

How to register a political party for ACT Legislative Assembly elections

Information in this publication is correct as at 15 December 2023.

While this factsheet provides an overview of the requirements for political party registration in the ACT, it should not be regarded as a substitute for the law on any of the topics addressed. You are advised to obtain a copy of the [Electoral Act 1992](#) and seek your own legal advice if necessary.

What is a political party in the ACT?

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.

Party registration ensures that:

- the party's registered officer can nominate candidates for the ACT Legislative Assembly;
- the party name or abbreviation can be printed on the ballot paper at election time; and
- two or more candidates can appear under the party name in a dedicated column.

Eligibility for party registration

To be registered in the ACT, a party must have:

- a ratified constitution; and
- at least 100 members who are ACT electors;

Parties registered in the ACT must meet these requirements on an ongoing basis to remain registered.

Applications for registration

Applications must be lodged in writing and emailed to elections@act.gov.au

or lodged in-person at:

Elections ACT
Nara Centre, 3 Constitution Ave
Canberra ACT 2601



Application details

The [application form](#) for registration as a political party is available from the Elections ACT website. Applications must include:

- the name of the party and any abbreviation of the name;
- the name, address and signature of the registered officer;
- the name, address and signature of the secretary;
- a copy of the party's ratified constitution; and
- a list of the details (as enrolled) of at least 100 members who are ACT electors.

More information on each of the above requirements is detailed in this fact sheet below.

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.

What can a party be called?

There are limitations on what name or abbreviation a party may be registered under.

The commissioner must refuse an application if the name or any abbreviation:

- consists of more than 6 words;
- is obscene;
- is just 'independent' or 'independent party';
- can be confused with or mistaken for the name of another political party that is registered or recognised at any Commonwealth, State or Territory electoral jurisdiction;
- contains the word "independent" and the name or acronym of a political party;
- contains the word "independent" and matter that is likely to be confused with or mistaken for another political party that is registered or recognised at any Commonwealth, State or Territory electoral jurisdiction;
- is a name, or acronym of a name, that suggests the party is related to, or has a connection with, another political party where there is no relation or connection; or
- is the name, or an acronym of the name, of another political party that is registered or recognised at any Commonwealth, State or Territory electoral jurisdiction.

A party may use the name or acronym of another political party if the other political party gives written consent. The other party must state that they consent for the applicant party to use the name or acronym, and the applicant party must give the written consent to the commissioner.

However, the limitation on the use of a name that suggests a relationship or connection to another party does not apply in relation to a function word e.g. 'and', 'of', 'the'; a collective noun for people; the name of a country; the word 'country'; the name of a geographical place; and the word 'democratic'.

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 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; and
- States an address for the person or indicates that the person's address is suppressed.

A notice is not required however, 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 (for example, if the name suggests that the party is opposed to the named person).

Party membership details

An application for party registration must be accompanied by a list of at least 100 members of the party who are ACT electors. The list should include the following details of the member:

- Name;
- Address;
- Date of birth (if known); and
- Email address (if known).

The list will be used to determine the party's eligibility for registration. To facilitate this check, the address provided should be the elector's enrolled address. The list should preferably be in electronic form and password protected.

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

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:

The name of the party - the party name must satisfy the requirements as set out in the *Electoral Act 1992* and discussed above.

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 – the party defines membership in its constitution, and 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 decisions are to be made. It must also include:

- 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 - 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 - detail 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?

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.

The registered officer may also have obligations under the funding and disclosure scheme if the party has not appointed a reporting agent.

Who can fill the position of registered officer?

Any person who is:

- Eligible to be an ACT elector; and
- Not the registered officer for another political party

can fill the position of registered officer.

What is a party secretary?

The secretary of a party holds a number of responsibilities under the Electoral Act. The secretary is the only person who can apply to change the particulars of a party (such as appointing a registered officer or changing the party name) and is the only person who may ask the commissioner to cancel the party's registration.

Under the Electoral Act, there are no restrictions for who may be the secretary of a party.

Obligations associated with registering a party

Each registered party is required to submit:

- Annual returns outlining the party's expenditure, income and debts at the end of each financial year;
- Regular gift returns when gifts totalling \$1,000 or more from the same individual or organisation are received; and
- Election returns outlining electoral expenditure during an election period.

Failure to lodge these returns carries penalties. For more information see the [Funding and Financial Disclosure Handbooks](#) on the [Elections ACT website](#).

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 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 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:

- The secretary of the party requests the cancellation;
- Registration was obtained by fraud or misrepresentation;
- 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 on the Commission's website at www.elections.act.gov.au

The register is also open for public inspection during normal office hours at the ACT Electoral Commission, located at Nara Centre, 3 Constitution Avenue, Canberra City, ACT.

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 [Candidate Information Handbook](#).

Where can I get a copy of the Electoral Act?

The [Electoral Act 1992](#) is available for download at the [ACT Legislation register](#).

More information

Web: www.elections.act.gov.au

E-mail: elections@act.gov.au

Telephone: (02) 6205 0224

Postal address

GPO Box 172,
Canberra ACT 2601

Physical location

Nara Centre
3 Constitution Avenue,
Canberra City ACT 2601