


**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO REGISTER A PARTY IN THE REGISTER OF
POLITICAL PARTIES APPROVED
AUSTRALIAN VALUES PARTY**

**Notice of decision under s 133(1) of the *Commonwealth Electoral Act 1918*
(the 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 Australian Values Party ('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:	Australian Values Party
Abbreviation:	AVP
Registered Officer:	Mr Heston Graymn Russell
Registered Officer's address:	Level 5 307 Queen Street BRISBANE QLD 4000
Party logo:	
Does party seek 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 17 September 2021 (and revised membership list supplied on 20 October 2021);
 - 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 *Acts Interpretation Act 1901*;
 - 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 'the objection') received from a person with the initials CW ('the CW objection');
 - the response to the objection from the Party ('the Response'); 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 the 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 20 October 2021, 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.

Submitted membership list	1,650
Automatically matched to the electoral roll	1,421
Manually matched to the electoral roll	167
Unable to match or not enrolled on the electoral roll	(62)
Deceased	0
Total	1,588

8. Of the 1,588 members matched to the electoral roll the following were identified as duplicates within the membership list or as duplicate members who have previously supported the registration of a registered political party (or parties):

Total matched to the electoral roll	1,588
Under 18 years old	(0)
Duplicates identified in the membership list provided by the Party	(58)
Members identified as also supporting the registration of another party	(4)
Total	1,526

9. In accordance with the random sampling formula provided by the ABS, a list of 1,526 members requires a random sample of 33 contactable members to confirm they are members of the Party, with up to two denials of membership are permitted. The Electoral Commission's view is that, absent of any relevant factors to the contrary, a failure to satisfy the test provided by the ABS alone constitutes reasonable grounds upon which the delegate

of the Electoral Commission can be satisfied that a non-Parliamentary political party does not have the required 1,500 members.

The relevant numbers for this membership test were:	Members
The random sample size	33
Denials Permitted	2
The AEC attempted to contact	33
The responses were:	
- Confirmed Membership of the Party	33
- Denied Membership of the Party	0
PASS/FAIL	PASS

10. 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

11. 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.

12. 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 logo

13. 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;
- 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*.

14. Accordingly, on the basis of the materials before me, I am satisfied that the proposed logo submitted with the Application meets the requirements of s 126(2AA) of the Electoral Act and the specifications described in *Commonwealth Electoral (Logo Requirements) Determination 2016* and that there is no basis to refuse to enter the Party's logo in the Register under s 129A of the Electoral Act.

Party name and abbreviation

15. The Party name, Australian Values Party, and the abbreviation of the Party name, AVP:
- 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.

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

Written particulars submitted

16. 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.
17. Section 132(2)(b) of the Electoral Act provides that a person can only submit written particulars objecting to an application (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.

18. On 3 December 2021, the Application was advertised in 10 major newspapers circulating in each State and Territory of Australia and published on the AEC website. The advertised closing date for objections was 3 January 2022.

Consideration of the objection to the Application

- 19. For objections to be assessed as valid, they need to meet the administrative requirements under ss 132(2)–(3) of the Electoral Act.
- 20. The Electoral Commission received one objection. The objection submitted that the Application should be refused because the membership was not in accordance with s 126 of the Electoral Act.

Written particulars from	Date received	Administrative requirements met	Grounds for objection under the Electoral Act
The CW objection	5 December 2021	Yes	SS 123 and 126

21. Summary of the CW objection:

“that the application does not accord with all the requirements set out under the Electoral Act ...’ (as outlined in section 4D of the Electoral Act)’

“COMMONWEALTH ELECTORAL ACT 1918 - SECT 4D

Application of the Criminal Code

Chapter 2 of the *Criminal Code* applies to all offences against this Act.’

‘Heston Russell does not appear to have the morality and required sense of ethical responsibility necessary for a leader of an Australian political party. His alleged fraud against the charity does not bode well for his future handling of tax-payer money in his role as the proposed leader of the so-called, ‘Australian Values Party’. It is possible, in my opinion, that criminal charges may be brought against him.’

‘Given Mr Russell’s alleged fraudulent dealings with the charity, does your staff have the power to check the bona fides of every single signatory?’”

22. On 21 December 2021, the Party provided the AEC with the Party’s response to the CW objection. The Response was published on the AEC website in accordance with s 132(6) of the Electoral Act.

Consideration of objection

- 23. I have considered, and reject the CW objection for the following reasons.
- 24. I do not consider that the objection has provided grounds under s 126 of the Electoral Act that indicate that the Application has not been made in accordance with the requirements for an application under s 126 of the Electoral Act (s 132(2)(b)(ii) of the Electoral Act).
- 25. I am of the view that the objection does not accord with the grounds to object under s 132(2)(b) of the Electoral Act. Furthermore, s 4D of the Electoral Act, which the objector claims to object under, is not grounds to object under.
- 26. Although the objection infers to s 132(2)(b)(i) of the Electoral Act, the grounds for objecting are based on the opinion that the Party does not have ‘bona fide members’, and is not

supported by evidence that the Party's application has failed to satisfy any of the requirements under ss 123 or 126 of the Electoral Act (or s 129 of the Electoral Act).

Sections 123 or 126 of the Electoral Act

27. Under s 123(1) of the Electoral Act, an eligible political party means a political party that:

(a) either:

(i) is a Parliamentary party; or

(ii) has at least 1,500 members; and

(b) is established on the basis of a written constitution (however described) that sets out the aims of the party.

28. Section 126(2)(ca) of the Electoral Act prescribes that:

for an eligible political party that is not a Parliamentary party—include a list of the names of the 1,500 members of the party to be relied on for the purposes of registration;

29. I considered the Application against ss 123 and 126 of the Electoral Act when undertaking the initial assessment which was approved by a delegate of the Electoral Commission and AEC authorised officer.

30. Accordingly, I am satisfied on the materials before me that there is no basis to refuse the Application under ss 126 or 129 of the Electoral Act.

Conclusion

31. For the reasons outlined above, I approve the application from Australian Values Party 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

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 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 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

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.
40. 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
18 January 2022