

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

## **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 Workers Party (the Party) and cancel the Party 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 20 August 2020, 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). The s 138A Notice requested the Party provide the Australian Electoral Commission (AEC) with an electronic membership list of between 500 and 550 members in order for the Electoral Commission to determine whether the Party should be deregistered. On 18 January 2021, the Party responded to the s 138A Notice by providing the requested membership list.
4. On 17 February 2021, a delegate of the Electoral Commission issued a notice to the Registered Officer of the Party under s 137(1)(b) (the s 137 Notice) of the Electoral Act as the Party's membership list of 18 January 2021 failed the membership testing assessment of the review.
5. On 18 March 2021, the Registered Officer of the Party responded to the s 137 Notice by providing a statement in accordance with s 137(2) of the Electoral Act and on 31 March 2021 the Registered Officer of the Party lodged an electronic membership list of between 500 and 550 members of the Party.

### **Decision**

6. 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 per s 123 of the Electoral Act.
7. I have determined that Australian Workers Party 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**

8. In making my decision, I have had regard to:
  - the s 138A Notice;
  - the response to the s 138A Notice provided by the Party on 18 January 2021;
  - the s 137 Notice;
  - the statement provided by the Party in response to the s 137 Notice on 18 March 2021;

- the membership list lodged by the Registered officer on 31 March 2021;
- Part XI of the Electoral Act; and
- the AEC *Party Registration Guide*.

## Findings of Fact

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

### Membership list

10. The membership list submitted by the Party on 31 March 2021 (31 March List) contained the names of 550 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 31 March List submitted by the Party 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>550</b>
Automatically matched to the Electoral Roll	442
Manually matched to the Electoral Roll	86
Not currently enrolled or unable to be matched on the Electoral Roll	(15)
Deceased	(7)
<b>Total matched to the Electoral Roll</b>	<b>528</b>

11. Of the 528 entries that were matched to the Electoral Roll, 41 were identified as being duplicate entries. The 41 duplicate entries included two individuals that were listed three times in the 31 March List.
12. Removing the 41 duplicate entries reduced the 31 March List to 487 individual members who are currently on the Electoral Roll.

<b>Total matched to the electoral roll</b>	<b>528</b>
Duplicates identified in the 31 March List	(41)
Members identified in the 31 March List as also supporting the registration of another party	n/a
<b>Total</b>	<b>487</b>

13. Further testing (i.e. checking of members identified as also supporting the registration of another party and random membership testing) was not conducted as the 31 March List did not have 'at least 500 members' (as is required to remain an eligible political party under s 123(1)(a)(ii) of the Electoral Act).
14. Based on this information, I am satisfied on reasonable grounds that the Party has ceased to have at least 500 members, and must be deregistered under s 137(6)(a) of the Electoral Act.

## Review rights

15. 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.
16. 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?

17. 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.
18. 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?

19. 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?

20. 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

21. 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).

22. 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

15 June 2021