



How to Register a Political Party for ACT Legislative Assembly Elections



This brochure is intended to summarise the electoral law relating to the registration of political parties in the ACT, but it is not a substitute for the law. Interested persons are encouraged to consult the *Electoral Act 1992*.

Introduction

This pamphlet sets out the steps for registering a political party in the ACT. It covers most of the questions you are likely to have when registering a party.

Advantages of registering a party

Party registration ensures that the party's candidates for the ACT Legislative Assembly can be nominated by the party's registered officer, that the party name or abbreviation can be printed on the ballot paper at election time and that two or more candidates can appear under the party name in a dedicated column.

Obligations associated with registering a party

Each registered party is responsible for submitting annual and election returns to the ACT Electoral Commission. The annual return outlines the party's expenditure, income and debts at the end of each financial year. The election return outlines electoral expenditure during an election period. Failure to lodge these returns carries penalties. For more information see the *Funding and Financial Disclosure Handbooks* produced by the Commission.

What is a political party?

The *Electoral Act 1992* defines a political party as an organisation, incorporated or unincorporated, an object or activity of which is the promotion of the election to the Assembly of a candidate or candidates endorsed by it. A party must have a written constitution and at least 100 members who are electors of the ACT at the time at which the party applies for registration.

When should an application for party registration be lodged by?

An application for party registration, or any application to change the name or abbreviation of an already registered party, may be made at any time.

However, to take effect at an election, an application must be made before 1 July in an election year. This allows time for the necessary steps to be completed before the close of the register 36 days before polling day. No action can be taken on any application or appeal against a decision on an application during the pre-election period.

How does a political party register with the Electoral Commission?

An application form for registration as a political party is available from the Commission. It must be signed by the secretary (however described) of the party and contain the name, address and a specimen signature of the person who is to be the registered officer. The application must be accompanied by party membership details and a copy of the party's constitution. If the proposed name or abbreviation of the party includes the name of a particular living person, the application may also need to be accompanied by a notice from the person agreeing to the use of their name (see below for more details).

Party membership details

An application for party registration must be accompanied by a list of names and addresses of at least 100 members of the party who are ACT electors. This list will be used to determine the party's eligibility for registration.

The membership list is only permitted to be used for the purpose of finding out whether the party has 100 members. The membership list will be treated in confidence and destroyed or returned to the party as soon as it is no longer required.

Using the name of a living person in the party name or abbreviation

If the proposed party name or abbreviation includes the name of a particular living person, the application for registration of the party must be accompanied by a written notice signed by the person that:

- States that the person consents to the use of the person's name in the party's name or abbreviation.
- States an address for the person or indicates that the person's address is suppressed; and

However, a notice is not required if the use of the person's name in the party's name or abbreviation does not suggest that there is a connection between the person and the party.

What should a party's constitution include?

The ACT Electoral Commission has determined that a political party's constitution must include, as a minimum, the following:

Name of the party

The party name must satisfy the requirements relating to party names as set out in the *Electoral Act 1992*. See page 3 for more information about what a party can be called.

Functions and/or objectives of the party

The objectives of the party must include the promotion of the election to the ACT Legislative Assembly of a candidate or candidates endorsed by it.

Membership requirements

To be eligible for registration a party must have at least 100 members whose names

appear on the ACT electoral roll at the time at which it applies for registration.

The constitution must state who is eligible to join the party, list the different membership categories, if any, and include details of how members are admitted to, suspended from and expelled from the party.

The party's decision making processes

The constitution must include details of the decision making processes within the party; namely, who is eligible to make decisions and how these are to be made.

Also to be stated are arrangements for annual general meetings, how often party meetings must be held, how party members are to be notified of meetings and the number required for a quorum.

Office bearers of the party

The constitution must include the method of electing office bearers and specify their terms of office. The office bearers must include at least a secretary or chief administrative officer (however described).

Details related to the keeping of the party's accounts

The constitution must state who is responsible for keeping the party's accounts and how bank accounts and other forms of investment will be handled. Also to be included are auditing and reporting requirements.

Mechanism for changing the constitution

The constitution must include details of the process to be used to amend the constitution.

What other information may be required?

The Registrar of Political Parties (the Registrar) may, by written notice, require the applicant party to give the Commission specified information or specified documents relating to the application. For example, evidence that the constitution was ratified by a general meeting of members held in accordance with the provisions of the constitution.

What is a registered officer and who can fill that position?

The registered officer is appointed by the party and is the person who can nominate candidates on behalf of the party and request that the party's full name or abbreviated name be printed adjacent to those candidates' names on the ballot papers.

Any ACT elector who is not the registered officer for another political party can be a registered officer.

The registered officer may also have obligations under the funding and disclosure scheme.

What can a party be called?

A party may be called by any name and abbreviation as long as the name or the abbreviation of that name:

- Does not contain more than 6 words;
- Is not obscene;
- Is not the name, abbreviation or acronym of the name of another political party;
- Cannot be confused with or mistaken for the name of another political party;
- Is not just "Independent" or just "Independent party";
- Does not contain the word "independent" and the name or acronym of a political party;
- Does not contain the word "independent" and matter that is likely to be confused with or mistaken for another political party; and
- Does not include the name of a particular living person without the person's written consent (if required).

What happens after the application is lodged?

Notice of application

Where the Registrar is satisfied that the party may be eligible for registration, the Registrar will place a notice of the application for party registration in the ACT Legislation Register and *The Canberra Times*. The notice will:

- Set out the name and abbreviation of the party;
- Set out the name and address of the person nominated to be the registered officer;
- State that copies of the application and constitution of the party (and where the name or abbreviation of the party includes the name of a particular living person, the signed notice from the person that gives their address and consent to the use of their name) are available for public inspection during ordinary office hours; and
- State that written objections may be given to the Registrar within 14 days after the publication of the notice.

Objections

Anyone who believes a party is not eligible to be entered in the register of political parties may lodge a written submission objecting to the registration of that party.

A submission must set out the name, address and signature of the objector, and the grounds for the objection.

Objections must be lodged with the Registrar within 14 days from the date of publication of the notice. All objections will be considered by the Registrar before deciding whether or not to register a party.

Variation of application

If it appears to the Registrar that the application may have to be refused, but that the application might be varied to avoid refusal, the secretary will receive written notice of that decision. The Registrar will re-consider the application if a written request is received from the secretary within 28 days varying the

information in the initial application or requesting the Registrar to proceed with the original application.

Refusal of application

Where the Registrar is not satisfied that the party is eligible for registration, the Registrar will advise that the application has been refused and that the party has the right to appeal against this decision (see below).

For what reasons would the Registrar refuse the party's application?

The Registrar can refuse an application for the registration of a political party if the Registrar is satisfied that:

- The organisation does not have at least 100 members who are ACT electors at the time at which the party applied for registration;
- The party has not supplied a valid constitution;
- The person nominated as the registered officer of the party is not qualified to be an ACT elector, or already holds the position of registered officer of another party;
- The proposed name or abbreviation of that name is unacceptable;
- The party is ineligible for registration because the registration of the party was cancelled or the name of the party applying for registration has a name that so nearly resembles the name of the cancelled party that it is likely to be confused with or mistaken for the cancelled party, and there has not been a general election since the cancellation; or
- The party's name or abbreviation includes the name of a living person and the application for registration was not accompanied by a notice (if required) from the person that giving their consent to the use of their name.

Registration of party

Where the Registrar is satisfied that the party is eligible for registration, the Registrar will enter the party in the

Register of Political Parties, and advise the applicant that the party has been registered.

Any person who objected to the registration of the party or any other person affected by the decision has the right to appeal against this decision (see below).

Cancellation of registration

The Registrar will cancel a party's registration if:

- Registration was obtained by fraud or misrepresentation;
- The secretary of the party requests the cancellation;
- The party has not endorsed a candidate at the last two elections; or
- The Registrar believes that the party has ceased to exist, does not have at least 100 members who are electors for the ACT, or does not have a written constitution.

Except where the party requests cancellation, before cancelling registration, the Registrar will advise the relevant officer of the party of his intention and set out the steps open to the party. A notice of proposed cancellation will also be published in the ACT Legislation Register. Written objections lodged within 14 days will be considered before a final decision is taken.

Review rights

If a person is dissatisfied with a decision made by the Registrar regarding party registration, the person may appeal to the full ACT Electoral Commission for a review. The Commission is bound to review the decision and notify the appellant of the outcome.

A person dissatisfied with a decision of the full Commission may appeal to the ACT Civil and Administrative Tribunal. More details on those decisions that are reviewable are contained in the Electoral Act.

Is it possible to look at the register?

The Register of Political Parties is open for public inspection during normal office hours at the ACT Electoral Commission, Ground Floor, North Building, Civic Square, London Circuit, Canberra City, ACT. The Register is also on the Commission's website at www.elections.act.gov.au

Other Information

Election Funding

For information on the ACT Electoral Commission's election funding and financial disclosure scheme, please see the Commission's *Funding and Financial Disclosure Handbooks*.

Nominations

For information on nominating candidates, see the Commission's *Candidates Handbook*.

Where can I get a copy of the Electoral Act?

The *Electoral Act 1992* is available from ACT Government Shopfronts, or on the internet.

More information

Contact:

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The Commission is located on the Ground Floor, North Building, Civic Square, London Circuit, Canberra City, ACT.

The Commission's homepage is at www.elections.act.gov.au

Information in this publication is correct as at 9 November 2010.