

NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO CHANGE A PARTY NAME AND REMOVE THE
ABBREVIATION OF THE PARTY NAME IN THE *REGISTER OF*
POLITICAL PARTIES APPROVED
INDEPENDENTS FOR CLIMATE ACTION NOW

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

I am writing in accordance with s 134(6) of the Electoral Act to notify you of the determination of the application to change the name and remove the abbreviation of the name of Independents For Climate Action Now (the Party) in the *Register of Political Parties* (the Register).

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

Decision

I have decided to approve the application to change the name and remove the Party's abbreviation of the Party's name in the Register as outlined below:

<i>Previous registered name</i>	Independents For Climate Action Now
<i>Previous registered abbreviation</i>	ICAN
<i>Registered name:</i>	Independents CAN
<i>Registered abbreviation:</i>	

My reasons appear below.

Materials I have taken into account

In making my decision, I have had regard to:

- the application to change the Party's name in the Register and remove the abbreviation of the Party's name from the Register received by the Australian Electoral Commission (AEC) on 8 October 2020;
- this application being suspended from 26 October 2020 to 2 December 2020 under s 127 of the Electoral Act as a result of the AEC conducting the Groom by-election;
- 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

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

Party name

The proposed name Independents CAN

- 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 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 Party's proposed name meets the requirements of s 129 of the Electoral Act.

Legislative framework – written particulars

Subsection 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.

Paragraph 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.

On 23 October 2020, 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 23 November 2020. The application was suspended from 26 October 2020 to 2 December 2020 under s 127 of the Electoral Act as a result of the Groom by-election. The objection period was extended accordingly to 31 December 2020.

The AEC received written particulars from one person objecting to the Party's application. I determined that the written particulars submitted failed to meet the requirement of containing a valid ground of objection set out in s 132(2)(b) of the Electoral Act.

Other procedural application requirements

The application to change the name and remove the abbreviation of the Party:

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

Accordingly, I am satisfied that the application to change the name and remove the abbreviation of the Party meets the requirements of ss 134(1)(b) and 134(2) of the Electoral Act.

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 by post 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 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.

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
6 January 2021