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Guide for maintaining party registration

Federal registration of political parties

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Introduction

Part XI of the [Commonwealth Electoral Act 1918](#) (Electoral Act) deals with the registration of political parties. The Australian Electoral Commission (AEC) maintains the [Register of Political Parties](#) (the Register) and administers the Commonwealth party registration scheme on behalf of the Electoral Commission (EC). The primary function of the scheme is to establish a register of party names, abbreviations and logos that can be printed on ballot papers at elections for the Senate and House of Representatives.

The *Guide for maintaining party registration* (Guide) is intended to assist people to understand the party registration provisions of Part XI of the Electoral Act. It provides general guidance on the requirements and process for:

- maintaining party registration
- changing party details and party officers
- deregistration of political parties.

The [Guide for registering a party](#) provides general guidance on the requirements and process for registering a new political party.

These guides are part of a series of publications to help parties better understand the requirements of the party registration, election funding, and financial disclosure provisions of the Electoral Act. The guides provide information derived from the Electoral Act as well as from the experience of the AEC in the administration of its provisions. While these guides are intended to act as user-friendly guidance to the requirements of the Electoral Act, they cannot fully address every possible issue that may arise.

Importantly, do not use the guides as a substitute for legal advice on specific detailed compliance, disclosure and party registration issues. Users are urged to seek their own independent advice where necessary and to read and familiarise themselves with the relevant parts of the Electoral Act.

The guides incorporate text boxes to highlight important information.



The 'light bulb' symbol indicates a useful tip.



The 'note' symbol indicates information relating to the Electoral Act.

Overview of forms and timeframes

After registration, a party may make changes to its party details in order to maintain accurate, up-to-date records. The table below identifies the key changes that can be made, the forms to be used, changes affecting the Register, any associated cost, and indicative timeframes.

Maintaining party registration – overview of forms and timeframes					
Proposed change	Form to use	Is this a change to the Register?	Is there a fee?	Does this change need to be advertised?	What is the expected time for processing?
Party name*	Application to change the Register of Political Parties	Yes	\$500	Yes	Minimum of nine weeks
Add or remove abbreviation*	Application to change the Register of Political Parties	Yes	\$500	Yes	
Add or remove logo*	Application to change the Register of Political Parties	Yes	No	Yes	
Change registered officer - Parliamentary party	Change Registered Officer for Parliamentary party	Yes	No	No	Minimum of two weeks
Change registered officer - non-Parliamentary party	Change Registered Officer for non-Parliamentary party	Yes	No	No	
Change registered officer's contact details	Change Registered Officer's details	Yes	No	No	
Appoint / revoke deputy registered officer	Appoint Deputy Registered Officer	Yes	No	No	
Change party secretary	Change Party Secretary	No	No	No	
Change party agent	Appoint Party Agent	No	No	No	
Change party correspondence address /postal address	Change Details	Yes	No	No	
Change other party details	Change Details	No	No	No	

*These changes require a minimum of nine weeks in processing and include a number of processing stages:

Processing stage	Timeframe
Initial assessment	Minimum of two weeks
Delegate consideration and advertising	Minimum of two weeks
Public consideration period	Minimum of one month**
Final assessment	Minimum of one week***

**Timeframe prescribed under section 132 of the Electoral Act.

***May be longer if written objections to application are received.

Register of Political Parties

The [Register of Political Parties](#) published on the AEC website contains a list of the registered names of all federally registered political parties and the party details.

The party details include:

- the party's name
- the party's registered abbreviation (if any)
- the party's registered logo (if any)
- if the party is a Parliamentary party
- if the party is a non-Parliamentary party
- the name and address of the registered officer
- the name(s) of the deputy registered officer(s) (if any)
- the party's correspondence address, and
- whether the party chooses to receive election funding.

Changes to party details

A registered political party should ensure that the information in the Register is accurate and up-to-date. For the following changes, the AEC must advertise the proposed change:

- party name
- adding or removing a registered abbreviation
- adding or removing a registered logo.



Review the relevant sections of the [Guide for registering a party](#) for detailed guidance relating to party name, abbreviation and logo.

Application fee

Each application to change a registered party's name and/or abbreviation is to be accompanied by a fee of \$500. This fee can be paid by direct deposit:

BSB: 092-009
Account: 113554
Bank: Reserve Bank of Australia
Branch: Canberra ACT

Ensure that the funds transfer is clearly described.

If paying by cheque, it should be made payable to The Collector of Public Monies, Australian Electoral Commission.

Registered officer

A change to the registered officer can be made by the secretary of a [Parliamentary party](#) (or all of the members of the Commonwealth Parliament who are members of the party) or three members of a [non-Parliamentary party](#).



A change to the person who is the registered officer for a party is a formal change to the Register under section 134 of the Electoral Act.

If the current registered officer does not sign the application to change the Register, under section 134 of the Electoral Act the Electoral Commission must notify the registered officer and invite the registered officer to state in writing within 7 days why the change should not be made.

As a matter of administrative practice, where three members of a non-Parliamentary party make an application to change the registered officer and those members do not include the party secretary and/or other office bearers known to the AEC, further enquiries will be made before the change is recorded.

To change the contact details of a party's registered officer, a [Change Registered Officer Details](#) form should be used.

Changes to details of other party office bearers

Changes to update the address details for other party office bearers can be notified to the AEC by the office bearers themselves. If party office bearers do not keep their contact details up to date with the AEC, they may miss important correspondence from the AEC.

Secretary

Before providing an application to the AEC to change the party's secretary, a party should ensure the appointment has been made in accordance with the party's constitution. The [Change Party Secretary](#) form provides for an independent party official, for example, the President or Treasurer of the party, to certify that the secretary has been properly appointed in accordance with the party's constitution to perform the role as defined in the Electoral Act.

Party agent

In order to change a party agent, an [Appoint Party Agent](#) form should be completed and lodged.



A new party agent must meet the requirements for appointment under section 292F of the Electoral Act.

Classification: OFFICIAL

The party agent is responsible for lodging the party's annual financial disclosure return, record keeping and compliance. Information regarding the responsibilities of a party agent can be found in the [Financial Disclosure Guide for Political Parties](#) on the AEC website.



Review the relevant sections of the [Guide for registering a party](#) for detailed guidance relating to appointing a party agent.

Most other changes, such as an update to the party's contact details, would be notified to the AEC by the party secretary.

Lodge an application

The application (and any supporting documentation) can be sent via email to: fad@aec.gov.au or by mail to:

Funding and Disclosure
Australian Electoral Commission
Locked Bag 4007
CANBERRA ACT 2601



All forms relating to maintaining party registration are shown in **Appendix 1**.

Processing an application

Acknowledgement

The AEC will write to the applicant to acknowledge receipt of the application and enclose a receipt for the application fee (if required). The letter will also advise the next steps.

Applications will be reviewed and assessed as they are received. The AEC will examine the application against all the requirements of the Electoral Act.

Should the requested change be approved, the AEC will write to the applicants advising them of this.

Changes that affect the Register

The following processing stages are undertaken for applications to change the Register.

Initial assessment

The AEC will examine the application against all the requirements of the Electoral Act. That is, the AEC will test for evidence that:

- the name of the party and any abbreviation sought are not prohibited
- any logo sought is not prohibited and has been provided in a format that conforms to technical requirements as set out in the [Commonwealth Electoral \(Logo Requirements\) Determination 2016](#).
- the application form is complete with all the details and the attachments required under the Electoral Act, including office bearer appointments.



If there are apparent problems with an application that might require the AEC to refuse it when the initial assessment is complete, section 131 of the Electoral Act provides for the Electoral Commission to issue a formal notice to the party, giving it an opportunity to vary the application.

The party can vary the application so that the AEC is able to proceed with advertising it (where relevant), or request that the Electoral Commission determine the application in its current form. If the application is not amended, it is likely the Electoral Commission will refuse to make the requested change to the registration of the party.

Advertising and public consideration period

If the application passes its initial assessment, the AEC will advertise a notice of the application on the AEC website and in newspapers circulating generally in each State and Territory.



Advertising a notice of an application in accordance with section 132 of the Electoral Act is required for changes to the Register, including changes to party names, abbreviations or logos.

The advertisement provides a period of one month in which any person or organisation can lodge an objection. If an objection on the grounds set out below is lodged, the AEC will forward a redacted version of the objection (that is, omitting personal details of the objector or objectors) to the registered officer of the party and publish the redacted version on the AEC website. The party will be invited to respond, noting that if the party does respond, a redacted copy of its response will also be published on the AEC website.

Objections are considered only on the following grounds:

- that the application does not relate to an eligible political party (as defined in sections 4 and 123 of the Electoral Act)
- that the application does not accord with all the requirements set out under the Electoral Act (as outlined in section 134 of the Electoral Act)
- that the name or abbreviation of the party is prohibited under section 129 of the Electoral Act
- that the logo is prohibited under section 129A of the Electoral Act.



See page 9 of this guide for grounds for a registered party to object to the continued registration of a name, abbreviation or logo of a second party.

Final determination - decision and Statement of Reasons

The application, any objections lodged and any response to those objections from the party are considered by a delegate of the Electoral Commission, who will then determine the application. The AEC will advise all applicants and objectors of the final decision and provide a copy of a Statement of Reasons for the delegate's decision. The Statement of Reasons will also be published on the AEC website. The Electoral Act provides review rights in relation to party registration decisions.



See "Reviews" later in this Guide.

If the relevant change has been approved, the AEC will provide the party secretary with a copy of the party's entry in the Register. The AEC will also update the party's entry in the Register on the AEC website to include the change.

How long will the process take?

In general, applications to change the Register are expected to take a minimum of nine weeks to process. Applications to change office bearers or details of office bearers are expected to take a minimum of two weeks.



The overview on page 4 of this guide has details of timeframes for specific applications.

No action during an election



Section 127 of the Electoral Act, as modified by section 134(4), provides that "no action shall be taken in relation to any application to change the Register in the period commencing on the day of the issue of a writ for a federal election and finishing on the day of the return of that writ.

That means that the processing of applications is suspended on the issue of a writ for a federal election (including a by-election) and can recommence only after the writ is returned.



Office bearers may be changed during the period of a federal election or by-election.

Grounds for objecting to the use of a name, abbreviation or logo



Section 134A of the Electoral Act provides for objection to the continued use of a name, abbreviation or logo.

Classification: OFFICIAL

The registered officer of an earlier registered party may make an objection to the continued registration of a second party's name, abbreviation or logo.

If there is more than one registered political party that meets both of the following conditions (each such party is an earlier registered party):

- the party was registered before the second party; and
- the party has in its name, or the abbreviation of its name, a word contained in the name or logo of the second party

then only the registered officer of the first of the earlier registered parties to be registered with that word in its name, abbreviation or logo may make an objection.



If the earlier registered parties are a State branch and the federal branch, of a federal party that were registered on the same day, the federal branch is taken to be the first of the earlier registered parties to be registered with the word in its name or abbreviation.

Method of lodging this objection

An objection must be in writing and lodged by the registered officer of the earlier registered party.

Objections can be sent via email to: fad@aec.gov.au or by mail to:

Funding and Disclosure
Australian Electoral Commission
Locked Bag 4007
CANBERRA ACT 2601

Processing of these objections

Objections are only considered if they meet the grounds set out under section 134A of the Electoral Act.

Parties may be deregistered if the Electoral Commission is satisfied that the continued name, abbreviation or logo contravenes s 134A, and the second party either:

- does not apply to change its name, abbreviation or logo (by an application to Change the Register), or
- makes an application that the Electoral Commission is required to refuse.

Objections, as well as any response to an objection provided by the second party, will be published on the AEC website.



A subsequent application by the second party to change the name, abbreviation or logo would be an [Application to change the Register of Political Parties](#) and the processing described in 'Changes that affect the Register', above, would apply.

Reviews of party registration

Periodic reviews

Political parties need to meet the requirements for registration at all times to remain in the Register and access the benefits of party registration.



Section 138A of the Electoral Act provides the AEC with a power to review the continued eligibility of registered political parties at any time other than during the period when writs in relation to an election are outstanding.

The AEC's current policy to satisfy this requirement is to review each registered political party once between federal elections.

For all registered Parliamentary parties, the Electoral Commission determines if there is at least one Senator or Member of the House of Representatives who is a member of the party. These parties are eligible to remain registered as they are **Parliamentary parties**.

For parties who are not Parliamentary parties (**non-Parliamentary parties**), the Electoral Commission issues a Notice under section 138A of the Electoral Act seeking a list of between 1,500 and 1,650 party members on the Commonwealth Electoral Roll. Consistent with section 138A, the AEC provides parties a period of two months to comply with the Notice.

Requests for extensions of time will be considered by the Electoral Commission on their merits. If a party does not comply with the Notice, the Electoral Commission may issue a further Notice under section 137 of the Electoral Act that the Electoral Commission is considering deregistering the party. The party then has a further month to respond to that notice. Parties may be deregistered if they fail to satisfy the membership requirements, or fail to comply with or respond to notices issued to the party.



Review the relevant section of the [Guide for registering a party](#) for detailed guidance relating to party membership. See Appendix 2 for the membership testing process for a review of party registration.

Parliamentary parties that lose that status

If a Parliamentary party ceases to have a member who is a Senator or Member of the House of Representatives, the AEC will review that party's registration to see if it is an eligible party (has 'at least 1,500 members') or whether the party needs to be deregistered.

Parties which do not endorse candidates

The Electoral Act provides that a non-Parliamentary party is to be deregistered if it does not endorse a candidate at an election for the Senate or House of Representatives (or a by election) in any four-year period. Following each federal election, the AEC reviews the Register to see if each registered non-Parliamentary party has endorsed a candidate in the

previous four years. A Parliamentary party cannot be deregistered under this provision.

Parties that no longer exist

If media or other public commentary indicates that a currently registered party may have ceased to operate, the AEC may commence a review to determine whether that party continues to be eligible for registration.

Reviews



Section 141 of the Electoral Act provides for the review of certain decisions of the Electoral Commission, or of a delegate of the Electoral Commission.

Section 141(2) provides that where a delegate of the Electoral Commission makes a reviewable decision, a person affected by the decision who is dissatisfied with the decision may, within the period of 28 days after the day on which the decision first comes to the notice of the person, or within such further period as the Electoral Commission (being the three Commissioners of the AEC) allows, make a written application to the Electoral Commission to have the decision reviewed.

A reviewable decision means a decision of the Electoral Commission, or of a delegate of the Electoral Commission:

- to register a political party; or
- to refuse an application for the registration of a political party; or
- to enter a logo of a political party in the Register of Political Parties; or
- to refuse to enter a logo of a political party in the Register of Political Parties; or
- to grant an application under section 134(1) to change the Register of Political Parties; or
- to refuse an application under section 134(1); or
- to uphold an objection under section 134A(1); or
- to refuse to uphold an objection under section 134A (1); or
- to deregister a political party under section 137(6).

An application for review must include the person's name, street address and the reasons why the decision should be overturned.

Section 141(5) of the Electoral Act provides that an application may be made to the Administrative Appeals Tribunal (the Tribunal) for review of a reviewable decision made by the Electoral Commission or a decision under Section 141(2) or Section 141(4).

An application to the Tribunal can be made under the provisions of the *Administrative Appeals Tribunal Act 1975*. Further information is available on the Tribunal's website at www.aat.gov.au.



When the Electoral Commission makes a reviewable decision, it must advise all interested parties of their review rights as set out above.

Appendix 1 – Forms relating to maintaining party registration

The following forms are available on the AEC website at www.aec.gov.au.

- [Application to change the Register of Political Parties](#)
- [Change Registered Officer for Parliamentary party](#)
- [Change Registered Officer for non-Parliamentary party](#)
- [Change Registered Officer's details](#)
- [Appoint Deputy Registered Officer](#)
- [Change Party Secretary](#)
- [Appoint Party Agent](#)
- [Change Party Details](#)



See the AEC website for further information about [the registration of a new party](#).

Appendix 2 – Membership testing for review of eligibility of parties to remain on the Register

Membership testing process

When a membership list is submitted to the AEC to support a review of registration, the following steps are taken:

1. The membership list is checked to confirm that it contains between 1,500 and 1,650 names.
2. The membership list is checked against the Electoral Roll through an automated process. Party members will fall into the following three categories: matched to one (meaning the details are matched to one individual on the Electoral Roll); matched to many (meaning the details are matched to multiple individuals on the Electoral Roll); or no match.
3. The names in the categories 'matched to many' and 'no match' are individually checked against the Electoral Roll. These members now fall into one of four categories: matched to the Electoral Roll; deceased; not currently enrolled to vote; or not found on the roll.
4. **Unique members** – Where a party member appears more than once on a membership list, only the one instance of the name will be included. Two or more parties cannot rely on the same member for the purpose of registration or continued registration. Accordingly, the names of party members matched to the Electoral Roll in both stages of testing are compared to membership lists of other non-Parliamentary registered political parties to identify any persons who have been relied upon by another political party for the purpose of registration or continued registration (cross-party duplicates).
5. Any cross-party duplicate members are contacted to identify which party may rely on the individual as a member for the purpose of registration or continued registration. If a response is not received within 30 days, the cross-party duplicate member is removed from the membership list.
6. **Less than 1,500** – If after this verification process the membership list does not contain 1,500 names, the party has not demonstrated that it has 1,500 members. This may result in the party being issued a notice of intention to deregister or being deregistered.
7. **1,500 or more** – If after this verification process is completed, the membership list contains between 1,500 and 1,650 names of electors, the second phase of testing commences.
8. **Random testing** – The membership list is now randomised using an Excel function. The size of the random sample is determined by the number of members on the list after steps 2 to 5 are completed.
9. Party members are contacted starting from the top of the randomised list. In the first instance emails are sent to those members with an email address. If no response is received after 24-48 hours the member will be contacted via phone.
10. Contact is attempted on three separate occasions. If after the third attempt the member is still uncontactable they are deemed a non-response (**not a denial**) and the next consecutive person on the list is contacted. Phone contact is continued in this way until the required number of contacts is reached.

Membership testing table

To determine whether a political party has the required number of members prescribed by the Electoral Act, the AEC will contact a random sample of individuals taken from the membership list provided by the party. The exact sample size is based on advice from the Australian Bureau of Statistics (ABS), which includes the Table below.

As the Table indicates, ABS advice is that the Electoral Commission can have reasonable confidence that a political party meets the numerical requirement for a non-Parliamentary party where the individuals forming part of the requisite random sample are contacted to confirm their membership and their denials do not exceed the maximum permissible number referable to that sample size.

Members lodged	Random sample size	Maximum denials to pass
1,500	18	0
1,506	27	1
1,523	33	2
1,543	38	3
1,562	42	4
1,582	46	5
1,599	50	6
1,616	53	7
1,633	57	8
1,647	60	9
1,650	60	9