

**NOTICE OF DECISION ON PARTY REGISTRATION
APPLICATION TO REGISTER A NON-PARLIAMENTARY PARTY IN
THE REGISTER OF POLITICAL PARTIES REFUSED
REIGNITE DEMOCRACY AUSTRALIA 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(3) of the *Commonwealth Electoral Act 1918* (Electoral Act) to notify you of the determination of the application to register Reignite Democracy Australia Party (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 9 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.
4. On 27 August 2021, the Applicants responded to the s 131 Notice providing an updated 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.
5. On 3 September 2021, the requirements of membership under ss 123 and 126(2)(ca) of the Electoral Act were amended by the *Electoral Legislation Amendment (Party Registration Integrity) Act 2021* (Registration Amendment Act) increasing the requirement for non-Parliamentary parties from 'at least 500 members' to 'at least 1,500 members'.
6. On 13 October 2021, the Party emailed the AEC indicating that it wished to withdraw the Application. On 14 October 2021, the AEC provided a form for the Party for the Applicants to complete and return. To date, the Party has not returned the completed form.
7. On 8 November 2021, I issued a further notice under s 131 of the Electoral Act, advising that the Application in its current form did not meet the requirements under ss 123 and 126(2)(ca) of the Electoral Act, as it did not include a membership list supporting that the Party 'has at least 1,500 members'.
8. The s 131 Notice of 8 November 2021 provided that should the AEC not receive a response on or before 10 January 2022, the AEC will consider that the Applicants wish to proceed with the Application in the form in which it was lodged.
9. Accordingly, my determination was based on the Application as varied, for party registration as it was lodged on 27 August 2021.

Decision

10. 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

11. In making this decision, I had regard to:
- the Application as varied, received by the Australian Electoral Commission ('the AEC') on 27 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 ('the ABS');
 - Part 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;
 - the AEC's *Guide for registering a party*.

Findings of Fact and Consideration

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

Procedural application requirements

13. I am satisfied that the Application met the requirements of ss 126(2)(a)–(g) of the Electoral Act, applicable at the time the application was lodged.
14. 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 500 members of the Party to be relied on for the purposes of registration (s 126(2)(ca))¹;
 - 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

15. 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

¹ At the time of lodgement of the application (as varied) on 27 August 2021 the membership requirement was 500 members. This was amended to 1,500 members by the Registration Amendment Act on 3 September 2021.

- 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.

16. 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

17. 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*.

18. 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

19. When undertaking an initial assessment of the Application, I considered the Party’s proposed name, Reignite Democracy Australia Party, and proposed abbreviation, RDA Party, 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, Reignite Democracy Australia Party, and its abbreviation, RDA Party:

- 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.

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)(a) of the Electoral Act states that collective nouns do not require consent. ‘Party’ is classified as a collective noun. Therefore, ‘Party’ does not require consent.
23. 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. ‘Australia’ is the name of a country, and therefore does not require consent.
24. Furthermore, in applying s 129(5)(d) of the Electoral Act, in relation to a word, other grammatical forms, and commonly accepted variants, ‘Democratic’ is specifically stated as not requiring consent.
25. Therefore the party 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.
26. 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

27. 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 (referred to as ‘members’ below).
28. 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’.
29. On 8 November 2021, I issued a notice to the Party under s 131 of the Electoral Act, advising that the Application in its current form did not meet the requirements under ss 123 and 126(2)(ca) of the Electoral Act, as it did not include a membership list supporting that the Party ‘has at least 1,500 members’.

30. The s 131 Notice provided that should the AEC not receive a response on or before 10 January 2022, I would consider that the Applicants wish to proceed with the Application in the form in which it was lodged.
31. As at 1 February 2022, no response from the Party has been received.
32. 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

33. For the reasons outlined above, I refuse the application from Reignite Democracy Australia 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

34. 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.
35. 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.
36. 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?

37. 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.
38. 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?

39. The Electoral Commission, which is comprised of three members, the Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
40. 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?

41. 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

42. 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.
43. 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
9 February 2022