

# **NOTICE OF DECISION ON PARTY REGISTRATION DEREGISTERING A POLITICAL PARTY AND REMOVAL FROM THE REGISTER OF POLITICAL PARTIES AUSTRALIAN BETTER FAMILIES**

## **Notice of decision under s 137(6) of the *Commonwealth Electoral Act 1918* (Electoral Act) and Statement of Reasons**

1. I am writing in accordance with s 137(6)(b) of the Electoral Act to notify you of the review conducted under s 138A(1) of the Electoral Act and the determination to deregister Australian Better Families (the Party) and cancel the Party's particulars from the *Register of Political Parties* (the Register).
2. As a delegate of the Electoral Commission, I am authorised to deregister the Party under s 137(6)(a) of the Electoral Act, and to cancel the particulars of the Party on the Register under s 138 of the Electoral Act.
3. On 29 January 2021, the Electoral Commission issued a notice to the Registered Officer of the Party under s 138A(3) of the Electoral Act (the s 138A Notice). This Notice requested that the Party provide the Australian Electoral Commission (AEC) with an electronic membership list of between 500 and 550 members in order for the AEC to determine the eligibility of the Party to remain registered.
4. On 17 June 2021, the Party responded to the s 138A Notice providing the requested documentation.
5. On 26 July 2021, a delegate of the Electoral Commission issued a Notice to the Registered Officer of the Party, under s 137(1)(b) (s 137 Notice) of the Electoral Act 'as the Electoral Commission is satisfied on reasonable grounds that the Party has ceased to have at least 500 members'. A response to the s 137 Notice was due by 27 August 2021.
6. On 27 August 2021, the Party responded to the s 137 Notice with a list of between 500 and 550 members in order for the AEC to determine the eligibility of the Party to remain registered.

### **Decision**

7. As a delegate of the Electoral Commission, I am satisfied on reasonable grounds that the Party has ceased to have at least 500 members, and no longer meets the requirements of an eligible political party as required under s 123 of the Electoral Act.
8. I have determined that Australian Better Families be deregistered under s 137(6)(a) of the Electoral Act for the reasons set out in this Notice, and that the particulars of the Party be cancelled from the Register under s 138 of the Electoral Act.

### **Materials I have taken into account**

9. In making my decision, I have had regard to:
  - the s 138A Notice;
  - the s 137 Notice;
  - the membership list lodged by the Registered Officer in response to the s 138A Notice on 17 June 2021;

- the membership list lodged by the Registered Officer in response to the s 137 Notice on 27 August 2021;
- Part XI of the Electoral Act; and
- the AEC *Party Registration Guide*.

## Findings of Fact

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

### Membership list

11. The membership list submitted by the Party on 27 August 2021 contained the names of 523 individuals that the Party considers to be current members (referred to as 'members' below). The following results were found after initial membership testing of the list against the Commonwealth Electoral Roll (the electoral roll) in accordance with s 123(3)(b) of the Electoral Act:

<b>Submitted membership list</b>	<b>523</b>
Automatically matched to the electoral roll	427
Manually matched to the electoral roll	94
Not currently enrolled or unable to be matched on the electoral roll	(2)
Deceased	(0)
<b>Total matched to the electoral roll</b>	<b>521</b>

12. Of the 521 members matched to the electoral roll, the following were identified as duplicates within the list provided by the Party or as members who have previously supported the registration of a registered non-Parliamentary party (or parties):

<b>Total matched to the electoral roll</b>	<b>521</b>
Duplicates identified in the list	(16)
Members identified as also supporting the registration of another party	(0)
<b>Total</b>	<b>505</b>

13. A list of 505 members requires contact with a random sample of 26 members under the formula provided by the Australian Bureau of Statistics (ABS). For the Electoral Commission to be satisfied that the Party has at least 500 members, up to one denial of membership is permitted.

<b>The relevant numbers for this membership test were:</b>	<b>Members</b>
The random sample size	26
Maximum number of denials permitted	1
Contact attempts made by the AEC*	32
Responses received	
- Confirmed Membership	24
- Denied Membership	2
<b>PASS/FAIL</b>	<b>FAIL</b>

\*as some members were uncontactable.

14. As a result, the Party has not demonstrated that it has the requisite 500 members to maintain registration under the Electoral Act, and therefore does not meet the requirement of being an eligible political party under s 123 of the Electoral Act to remain in the Register.

15. Accordingly, in my capacity as a delegate of the Electoral Commission I have deregistered the Party under s 137(6) of the Electoral Act and the particulars of the Party have been cancelled from the Register under s 138 of the Electoral Act.

### **Review rights**

16. 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.
17. Requests for review of this decision should be addressed to Mr Tom Rogers, 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?

18. 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.
19. 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?

20. 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?

21. 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 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](http://www.aat.gov.au/applying-for-a-review/how-to-apply).

## Freedom of Information

22. 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).
23. Should you have any queries regarding 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).

Yours sincerely

*(signed)*

Joanne Reid  
Assistant Commissioner  
Delegate of the Electoral Commission

13 October 2021