

**NOTICE OF DECISION ON PARTY REGISTRATION  
APPLICATION TO REGISTER A NON-PARLIAMENTARY PARTY IN  
THE REGISTER OF POLITICAL PARTIES REFUSED  
AUSTRALIA'S REPRESENTATIVES**

**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(3) of the Electoral Act to notify you of the determination of the application to register Australia's Representatives (the Party) as a non-Parliamentary party in the *Register of Political Parties*.
2. I am authorised to determine this application for party registration under s 133 of the Electoral Act as a delegate of the Electoral Commission.
3. On 15 June 2021, the Australian Electoral Commission (AEC) received the Application to register the Party as a non-Parliamentary party under s 126(1)(b) of the Electoral Act.
4. On 6 August 2021, the Party was issued a notice in accordance with s 131(1) of the Electoral Act, to notify the Party that, after initial consideration of the application for the registration of the Party, I was of the opinion that I was required to refuse to enter the logo of the Party, and invited the Party to lodge with the Electoral Commission a written request to:
  - vary the application, in relation to the logo so that it meets the technical requirements outlined in s 5(c) of the Determination; or
  - proceed with the application in the form in which it was lodged.
5. On 9 August 2021, the applicants responded to the s 131 notice electing to remove the logo. As the Party has provided a request to vary its application under s 131(3) of the Electoral Act, s 131(4) of the Electoral Act, the application as varied was to be treated as if it were a new application.
6. On 27 August 2021, the Application as varied, passed the initial consideration prior to the commencement of the *Electoral Legislation Amendment (Party Registration Integrity) Act 2021* (Registration Amendment Act), being the requirements that existed when the Application was made under s 126 of the Electoral Act.
7. On 3 September 2021, the requirements of membership under ss 123 and 126(2)(ca) of the Electoral Act were amended by the Registration Amendment Act increasing the requirement for non-Parliamentary parties from 'at least 500 members' to 'at least 1,500 members'.
8. On 8 September 2021, the AEC wrote to the proposed secretary advising of the introduction of the Registration Amendment Act, and the increased requirement of 'at least 1,500 members'.
9. On 21 October 2021, a notice was issued to the Party under s 131(1) of the Electoral Act. The purpose of the s 131 notice was to provide the Party an opportunity to proceed with the application in the form in which it was lodged or to vary the application in a manner specified in the request. The s 131 notice stated that the Party's membership list did not satisfy the requirement of 'at least 1,500 members'.
10. Furthermore, the notice informed the applicants that if the AEC did not receive a response to the s 131 notice, on or before 21 December 2021, the AEC will consider that the applicants wish to proceed with the Application in the form in which it was lodged.

11. Accordingly, my determination is based on the Application for party registration, as varied on 9 August 2021.

### **Decision**

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

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

13. In making this decision, I had regard to:
- the Application as varied, received by the AEC on 9 August 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;
  - Part XI of the Electoral Act;
  - Section 4 of the Electoral Act;
  - the Registration Amendment Act;
  - the Register and the Register of Political Parties of each Australian State and Territory;
  - the AEC's *Guide for registering a party*.

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

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

#### Procedural application requirements

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

16. 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 the name and address of the person who is to be the Registered Officer of the Party for the purposes of the Electoral Act (s 126(2)(c));
- stated that the Party wishes to receive moneys under Division 3 of Part XX of the Electoral Act (s 126(2)(d));
- set out the names and addresses of the applicants and particulars of the capacity in which each applicant makes the Application (s 126(2)(e));
- was accompanied by a copy of the constitution of the Party (s 126(2)(f)); and
- was accompanied by a fee of \$500 (s 126(2)(g)).

#### Party constitution

17. 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.

18. 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

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

20. The Party name, Australia's Representatives, and abbreviation, AusReps:

- 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.

21. The Registration Amendment Act amended the party naming provisions to restrict party names from containing words that are in the name, or in the abbreviation of a name, of a federally registered political party without the consent of the first registered party name that contains that word.

22. Section 129(5)(c) of the Electoral Act states that "the name of a country, the word "country", or a recognised geographical place in Australia" does not require consent.

23. "Australia", or the commonly accepted variant of "Australia's", is the name of a country and therefore does not require consent.

24. Therefore, the Party's name does not contain a word that is in the name, or in the abbreviation of a name, of a registered political party that requires consent from an existing registered political party to use the word.

25. 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.

### Membership list

26. The membership list submitted with the Application on 21 June 2021, contained the names of 550 people that the Party considers to be current members.
27. On 3 September 2021, the Registration Amendment Act commenced and the membership threshold for non-Parliamentary parties under ss 123 and 126(2)(ca) of the Electoral Act increased from 'at least 500 members' to 'at least 1,500 members'.
28. The s 131 Notice advised that should the AEC not receive a response on or before 21 December 2021, I would consider that the applicants wish to proceed with the Application in the form in which it was lodged.
29. As at 14 July 2022, no response from the Party has been received.
30. Accordingly, I am not satisfied that the application meets the requirements of s 126(2)(ca) of the Electoral Act as it does not include a list of the names of the 1,500 members of the party to be relied on for the purposes of registration.

### **Conclusion**

31. For the reasons outlined above, I refuse the application from Australia's Representatives 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(1)(b) of the Electoral Act, my decision to refuse an application for registration of a political party is a reviewable decision.
33. 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.
34. 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?

35. 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.
36. 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?

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

38. 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?

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

Freedom of Information

40. 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).
41. 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  
18 July 2022