

**NOTICE OF DECISION ON PARTY REGISTRATION  
APPLICATION TO REGISTER A NON-PARLIAMENTARY PARTY IN  
THE REGISTER OF POLITICAL PARTIES REFUSED  
DLP**

**Notice of decision under s 133(3) 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 DLP (the Party) as a non-Parliamentary party in the *Register of Political Parties* (the Register).
2. I am authorised to determine this application for party registration under s 133 of the Electoral Act as a delegate of the (three-person) Electoral Commission (the Commission).
3. On 28 November 2024, the Australian Electoral Commission (AEC) received the application to register the Party as a non-Parliamentary party (the Application) under s 126(1)(b) of the Electoral Act.
4. On 3 February 2025, a delegate of the Commission issued a Notice to the Party under s 131(1) of the Electoral Act (s 131 Notice). The s 131 Notice stated that the membership list lodged with the Application did not meet the requirements set out in s 126(2)(ca) of the Electoral Act.
5. On 1 April 2025, the Party was advised that party registration processes were suspended under s 127 of the Electoral Act as writs had been issued for the 2025 federal election.
6. On 19 June 2025, the AEC advised the Party that the writs had been returned for the 2025 federal election.
7. On 15 September 2025, the Party provided the AEC with a compliant response to the s 131 Notice. The Party requested the AEC to proceed with the application in the form in which it was lodged (s 131(3)(b)).
8. Accordingly, my determination is based on the Application, as lodged on 28 November 2024.

**Decision**

9. 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**

10. In making this decision, I had regard to:
  - the Application, received by the AEC on 28 November 2024;
  - the Party's response to the notice issued under s 131(1) of the Electoral Act;
  - Part XI of the Electoral Act;
  - Section 4 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;

- The membership sampling methodology developed by the Australian Bureau of Statistics; and
- the AEC's *Guide for Registering a Party*.

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

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

#### Procedural application requirements

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

13. 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

14. 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.

15. 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

16. 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.

17. The Party name, DLP, and abbreviation, DLP:

- 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.

18. I note that Democratic Labour Party, abbreviation DLP, registered with Victorian Electoral Commission, is a related party.

19. Accordingly, I am satisfied on the materials before me that there is no basis to refuse the name and/or abbreviation under s 129 of the Electoral Act.

#### Party logo

20. 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;
- does not contain a word that is in the name, or the abbreviation of the name, of a registered political party and therefore does not require consent from an existing registered political party;
- 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*.

#### Membership list and notice under s 131(1) of the Electoral Act

21. The membership list submitted with the Application on 28 November 2024, contained the names of 2,521 people that the Party considers to be current members (referred to as 'members' below).
22. The AEC notified the Party that the membership list was not compliant with s 126(2)(ca) of the Electoral Act and the AEC's [Guide for Registering a Party](#) (the Guide) as the list did not contain 1,500 – 1,650 names.
23. The Party did not submit a compliant membership list.
24. Accordingly, on 3 February 2025, the Party was issued with a Notice under s 131(1) of the Electoral Act, because, as a Delegate of the Commission, I was of the opinion that the application would be required to be refused in its current state. My reasons are listed below.

#### Membership list – requirement to provide a compliant list

25. Section 126(2)(ca) of the Electoral Act provides that an application for the registration of an 'eligible political party' that is a non-Parliamentary party must include a list of the 1,500 members of the party to be relied on for the purpose of registration. Section 124 provides that 'subject to this Part, an eligible political party may be registered under this Part'. Section 123(1) provides that an 'eligible political party' means a political party that is either a Parliamentary party or a political party that 'has at least 1,500 members'.
26. Section 124 of the Electoral Act means that the Commission must be satisfied that any non-Parliamentary party has at least 1,500 members in order to register the party.
27. The Electoral Act does not prescribe a specific method for the Commission to be satisfied that a non-Parliamentary party has at least 1,500 members. Therefore, following advice from the Australian Bureau of Statistics (ABS) the AEC has chosen to test all parties consistently with a membership testing process 'Methodology' as set out in the Guide. The ABS has advised that if the Methodology is followed, the probability of rejecting a valid list is 6% or below.
28. The Commission has endorsed the Methodology as appropriate for the purpose of membership testing. In endorsing the Methodology, the Commission stated at [21(a)] of the [VOTEFLUX.ORG | Upgrade Democracy deregistration decision](#) (VFUD decision) made 11 October 2022, that the 'Methodology is appropriate for the purpose of membership testing, including because it is rational, practical and fair in all circumstances'.
29. Page 15 of the Guide provides that the AEC requires a party to choose a maximum of 1,650 members for the membership list included with their application and that the AEC will return a membership list in excess of 1,650 members. The AEC's requirements for a membership list ensures all applications are processed and assessed consistently.
30. Additionally, the reason for imposing this upper limit is to ensure an acceptable level of confidence in the outcome of membership testing at reasonable cost to the AEC, explained by the Commission at [31] of the VFUD decision:

*To determine whether a party has 1500 members from a list of 1650 members at a level of confidence acceptable to the Commission requires a sample of 60 members (see Appendix 2 of the AEC's Party Registration Guide). To determine whether a*

*party has 1500 members from a list of more than 1650 members at the same level of confidence requires a sample of more than 60 members. As the length of the list of members supplied increases, so does the sample size required to determine whether a party has 1500 members (at an acceptable level of confidence), and hence so does the cost imposed on the AEC*

31. The Commission has also stated its expectations of political parties at [42] of the [statement of reasons](#) provided to the Party on 17 May 2024 relating to the review of the decision to deregister the Democratic Labour Party on the basis of failing the numerical membership requirements:

*In response to the criticism that the application of the Methodology constitutes a denial of natural justice, the Commission further notes that the s 138A(3) notice dated 8 October 2021 specifically drew your attention to the membership testing process employed by the Commission to test membership lists. As the Commission explained in its previous decision of October 2022 with respect to the deregistration of VOTEFLUX.ORG I Upgrade Democracy!, given that the Commission's use of the Methodology has been made known on its website and in other communications, the Commission expects that parties will, in full knowledge of the Commission's membership testing procedures, provide high-quality lists containing the names of members the party believes will both meet the requirements of the Electoral Act and confirm membership of the party to the Commission when asked by the Commission. The inability of any given party to provide a list satisfying the testing requirements in these circumstances is therefore reasonable grounds for the Commission to conclude that a party does not have the requisite number of members under the Electoral Act.*

32. In reliance on the above matters, I remain satisfied that there is a valid basis for the AEC to require applications to register non-Parliamentary parties to be accompanied by a compliant membership list containing between 1,500 to 1,650 members.

#### Response to the s 131 Notice

33. On 15 September 2025, the Party provided the AEC with a compliant response to the s 131 Notice. The Party requested the AEC to proceed with the application in the form in which it was lodged (s 131(3)(b)).
34. Accordingly, based on this information and the views outlined above about the validity of requiring a compliant membership list, the Application has failed to comply with both s 126(2)(ca) of the Electoral Act and the AEC's Guide for registering a party.

#### **Conclusion**

35. For the reasons outlined above, I refuse the application from DLP 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**

36. 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.

37. Requests for review of this decision should be addressed to Mr Jeff Pope, 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?

38. 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.
39. 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?

40. The Commission, which is comprised of three members—the Electoral Commissioner, a judicial member and a non-judicial member—conducts internal reviews.
41. Under s 141(4) of the Electoral Act, the 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?

42. If an internal review decision has been made by the 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 Commission may apply to the Administrative Review Tribunal (ART) for a review of the decision. More information on how to apply to the ART and any applicable fees can be found on its website: [www.art.gov.au](http://www.art.gov.au).

Freedom of Information

43. 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).
44. Should you have any queries about 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  
Acting First Assistant Commissioner  
Delegate of the Electoral Commission  
15 December 2025