

**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO REGISTER A PARLIAMENTARY PARTY IN THE
REGISTER OF POLITICAL PARTIES APPROVED
REX PATRICK TEAM**


Notice of decision under s 133(1A) of the *Commonwealth Electoral Act 1918* (Electoral Act) and Statement of Reasons

I am writing in accordance with s 133(1A) of the Electoral Act to notify you of the determination of the application to register Rex Patrick Team (the Party) as a Parliamentary party in the *Register of Political Parties* (the Register).

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

Decision

I have decided to approve the application for registration. Consequently, I have entered the following Party in the Register.

Name of party:	Rex Patrick Team
Abbreviation:	REX
Logo:	
Registered Officer:	Senator Rex Patrick
Registered Officer's address:	33 Warwick Street WALKERVILLE SA 5081
Does party seek election funding:	YES

Materials I have taken into account

In making this decision, I had regard to:

- the application for registration as a Parliamentary party received by the Australian Electoral Commission (AEC) on 12 October 2020;
- a letter from Senator Rex Patrick, Independent Senator for South Australia, declaring that he is a member of the Party, and not a member of any other registered political party;
- Part XI of the Electoral Act;
- the *Commonwealth Electoral (Logo Requirements) Determination 2016*;
- internet searches of trademarked and licenced logos undertaken by a service provider engaged by the AEC;
- 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:

Parliamentary party

As part of the application, the AEC received a letter from Senator Rex Patrick declaring that he is a member of the Party, and not a member of any other registered political party. I was satisfied that the Party has at least one member who is a member of the Parliament of the Commonwealth, and accordingly, the Party satisfies the requirements of s 123(1) of the Electoral Act.

Party constitution

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 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.

Accordingly, I am satisfied that the Party's constitution meets the requirements of having a written constitution set out in the definition of *eligible political party* at s 123(1) of the Electoral Act, and in accordance with the definition of *political party* at s 4 of the Electoral Act.

Party name and abbreviation

The Party name, Rex Patrick Team, and the abbreviation of the Party name, REX:

- do not comprise more than 6 words;
- are not obscene;
- 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, 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 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, I am satisfied on the materials before me that there is no basis to refuse the application for registration from the Party under s 129 of the Electoral Act.

Party logo

The logo set out in the application for registration:

- 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 applicant and a registered political party if that connection or relationship does not in fact exist;
- 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;
- 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 or overprinting and 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 this instrument commences.

Accordingly, on the basis of the materials before me, I am satisfied that the proposed logo submitted with the Party’s application meets the requirements of s 126(2AA) and s 129A of the Electoral Act and the specifications described in *Commonwealth Electoral (Logo Requirements) Determination 2016*.

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

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

- was in writing, signed by the applicant (s 126(2));
- set out the name of the party (s 126(2)(a));
- set out an abbreviation (s 126(2)(b));
- set out a logo (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));
- advised 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 applicant, or 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)).

For the reasons outlined above, I approve the application from Rex Patrick Team for registration as a Parliamentary party in the Register, as a delegate for the purposes of Part XI 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 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?

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.

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.

(signed)

Joanne Reid
Assistant Commissioner
Delegate of the Electoral Commission

7 January 2021