

Registering a Political Party in Western Australia GUIDELINES



WESTERN AUSTRALIAN Electoral Commission

FOREWORD

Under the provisions of Part IIIA of the Western Australian *Electoral Act 1907*, organisations and community groups are able to register as political parties. These guidelines have been prepared to assist organisations seeking to register as political parties to contest Western Australian parliamentary elections. They outline the essential legislative requirements of the Act, and provide guidance on the registration of political parties. Following these guidelines will assist greatly in the smooth processing of applications for registration.

This is one of a series of publications prepared by the Western Australian Electoral Commission to assist parties, candidates and community members to better understand the requirements of the *Electoral Act 1907*.

These guidelines provide an overview only and should be used in conjunction with the *Electoral Act 1907* and the *Electoral (Political Finance) Regulations 1996*, which together fully explain and set out all legislative requirements for registered political parties.



Warwick Gately AM
ELECTORAL COMMISSIONER

INTRODUCTION

Legislation for the registration of political parties is contained in Part IIIA of the *Electoral Act 1907* (the Act). These guidelines provide information on the registration requirements of the Act for parties seeking to register for Western Australian parliamentary elections.

WHAT IS A POLITICAL PARTY?

The Act defines a political party as one that specifies as one of its objects or activities the promotion of the election to the Parliament of the State of a candidate or candidates endorsed by it. To be eligible for registration a political party must have a constitution and at least 500 members who are electors at the time the party applies for registration

WHAT ARE THE ADVANTAGES OF REGISTERING A PARTY?

Party registration allows the use of a party name or abbreviation on the ballot paper. It also provides for the registered political party to have the nomination of their registered candidates dealt with centrally by the Western Australian Electoral Commission.

IF A PARTY IS REGISTERED IN WA, IS IT ALSO REGISTERED FOR OTHER STATES AND THE COMMONWEALTH?

No, party registration in WA is separate and distinct from any registration requirements under Federal or other State or Territory law.

WHEN SHOULD AN APPLICATION FOR PARTY REGISTRATION BE LODGED?

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.

Three months should be allowed to process an application for registration of a political party. Applications for registration will be determined in the order in which they are received.

No action can be taken on any application once the writ for an election, including a by-election, is received by the Electoral Commissioner. Action will recommence after the last day for the return of the writ.

HOW DOES A POLITICAL PARTY REGISTER WITH THE ELECTORAL COMMISSION?

An application form for registration as a political party is available at the back of this guide, from the Commission, or at www.waec.wa.gov.au. It must be signed by the secretary or the chief administrative officer of the party and must be accompanied with the party membership details described below as well as a copy of the party's constitution.

PARTY MEMBERSHIP DETAILS

An application for party registration must be accompanied by a list of names and addresses of at least 500 members of the party who are electors. This list will be used to determine the party's eligibility for registration. It is recommended that the list of members who are electors be well in excess of the 500 required under the Act as some members may not be accepted by the Electoral Commissioner if they

are not eligible to be on the electoral roll or do not confirm their membership when contacted by the Electoral Commissioner.

The membership list will only be used for the purpose of ascertaining whether the party has 500 members who are electors. The membership list will be treated in confidence throughout the registration process.

Form RM01 *Statement of Party Membership* found at the back of this guide and at www.waec.wa.gov.au is a useful template for party membership and contains the minimum information to verify whether a member is an elector. The following membership details on an alternative membership form will assist in the processing of the application to register a political party:

- family name;
- given and other names;
- date of birth in dd/mm/yyyy format;
- address, including number, street name, suburb, and post code;
- postal address; and
- daytime phone number and email contact details.

Lists which are illegible or do not show full names and address will delay the processing of the application and may jeopardise the party's registration if members cannot be identified on the electoral roll from the information provided. If the Electoral Commissioner is not satisfied that a person has been accepted for membership of the party in accordance with the party's constitution, that person will not be counted as a party member.

WHAT SHOULD A PARTY'S CONSTITUTION INCLUDE?

The detailed structure and content of the constitution are not specified in the Act. However a useful starting point for an organisation considering registration and required to develop a constitution is the Department of Commerce publication "A Guide for Incorporated Associations in Western Australia". This guide provides a basic introduction to various aspects of managing an association such as governance, membership, office bearers and their appointment, meetings and finance and accounts.

Clearly, and as required by the Act, one stated purpose or object of the party that must appear in the constitution is the promotion of the election to Parliament of a candidate or candidates endorsed by the party. Naturally a party name would head the constitution and the rules with respect to such names are stated in the Act and later in this guide.

As to membership, the Act is specific in that to be eligible for registration a party must have a least 500 members who are electors and this will be tested by the Western Australian Electoral Commission. Information in the constitution with respect to membership would be a necessary element and clear instruction as to the categories, fees and lists will assist in the functioning of the party.

As to governance, it would be useful to include details on the appointment or election of office bearers and their terms along with information on the party's decision making processes.

Critically, the constitution should identify those persons responsible for conducting the financial affairs of the party, the keeping of accounts and the record keeping requirements. This aspect of the party's operation will be subject to scrutiny by the Electoral Commissioner.

WHAT IS A SECRETARY AND WHO CAN FILL THAT POSITION?

The secretary of the party is the person holding the office of secretary, or chief administrative officer, and is responsible for the day to day operation of the party.

The secretary is ordinarily appointed by the party and is the person who on behalf of the party endorses candidates in an election.

WHAT IS A PARTY AGENT AND WHO CAN FILL THAT POSITION?

A party agent is responsible for lodging disclosure returns and claims for electoral funding. To be eligible for appointment the nominated person must:

- be over the age of 18 years;
- be appointed in writing by the party;
- declare their eligibility and consent to the position; and
- not have been convicted of an offence under the disclosure provisions of the Act.

WHAT CAN A PARTY BE CALLED?

A party may be called by any name and abbreviation as long as the name or the abbreviation of that name:

- does not contain more than 6 words;
- is not obscene or offensive;
- is not the name, or an abbreviation, or acronym of the name, of an existing party;
- is not the name of a public body;
- does not include the words “independent” or “royal”;
- does not so nearly resemble the name, or abbreviation of the name or acronym of the name, of an existing party that it is likely to be

confused with or mistaken for the name, abbreviation or acronym;

- does not so nearly resemble a public body name that it is likely to be confused with or mistaken for the public body name; or
- would not otherwise be likely to cause confusion if registered.

WHAT HAPPENS AFTER THE APPLICATION IS LODGED?

Notice of application

When the Electoral Commissioner is satisfied that the party may be eligible for registration, the Electoral Commissioner will place a notice of the application for party registration in the *WA Government Gazette* and a newspaper circulating generally in the State. 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 secretary of the party; and
- invite any elector who believes that the application is not in accordance with the Act to lodge a statement with the Electoral Commissioner within one month of the notice.

The Electoral Commissioner will inform the secretary of the party of the above in writing.

Objections

Any elector who believes a party is not eligible to be entered into the register of political parties may lodge a written submission objecting to the registration of that party.

An objection must set out the name, address and signature of the elector and the grounds under section 62G(3)(b) of the Act for the objection.

Objections must be lodged with the Electoral Commissioner within one month after the day of publication of the *Government Gazette* notice. Objections will be made available for public inspection during office hours at the Western Australian Electoral Commission.

The Electoral Commissioner, unless the objection is considered frivolous and dismissed, will provide the applicant with a copy of the statement of objection as well as a notice inviting the applicant to reply to the statement within a reasonable period. Any reply will also be made available for public inspection in a similar manner.

Variation of application

If the Electoral Commissioner is of the opinion that the application may have to be refused, but that the application might be varied to avoid refusal, the party secretary will receive written notice of that opinion. The Electoral Commissioner will reconsider the application if a written response is received within one month varying the information in the initial application or requesting the Electoral Commissioner to proceed with the original application.

Refusal of application

Where the Electoral Commissioner is not satisfied that the party is eligible for registration, the Electoral Commissioner will advise in writing that the application has been refused, the reasons for the refusal, and that the party has the right to appeal against this decision.

Why would the Electoral Commissioner refuse the party's application?

The Electoral Commissioner may refuse an application for the registration of a political party on the following grounds:

- if the Electoral Commissioner believes on reasonable grounds that information set out in the application or in documents accompanying the application is incorrect;
- if the name that the party is applying to use does not conform to the advice under "What can a party be called?" in this publication; or
- the Electoral Commissioner may refuse to register a political party if, on reasonable grounds, the Electoral Commissioner believes that a substantial proportion of the electors whose details have been supplied to satisfy the criterion of "500 members who are electors" have also been supplied for the purposes of registering another unrelated political party.

Registration of party

After taking into consideration any objections and the applicants' response to them, and where the Electoral Commissioner is satisfied that the party is eligible for registration, the Electoral Commissioner will enter the party into the Register of Political Parties, and advise the secretary that the party has been registered.

HOW CAN I AMEND THE REGISTRATION DETAILS OF A PARTY?

A registered political party may apply to the Electoral Commissioner to change certain details that appear in the Register of Political parties. It may:

- change the party name;
- change the abbreviation of the name; or
- add an abbreviation if there is not already one in the Register.

For such changes the same process and consultation that is involved in registering a political party applies.

HOW CAN A PARTY'S REGISTRATION BE CANCELLED?

The Electoral Commissioner may cancel a party's registration at the written request of the party secretary or if satisfied on reasonable grounds that:

- registration was obtained by fraud or misrepresentation;
- the party did not endorse at least one candidate to contest the last conjoint election;
- a return required to be lodged under Part VI (Funding and Disclosure) of the Act by an agent of that political party has been outstanding for more than 12 months;
- the party is not a parliamentary party and does not have at least 500 members who are electors; or
- the party no longer exists.

Before cancelling registration the Electoral Commissioner will advise the secretary of the party of the intention to cancel the registration of the party and set out the steps open to the party.

A notice of proposed cancellation will be published in the *Government Gazette* and a newspaper circulating generally in the State.

Written objections lodged within 14 days of the notice appearing in the *Government Gazette* will be considered before a final decision is made.

Once the Electoral Commissioner has made the decision to cancel the registration of a party the Electoral Commissioner will advise the secretary of the party in writing and cause a notice of the cancellation to be published in the *Government Gazette*.

REVIEW RIGHTS

Any person affected by a decision made by the Electoral Commissioner to register a party, refuse to register a party, cancel the registration of a party, or modify the details of a party in the register of political parties, may apply for a review of the decision to the Supreme Court of Western Australia. The application must be in writing, set out the grounds on which review is sought and be made within one month after the decision comes to the notice of the person seeking review.

The Supreme Court, constituted by one Judge, will review the decision of the Electoral Commissioner and notify the person seeking the review of the outcome.

IS IT POSSIBLE TO LOOK AT THE REGISTER?

The Register of Political Parties is open for public inspection during normal office hours at the Western Australian Electoral Commission, Level 2 111 St Georges Tce, Perth WA. Details on the Register are also on the Western Australian Electoral Commission website at www.waec.wa.gov.au.

REVIEW OF THE REGISTER OF POLITICAL PARTIES

The Electoral Commissioner is obliged to ensure that only those parties which continue to meet the eligibility criteria for registration remain on the register. To achieve this, the Electoral Commissioner will review the register at least once during the life of the Parliament in the 12 months prior to a State General Election.

This review will include an audit of party membership for those parties that are not parliamentary parties. It is therefore in the interest of registered parties to maintain their membership list in good order.

OTHER INFORMATION

Financial Disclosure and Election Funding

For information on the provisions of Western Australia's funding and disclosure legislation, please see the Western Australian Electoral Commission's *Funding and Disclosure in Western Australia: Guidelines*.

Nominations

For information on nominating candidates see the Western Australian Electoral Commission's *Candidate Guides for the Legislative Assembly and Legislative Council*.

Where can I get a copy of the Electoral Act 1907?

The *Electoral Act 1907* is available from the State Law Publisher, or on the internet at www.slp.wa.gov.au.

MORE INFORMATION

Further information may be obtained by contacting the Electoral Liaison Officer, Western Australian Electoral Commission, at the following address:

Level 2, 111 St Georges Terrace
PERTH WA 6000

GPO Box 316
PERTH WA 6841

PHONE (08) 9214 0400 or 13 63 06
EMAIL waec@waec.wa.gov.au
WEB SITE www.waec.wa.gov.au
FAX (08) 9226 0577
TELEPHONE TYPEWRITER (TTY)
(08) 9214 0487

APPLICATION TO REGISTER A POLITICAL PARTY

Electoral Act 1907 Part IIIA

Party Details

Party Name

In full - block letters

Abbreviated Name

(for Ballot Paper)

Block letters

Party Address

(for correspondence)

Postcode

Daytime Telephone Facsimile

Mobile Number E-mail

Party Secretary Details

Secretary Name

In full - block letters

Secretary Address

(for correspondence)

Postcode

Daytime Telephone Facsimile

Mobile Number E-mail

Declaration of Secretary

I certify that the information contained in this return and its attachments is true, complete and accurate in every particular.

Signature of Secretary

Date

This application should be forwarded to:

Western Australian Electoral Commission
Level 2, 111 St Georges Terrace
PERTH WA 6000

OR

GPO Box F316
PERTH WA 6841

Telephone: (08) 9214 0400

Facsimile: (08) 9226 0577

E-mail: waec@waec.wa.gov.au

Please attach relevant additional information as indicated in the checklist on the reverse of this sheet.



Is Your Application Complete?

To ensure that there are no unwarranted delays in the processing of your application, this checklist is provided to ensure that you have included all necessary details and attachments:

- Have you included the name of the party exactly as you want it to appear in the Register?
- If you wish to use an abbreviation of the party name for ballot papers, have you included it in the application?
- Have you given the party's postal address?
- Have you given the name of the person who is to be the secretary of the party?
- Has the person who is to be the secretary signed the form?
- Have you attached a copy of the party's constitution?
- Have you attached at least 500 membership application forms for members of the party who are electors in this State? (Statement of Party Membership or similar)

STATEMENT OF PARTY MEMBERSHIP

Party Name	
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Surname	<small>Please print</small>	Date of Birth	/ /
Given names	<small>Show given names in full</small>		
Residential Address			
City/suburb		State	
		Postcode	
Telephone (W)	()	Telephone (H)	()
		Facsimile	()

Declaration

1. I wish to **CONFIRM** I am a member of the above party.
2. I consent to this form being forwarded to the Western Australian Electoral Commission in support of the party's application for registration. (Strike out if not applicable. See note below.)
3. I declare that all the information I have given on this form is true and complete.

Signature

/ /

Date

Please note regarding point 2. above: A copy of this form may be forwarded to the Western Australian Electoral Commission to confirm that the party meets the party registration requirements. The WAEC conducts random surveys to verify membership and it is possible that you may be asked to confirm that you signed this form. Information on the form will be treated by the WAEC in strictest confidence. It will only be used to verify the party's entitlement to registration and for no other purpose.

Declaration of Secretary

I certify that the above named person is a party member and the above details are correct.

Signature of Secretary

/ /

Date

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