

NOTICE OF PARTY REGISTRATION DECISION APPLICATION APPROVED TO REGISTER A NON-PARLIAMENTARY PARTY IN THE *REGISTER OF POLITICAL PARTIES* - AUSTRALIAN BETTER FAMILIES

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

I am writing in accordance with subsection 133(1A) of the Electoral Act to notify you of the determination of the application to register Australian Better Families (the Party) as a non-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:	Australian Better Families
Abbreviation of name:	ABF
Logo:	ABF
Registered Officer:	Leith Erikson
Registered Officer's address:	6A Oaklyn Place MERRIMAC QLD 4226
Does party seek election funding:	YES

Materials I have taken into account

In making this decision, I had regard to:

- the application to register as a non-Parliamentary party received by the AEC on 4 May 2018;
- 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;
- 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;
- written particulars received on 9, 10 and 13 July 2018 by the AEC in response to the subsection 132(1) notice
- the Register of Political Parties of each Australian state and territory; and
- the AEC's *Party Registration Guide*.

Findings of Fact

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

Party name and abbreviation

The Party name “Australian Better Families”, and the abbreviation “ABF”;

- 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 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, I am satisfied on the materials before me that there is no basis to refuse the application for registration from Australian Better Families under section 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 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.

On the basis of the materials before me, I am satisfied that there is no basis to refuse to enter in the Register the logo of the Party, set out in the Party's application for registration, under subsection 129A of the Electoral Act. I am also satisfied that the proposed logo meets the requirements of subsection 126(2AA) of the Electoral Act and the specifications described in *Commonwealth Electoral (Logo Requirements) Determination 2016*.

Membership list

The membership list submitted by the Party contained 525 members. AEC staff cross-checked this membership with the Commonwealth Electoral Roll (the Roll), as required by subsection 123(3) of the Electoral Act.

These searches identified that:

- One of the 525 submitted members was unable to be matched to the Roll,
- No members were duplicated within the membership list; and
- One member was also a member of other political parties.

Accordingly, 523 of the 525 members on the list supplied by the Party were able to be matched to the Roll.

In accordance with the random sampling formula provided by the Australian Bureau of Statistics, a list of 523 members requires a random sample of 37 contactable members to confirm they are members of the Party, with up to three denials of membership, in order for me to have statistical confidence that the Party has 500 members.

The AEC attempted to contact 39 members, as some were unable to be contacted or provided a neutral response. Of the responses received, 37 members confirmed their membership, while no members denied membership of the Party.

Accordingly, I am satisfied the Party meets the requirements of paragraph 126(2)(ca) of the Electoral Act.

Party constitution

A copy of the constitution of the Party accompanied the application as required by subsection 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 subsection 123(1) of

the Electoral Act, and in accordance with the definition of *political party* at section 4 of the Electoral Act.

Other procedural application requirements

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

- was in writing, signed by the secretary of the Party and by the registered officer of the Party;
- 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;
- advised whether the Party wishes to receive moneys under Division 3 of Part XX of the Electoral Act;
- set out the name and address of the applicant and particulars of the capacity in which each applicant makes the application; and
- was accompanied by a fee of \$500.

On 12 June 2018, I determined that the application had passed the initial assessment and approved the advertisement of the application under s 132(1)(c) of the Electoral Act. A notice of the application was advertised on the AEC website and in 10 major newspapers on 15 June 2018. The closing date for objections was 15 July 2018.

Two written particulars were lodged which did not address the requirements of s 132(2)(b) of the Electoral Act and were not published on the AEC website. One objection to the application was received and published on the AEC website and provided to the Party. The Party responded to the objection and its response was published on the AEC website. I determined that the evidence provided in support of the objection under s 132(2)(b) of the Electoral Act was not sufficient to cause the Electoral Commission to refuse the application for registration as a non-Parliamentary party or to refuse to enter the Party's logo in the Register.

For the reasons outlined above, I approve the application from the Australian Better Families for registration as a non-Parliamentary party in the Register, as a delegate for the purposes of Part XI of the Electoral Act.

Your review rights

Under subsection 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 subsections 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 subsection 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 further queries regarding party registration, please contact the AEC on 02 6271 4552, visit www.aec.gov.au or email fad@aec.gov.au.

Gabrielle Paten
Assistant Commissioner
Delegate of the Electoral Commission

31 August 2018