in part on the view of the objector that the Australian Medical Association (AMA) is a "registered party".

The term "registered party" is not defined in the Electoral Act. However, I am of the view that, for the purposes of sections 129 and 134 of the Electoral Act, "registered party" has the

same meaning as the definition of “registered political party” in the Electoral Act (that is, a political party that is registered under Part XI of the Electoral Act). The AMA is not a registered political party within the meaning of that term in the Electoral Act (nor a recognised political party as defined under subsection 129(2) of the Electoral Act) and, accordingly, I am of the view that the AMA is not a registered party for the purposes of sections 129 and 134 of the Electoral Act.

Therefore the objector has not identified a registered party that causes the proposed name to be a name 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.

The words ‘Informed’, ‘Medical’ and ‘Options’ are sufficient to aurally and visually distinguish the Party’s name from other names and abbreviations on the ballot paper without risk of confusion or mistake, and would prevent a reasonable person from thinking that there was any connection or relationship between the Party and a registered party.

#### *Paragraph 129(1)(b) of the Electoral Act*

As set out above, 12 of the 13 objectors considered that the proposed name is ‘obscene’ for the purposes of paragraph 129(1)(b) of the Electoral Act. The basis for this view is that the proposed name is intended to mislead the public about the scientific merit of the Party’s policies in relation to public health.

The term ‘obscene’ is not defined in the Electoral Act. However, I am of the view that the proposed name ‘Informed Medical Options Party’ is not obscene. In making my determination I have considered if the name is ‘obscene’ in the context of assessing section 129 of the Electoral Act and considered the following:

- is the name ‘obscene’ according to ordinary definitions of the word ‘obscene’ (‘indecent’, ‘offensive to modesty or decency’, or includes a commonly-accepted ‘obscenity’ etc.); or
- is it a name which is designed to bring the electoral system into disrepute or which may undermine the respect for and community standing of government agencies, registered political parties, or democratically-elected members of parliament.

I do not consider that the name ‘Informed Medical Options Party’ or the individual words that form the name (‘Informed’, ‘Medical’, ‘Options’ or ‘Party’) meet any of the ordinary definitions of ‘obscene’. Further, I do not consider that the name ‘Informed Medical Options Party’ would bring the electoral system into disrepute or undermine the respect for and community standing of government agencies, registered political parties, or democratically-elected members of parliament.

Accordingly, on the basis of the materials before me, I am satisfied that the proposed name meets the requirements of section 129 of the Electoral Act.

#### Party abbreviation

That the abbreviation, Involuntary Vaccine/Fluoride Objectors, be removed from the Register.

### Other procedural application requirements

The application to change the Party's name and abbreviation:

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

I am satisfied that the application to change the name and remove the abbreviation of the Party's name meets the requirements of section 129, paragraph 134(1)(b) and subsection 134(2) of the Electoral Act.

### **Your review rights**

Under subsection 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](mailto: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 subsections 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 subsection 141(4) of the Electoral Act, the Electoral Commission 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 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](http://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](http://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](http://www.aec.gov.au) or email [fad@aec.gov.au](mailto:fad@aec.gov.au).

Yours sincerely

*(signed)*

Joanne Reid  
Acting Assistant Commissioner  
Delegate of the Electoral Commission

22 April 2020