

NOTICE OF DECISION ON PARTY REGISTRATION APPLICATION TO REGISTER A NON-PARLIAMENTARY PARTY IN THE REGISTER OF POLITICAL PARTIES REFUSED STOP SELLING AUSTRALIA PARTY

Notice of decision under subsection 133(3) of the *Commonwealth Electoral Act 1918* and Statement of Reasons

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 Stop Selling Australia Party (the Party) as a non-Parliamentary party in the *Register of Political Parties*.

I am authorised to determine this application for party registration under s 133 of the Electoral Act as a delegate of the Electoral Commission.

On 29 March 2019, 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 the application, and invited the Party to lodge with the Electoral Commission a written request to:

- vary the application by submitting a revised membership list; or
- proceed with the application in the form in which it was lodged.

On 14 May 2020, the Australian Electoral Commission (AEC) received a written request signed by the applicant to vary the application by providing a revised membership list.

Accordingly, my determination was based on the application for party registration as varied.

Decision

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

In making my decision, I have had regard to:

- the application to register as a non-Parliamentary party as varied, received by the AEC on 14 May 2020;
- Part XI of the Electoral Act;
- the *Register of Political Parties* of each Australian state and territory; and
- the AEC *Party Registration Guide*.

Findings of Fact

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

Party name

The Party Name:

- 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 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 that 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 a recognised political party that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym.

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

Party constitution

The constitution provided in the application for registration:

- is in writing; and
- sets out the aims of the Party, at least one of which being promoting the election of its candidates to the Senate and/or House of Representatives.

I am satisfied that the Party’s constitution meets the requirements of having a written constitution set out in the definition of an *eligible political party* in s 123(1) of the Electoral Act.

Membership list

The membership list submitted by the Party contained 537 members. AEC staff cross-checked the membership list with the Commonwealth Electoral Roll (electoral roll), as required by s 123(3) of the Electoral Act.

Submitted membership list	537
Automatically matched to the electoral roll	406
Manually matched to the electoral roll	107
Unable to match or not enrolled on the electoral roll	21
Deceased	3
Total	513

Of the 513 members matched to the electoral roll the following were identified as duplicates within the list provided by the Party or as members who have previously supported the registration of a registered non-Parliamentary party (or parties):

Total matched to the Commonwealth Electoral Roll	513
Duplicates identified in the membership list provided by the Party	10
Members identified as also supporting the registration of another party	12
Total	491

In accordance with s 126(2A)(a) of the Electoral Act: *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.*

The AEC then wrote to the 12 members identified as also supporting the registration of another party to determine which party they support for the purposes of being relied upon for registration - of the 12 members contacted by the AEC five responses were received:

Affirmed support of the registration of the Party	1
Denied supporting the Party for the purposes of registration	4
Did not respond	7
Total number of members on list after Electoral Commission testing	492

As prescribed in s 126(2A)(a) of the Electoral Act, the seven members that did not respond are not entitled to be relied on by any of those parties for the purposes of registration. Therefore of the 503 matched members a further 11 were removed and the membership list was reduced to 492.

As the membership list contained a total of 492 members to be relied on for the purposes of registration, the AEC did not progress to contacting members as per the *Party Registration Guide* as the Party failed to demonstrate a requisite 500 members.

I am not satisfied the Party meets the requirements of s 126(2)(ca) of the Electoral Act.

Other procedural application requirements

The application for registration as a political party

- was in writing, signed by the applicant and the person who is to be the registered officer of the Party (s 126(2));
- set out the name of the party (s 126(2)(a))
- 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));
- advised whether the Party wishes to receive moneys under Division 3 of Part XX of the Electoral Act (s 126(2)(d));
- set out the name and address 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)).

Accordingly, I am satisfied that the application for party registration meets the requirements of ss 126(2)(a), 126(2)(c), 126(2)(d), 126(2)(e), 126(2)(f) and 126(2)(g) of the Electoral Act.

Your review rights

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.

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?

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; 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 s 141(4) of the Electoral Act, the Electoral Commission review an application for review 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 are 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.

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.

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.

Yours sincerely

(signed)

Joanne Reid
Assistant Commissioner
Delegate of the Electoral Commission

18 September 2020