

**NOTICE OF PARTY REGISTRATION DECISION  
APPLICATION TO REGISTER A PARTY IN THE REGISTER OF  
POLITICAL PARTIES APPROVED  
AUSTRALIA'S VOICE**

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

1. I am writing in accordance with s 133(1) of the Electoral Act to notify you of the determination of the application to register Australia's Voice (the Party), a Parliamentary party, in the *Register of Political Parties* (the Register).
2. I am authorised to determine this application for party registration (the Application) under Part XI of the Electoral Act as a delegate of the Electoral Commission.

**Decision**

3. I have decided to approve the Application. Consequently, I have entered the following Party in the Register:

Name of party:	Australia's Voice
Registered Officer:	Senator Fatima Payman
Registered Officer's address:	112/1 Anthony Rolfe Avenue GUNGAHLIN ACT 2912
The party stated that it wishes to receive election funding:	Yes

**Materials I have taken into account**

4. In making this decision, I had regard to:
  - the Application received by the Australian Electoral Commission (the AEC) on 30 September 2024;
  - Parts I and XI of the Electoral Act;
  - the Register and the Register of Political Parties of each Australian State and Territory;
  - written particulars objecting to the Application (referred to as 'objection') received from Adrian, Ada and Tamara;
  - the responses to the written particulars from the Party; and
  - the AEC's *Guide for registering a party*.

**Findings of Fact and Consideration**

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

Procedural application requirements

6. I am satisfied that the Application meets the requirements of ss 126(2)(a)–(g) of the Electoral Act. The Application:
  - was in writing, signed by the applicant (s 126(2));
  - set out the name of the Party (s 126(2)(a));

- 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 name and address of the applicant and particulars of the capacity in which the applicant makes the Application (s 126(2)(e));
- was accompanied by a copy of the constitution of the Party (s 126(2)(f));
- was accompanied by a fee of \$500 (s 126(2)(g)).

#### Party constitution

7. 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.
8. 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

9. When undertaking an initial assessment of the Application, the Party's proposed name was considered against the requirements of s 129 of the Electoral Act, and the Register and the registers for each State and Territory were reviewed for parties with a similar name, abbreviation or acronym.
10. The Party name, Australia's Voice:
- does not comprise more than 6 words;
  - is not obscene, frivolous or vexatious;
  - 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, 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;
  - 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 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 that requires consent from an existing registered political party.

11. Section 129(3) of the Electoral Act states that the Electoral Commission must refuse an application of a political party if a word in the party's name is in the name or abbreviation of another registered party (First Party), unless consent by the First Party is given to use that word. The federal Register was checked for parties with a common name, abbreviation or acronym.
12. As per the Register check, 'Voice' is not a word used by any registered party, as such, does not require a letter of consent under s 129(3)(b) of the Electoral Act.
13. Under s 129(5)(c) of the Electoral Act, the name of a country, the word "country", or a recognised geographical place in Australia does not require consent. Therefore 'Australia' does not require consent.
14. The Party's proposed name is not the exact name, abbreviation or acronym of the name of a registered or recognised political party, and I consider it is not likely to be confused with or mistaken for the name or abbreviation of any of other party.

#### Abbreviation and logo

15. The Party did not apply to enter an abbreviation or a logo into the Register, noting these are optional components of an application for Registration.

#### Written particulars

16. Section 132(2)(b) of the Electoral Act provides that a person can only submit written particulars objecting to an application to register a party (or a logo in the case of point (iv)) on the following grounds:
  - (i) the application does not relate to an eligible political party; or
  - (ii) the application is not in accordance with s 126 of the Electoral Act; or
  - (iii) the application should be refused under s 129 of the Electoral Act; or
  - (iv) the Electoral Commission should refuse to enter a logo of the party in the Register under s 129A of the Electoral Act.
17. Section 132(7) of the Electoral Act provides that the Electoral Commission shall not register a political party unless it has considered any particulars submitted objecting to a party's registration, and any reply to particulars that may have been submitted. Section 132 of the Electoral Act also outlines the requirements for submitting and processing objections to an application.
18. On 21 October 2024, the application was advertised in 10 major newspapers circulating in each State and Territory of Australia and published on the AEC website. The closing date for written particulars objecting to the application was 21 November 2024.
19. Written particulars must also meet the following administrative requirements under ss 132(2)–(3) of the Electoral Act:
  - be in writing;
  - be signed by the person (either physically, or electronically as per s 10(1) of the *Electronic Transactions Act 1999*);
  - specify a postal address of the objector that does not consist of a post office box number (noting the definition of 'address' in s 123(1) of the Electoral Act and the postal service requirements in s 140(1) of the Electoral Act);
  - be submitted within one-month after the publication of the relevant s 132(1) Notice on the AEC website on 21 October 2024; and

- set out the person’s belief that the Application should be refused for a reason listed in s 132(2)(b) of the Electoral Act and provide grounds for that belief.

### Objections to the Application

20. The Electoral Commission received three sets of written particulars:

Written particulars from	Date received	Administrative requirements met	Grounds for objection under the Electoral Act
Adrian	22 October 2024	Yes	Sections 123, 126 and 129
Ana	11 November 2024	Yes	Section 129
Tamara	20 November 2024	Yes	Section 129

21. On 21 November 2024, and 3 and 5 December 2024, the Party responded to the written particulars contained in the objections from Adrian, Ana and Tamara (respectively). The Party’s responses were published on the AEC website in accordance with s 132(6) of the Electoral Act.
22. In consideration of the written particulars, I set out my reasons below why I consider that the Party’s Application and proposed name do not infringe the terms of ss 123, 126 or 129 of the Electoral Act and so can be entered in the Register.
23. Before advertising the Application in accordance with s 132(1) of the Electoral Act, an initial assessment of the Application was conducted in accordance with s 131(1) of the Electoral Act. As part of that initial assessment, the Party’s Application was assessed in accordance with ss 123 and 126 of the Electoral Act.
24. As part of this assessment, the proposed name was considered against the requirements of s 129 of the Electoral Act and the Register and the registers for each State and Territory were reviewed for parties with a similar name. The Party’s name was not considered to contravene s 129 of the Electoral Act and the Application proceeded to advertising.
25. Consideration of the written particulars referred to in paragraph 20 above, requires me to consider ss 123, 126 and 129 of the Electoral Act.

### Written particulars and responses

26. I will address each specific set of written particulars and the Party’s response to that set of written particulars.

### Adrian’s written particulars, the Party’s response, and my conclusions

27. Adrian’s written particulars were based on ss 123, 126 and 129 of the Electoral Act.

28. In relation to s 123 of the Electoral Act, Adrian states:

**“Eligibility:** Section 123 of the Commonwealth Electoral Act requires that a non-parliamentary political party must have at least 1,500 members who are eligible voters. I request the AEC to verify that 'Australia’s Voice' has complied with this requirement and has provided accurate and complete membership details. If the required number of members is not met, the application should be rejected under this provision.”

29. In relation to s 126 of the Electoral Act, Adrian states:

**“Non-Compliance with Procedural Requirements:** Section 126 of the Act stipulates that an application must include specific details, such as a complete constitution, list of members, and accurate signatures. I request the AEC to ensure

that all of these procedural requirements have been met properly and that no discrepancies exist in the documents submitted by 'Australia's Voice.' Any failure in compliance should serve as grounds for rejecting the application."

30. In relation to s 129 of the Electoral Act, Adian states:

**"Prohibited Name:** Under section 129 of the Commonwealth Electoral Act, the name of a political party must not mislead voters or cause confusion by being similar to the name of another registered party. I believe that the name 'Australia's Voice' may lead to confusion, particularly given its similarity to terms widely used in current public discourse, which may mislead voters. I request the AEC to carefully consider whether the party's name contravenes this section of the Act."

31. The Party's response to Adrian's written particulars claims that Adrian's "objections are without merit". The Party asserts this on the following grounds.

- Firstly, that the Party is indeed compliant with s 123 of the Electoral Act as it has a sitting Senator, and does not need to rely on at least 1,500 members.
- Secondly, that the Application is in accordance with s 126 of the Electoral Act, as demonstrated by the Application passing initial assessment and proceeding to being advertised.
- Thirdly, that the name, Australia's Voice, is not in breach of s 129 of the Electoral Act for the following reasons:
  - "there is no other recognised political party with the same or a similar name to 'Australia's Voice' that would cause confusion; and
  - section 129(2) does not take into account the use of the words in a party's name within public discourse when considering whether a party name is misleading or would cause confusion."

32. In relation to s 123(1) of the Electoral Act, an eligible political party is either one that is a Parliamentary Party (i), or has at least 1,500 members (ii). Parliamentary party means a political party at least one member of which is a member of the Parliament of the Commonwealth.

33. Accompanying the Party's Application was a letter from Senator Fatima Payman, Senator for Western Australia, stating that she is a member of Australia's Voice, and not a member of any other political party.

34. Accordingly, I am satisfied that the Application satisfies s 123 of the Electoral Act as the Party meets the definition of a Parliamentary Party, and therefore does not need to rely on at least 1,500 members.

35. I refer to paragraph 23 above, in which I state that before advertising the Application in accordance with s 132(1) of the Electoral Act, an initial assessment of the Application was conducted in accordance with s 131(1) of the Electoral Act.

36. During the initial assessment, I was satisfied that in my capacity as a delegate of the Electoral Commission, the Application met the requirements of ss 126(1)(a), 126(2)(a), 126(2)(c), 126(2)(d), 126(2)(e) and 126(2)(g) of the Electoral Act (refer to paragraph 6). I was also satisfied that the Party's constitution met the requirements of ss 4 and 123 of the Electoral Act (refer paragraph 7) and that the Party's name satisfied s 129 of the Electoral Act (refer paragraphs 9 – 14).

37. In relation to Adrian's point about s 129 of the Electoral Act, I take this to refer specifically to s 129(1)(d) of the Electoral Act, namely:

[The Electoral Commission shall refuse an application if, in its opinion, the name of the party] 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.

38. There is no provision under s 129(1) to refuse party's name or abbreviation as it may 'mislead voters'. Therefore, I will only address Adrian's point that that Party's proposed name, 'Australia's Voice' is similar to another registered party and would therefore contravene s 129(1)(d) of the Electoral Act.
39. During the initial assessment of the Party's application, the Party's proposed name was assessed in accordance with s 129(1) of the Electoral Act (refer paragraphs 9 – 14).
40. As a delegate of the Electoral Commission, I am not of the opinion that the Party's proposed name requires refusing under any provision of Part XI of the Electoral Act. In particular, I do not consider that 'Australia's Voice' 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.

Ana's written particulars, the Party's response, and my conclusions

41. Ana's written particulars were based on section 129 of the Electoral.

42. Ana states:

"The grounds of my objection are based on the party's name of which I found inappropriate and misleading/ 'Australia's Voice' as it stands intends to reflect that this party is representing the voice of all Australian people in its entirety.

This party does not represent me as a citizen of Australia, this party does not represent my political views and/or my voice neither represents my ideology as a political party.

Therefore, under the Electoral Act I want to express my objection to the name of this party's application and I expect the party's name should be refused and be changed to a different name."

43. The Party's response to Ana's written particulars prefaces the response with:

"It is important to note that the name Australia's Voice has already passed the Australian Electoral Commission's (AEC) initial review, which evaluates party names against the criteria set out in Section 129. The fact the party has progressed to the public advertising stage indicates the AEC has determined the name does not breach any statutory provisions."

44. In its response, the Party states that "[t]he submission objects to the name, Australia's Voice, however, fails to demonstrate that the name contravenes any of the specific grounds for refusal under Section 129 of the Act". The response details the Party's compliance with ss 129(1)(a) – (e) of the Electoral Act in respect to the Party's name.
45. Having considered the written particulars from Ana objecting to the application, I do not consider that section 129(1) of the Electoral Act provides grounds to refuse a party's name (or abbreviation) because a name may be 'inappropriate or misleading'.
46. Similarly, there are no grounds under s 129(1) to refuse a party's name (or abbreviation) because a party's name does not represent a person's political views.

47. As such, although Ana's written particulars object to the Party's name, Australia's Voice, Ana fails to address a part of s 129(1) of the Electoral Act that may require me, as a delegate of the Electoral Commission, to refuse the Party's name.

Tamara's written particulars, the Party's response and my conclusions

48. Tamara's written particulars were based on two paragraphs under section 129 of the Electoral Act.

49. Tamara states:

I wish to lodge my objection to the proposed registration of the "Australia's Voice" Political party, on the grounds that the name of the party is prohibited under section 129 of the Electoral Act.

It should be noted that Senator Payman is already using this as her party name on her website and social media site.

In Section 129, Part 1 (b) – it is vexatious to suggest the Senator Payman represents the mainstream "Australia's voice". The name of the party is misleading and is a false representation. This could lead voters to mistakenly vote for this party as they are assuming it's [sic] name means it is a party consistent with broadly held Australian norms and values.

Also, Part 1 (d) – it is confusingly similar with "The Voice" referendum, which was an entirely different process and cause, as such it is confusing and misleading.

50. The latter half of Tamara's written particulars assert that "Senator Payman does not represent mainstream Australia", however, none of this assertion is supported as grounds to refuse the Party's registration under Part XI of the Electoral Act, and therefore as a delegate of the Electoral Commission, I am not required to consider this as per s 132(2) of the Electoral Act.

51. The Party's response to Tamara's written particulars are once again prefaced with (refer paragraph 49):

"It is important to note that the name *Australia's Voice* has already passed the Australian Electoral Commission's (AEC) initial review, which evaluates party names against the criteria set out in Section 129. The fact the party has progressed to the public advertising stage indicates the AEC has determined the name does not breach any statutory provisions."

52. The Party's response goes on to state:

"Among the raft of unrelated and inflammatory suggestions irrelevant to an objection under the Act, the objection claims the name *Australia's Voice* is vexatious and misleading. *Australia's Voice* strongly rejects this claim.

The term "vexatious" refers to something designed to harass, annoy, or provoke. The name *Australia's Voice* reflects the party's aim to amplify Australian voices, particularly those who feel overlooked by current political representation. This does not meet the threshold for vexatiousness".

53. In relation to Tamara's claim that the Party's name is confusing with the 2023 federal referendum, the Party states:

“The objection claiming *Australia’s Voice* is confusingly similar to “The Voice” referendum and could mislead voters is not a valid reason for rejecting the name under Section 129 of the Act.

When discussing confusion, Section 129(1)(c) of the Act states a name should be rejected if it is likely to be confused or mistaken for the name of a registered political party.

There is no registered political party with a name with, or similar to, *Australia’s Voice*”.

54. I have considered section 129(1)(b) of the Electoral Act which States:

[The Electoral Commission shall refuse an application if, in its opinion, the name of the party] is obscene, frivolous or vexatious.
55. I refer to Point 7, at Schedule 1 of the Explanatory Memorandum to the *Electoral Legislation Amendment (Party Registration Integrity) Bill 2021*, in which the terms, frivolous and vexatious [alongside obscene], are to be given their ordinary meaning, and are intended to include party names or abbreviations that are nonsensical or are malicious in their application. This would include, for example, an applicant seeking to register ‘Australian Electoral Commission’, or ‘Australian Government’ as a political party.
56. Noting the above, I do not agree that the Party’s proposed name is vexatious, because, within its ordinary meaning, vexatious applies to the name of the party, and not, as Tamara asserts, “vexatious to suggest the Senator Payman represents the mainstream “Australia’s voice””.
57. Tamara asserts that the Party’s proposed name is ‘misleading’; however, as per paragraph 37 above, there is no provision under s 129(1) to refuse a party’s name or abbreviation as it may be ‘misleading’. Further, there are no grounds under s 129(1) of the Electoral Act to refuse a name based on alleged ‘false representation’.
58. Tamara’s written particulars address s 129(1)(d) of the Electoral Act, specifically that the name “it is confusingly similar with “The Voice” referendum”.
59. I have also considered section 129(1)(d) of the Electoral Act states:

[The Electoral Commission shall refuse an application if, in its opinion, the name of the party] 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.
60. Section 129(1)(d) of the Electoral Act is in relation to recognised political parties, not political or electoral events that have occurred. As such, I do not see the relevance of Tamara’s claim, and note that it is not a ground to refuse a party’s name for registration.
61. I note that in Tamara’s written particulars she states that the name “could lead voters to mistakenly vote for this party as they are assuming it’s [sic] name means it is a party consistent with broadly held Australian norms and values”.
62. This is not grounds to refuse a party’s application under Part XI of the Electoral Act.
63. Accordingly, there are no provisions to refuse the Party’s proposed name for the reasons outlined in the written particulars submitted by Tamara.



### Delegate consideration

64. If I am satisfied that either of the grounds in s 129 is established, I have a discretion to refuse to enter the Party's name in the Register.
65. In making my decision under s 133(1) to register the Party, I do not consider the written particulars from Adrian, Ada and Tamara to make out sufficient grounds under ss 123, 126 or 129 of the Electoral Act to refuse to register the Party in the Register.
66. Accordingly, I consider that the Party meets the grounds for registration under Part XI of the Electoral Act. There are no grounds to refuse the Party's registration because the name does not contravene s 129 of the Electoral Act.

### **Summary**

67. There are two elements to my decision on the Application, as set out in this Statement of Reasons:
- 1) a decision to register the Party under s 133(1); and
  - 2) a decision that the Party's name should not be refused under s 129.
68. I am satisfied on the materials before me that there is no basis to refuse the Application under Part XI of the Electoral Act. The Party can be registered, and the Party's name entered in the Register.

### Approval of the Application

69. For the reasons outlined above, I approve the application from Australia's Voice 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**

70. 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.
71. Requests for review of this decision should be addressed to the 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?

72. 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.
73. 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?

74. The Electoral Commission, which is comprised of three members, the Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
75. 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?

76. If an internal review decision has been made by the Electoral 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 Electoral 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

77. 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).
78. 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).

*(signed)*

Joanne Reid  
Assistant Commissioner  
Delegate of the Electoral Commission  
17 December 2024