

APPLICATION FOR REGISTRATION OF A POLITICAL PARTY

I, the undersigned, being the Secretary or other authorised person, apply for the registration of a political party, details of which are set out below.

THE PARTY	Name of Party:	
	Abbreviation of Name (optional):	
	<input type="checkbox"/> Parliamentary Party: [Refer (3)(b)(i)]	<input type="checkbox"/> Political Party: [Refer (3)(b)(ii)]

THE REGISTERED OFFICER	Full Name:	
	Contact Details:	
	Work:	Home:
	Mobile:	Email:
Address:		
Registered Officer's Signature:		Date / /


THE APPLICANT	Full Name:	
	Address:	
	Position in Organisation:	
	Signature:	

Notes

- (1) A copy of the Constitution of the party must accompany this application.
- (2) One of the objects or activities of a political party must be to endorse and promote candidates for election to either House of the South Australian Parliament.
- (3) Political Parties are required to submit the following documents with this Application:
 - (a) a document that sets out the name and address of the member, or names and addresses (as enrolled) of 200 electors who are members of the party, upon whom the party relies for the purpose of qualifying as an eligible political party; and
 - (b) a declaration of membership of the party (refer page 8 attached) completed and signed by the member or members on whom the party relies for the purpose of qualifying as an eligible political party, as follows:
 - (i) In the case of a parliamentary party:

one member who is a member of the Parliament of South Australia, a Senator for the State of South Australia or a member of the House of Representatives chosen in the State of South Australia; or
 - (ii) In the case of a party that is not a parliamentary party:

200 members who are electors.
- (4) Applications for registration must be accompanied by a \$500 application fee (which is not refundable) and shall be determined in the order they are received.
- (5) Further information regarding the registration of political parties is contained in Part 6 of the Electoral Act 1985 and Electoral Regulations 2009, which are attached.

I acknowledge receipt of this application and \$500 application fee.		
 Signature of Electoral Officer	/ / Date of Receipt	am/pm Time of Receipt

Electoral Act 1985.

Part 1—Preliminary

4—Interpretation

- (1) In this Act, unless the contrary intention appears—

elector means a person whose name appears on a roll as an elector (not being a person under the age of 18 years who is provisionally enrolled) and includes a person whose name should appear on a roll as an elector but has been, by error, omitted from the roll;

political party means an organisation of which an object or activity is the promotion of the election to the House of Assembly or the Legislative Council of a candidate or candidates endorsed by it;

registered political party means a political party registered under Part 6;

Part 6—Registration of political parties

36—Interpretation

- (1) In this Part, unless the contrary intention appears—

eligible political party means—

- (a) a parliamentary party; or
- (b) a political party (other than a parliamentary party) whose membership includes at least 200 electors;

parliamentary party means a political party at least 1 member of which is—

- (a) a member of the Parliament of South Australia; or
- (b) a Senator for the State of South Australia; or
- (c) a member of the House of Representatives chosen in the State of South Australia;

secretary, in relation to a political party, means the secretary or chief administrative officer (however described) of the party.

- (2) For the purposes of this Part, two political parties will be taken to be related if—
- (a) one is a part of the other; or
 - (b) both are parts of the same political party.
- (3) For the purposes of this Part, 2 or more political parties cannot rely on the same person for the purpose of qualifying or continuing to qualify as an eligible political party.
- (4) The following provisions apply in connection with the membership requirements for political parties:
- (a) a person who is relied on by 2 or more political parties may nominate the party entitled to rely on the person, but if a party is not nominated after the Electoral Commissioner has, in accordance with the regulations, given the person an opportunity to do so, the person is not entitled to be relied on by any of those parties;
 - (b) the registration of a party is not to be cancelled because of the provisions of this section unless the party is given an opportunity by the Electoral Commissioner, in accordance with the regulations, to change the person or persons on whom it relies.

37—Registration of political parties

Subject to this Part, an eligible political party may be registered under this Part.

38—Register of Political Parties

- (1) The Electoral Commissioner must establish and maintain a register, to be known as the *Register of Political Parties*, (the **Register**) setting out a list of the political parties that are registered under this Part.
- (2) The Register must be open for public inspection, without fee, during ordinary office hours, at the principal office of the Electoral Commissioner.

39—Application for registration

- (1) An application for the registration of an eligible political party may be made to the Electoral Commissioner by the secretary of the party, or any other person authorised by the party to make the application.
- (2) An application for the registration of an eligible political party must be in writing, signed by the applicant, and must—
 - (a) set out the name of the party; and
 - (b) if the party wishes to be able to use an abbreviation of its name for the purposes of this Act—set out that abbreviation; and
 - (c) set out the name and address of the person who is to be the registered officer of the party for the purposes of this Act and contain a specimen signature of that person; and
 - (d) set out the name and address of the applicant and particulars of the capacity in which the applicant makes the application; and
 - (e) be accompanied by a copy of the constitution of the party; and
 - (f) in the case of a party that is not a parliamentary party—
 - (i) set out the names and addresses (as enrolled) of 200 electors who are members of the party and on whom the party relies for the purpose of qualifying as an eligible political party; and
 - (ii) be accompanied by declarations of membership of the party (in the form determined by the Electoral Commissioner) completed and signed by the members on whom the party relies for the purpose of qualifying as an eligible political party; and
 - (g) in the case of a parliamentary party—
 - (i) set out the name and address of the member on whom the party relies for the purpose of qualifying as an eligible political party; and
 - (ii) be accompanied by a declaration of membership of the party (in the form determined by the Electoral Commissioner) completed and signed by the member on whom the party relies for the purpose of qualifying as an eligible political party; and
 - (h) be accompanied by a \$500 application fee (which is not refundable).

40—Order in which applications are to be determined

- (1) Subject to this section, applications for registration of political parties must be determined in the order in which they are received by the Electoral Commissioner.
- (2) If within the period of 3 months immediately following the commencement of this Part applications are received by the Electoral Commissioner for registration of parliamentary and other political parties, the applications in respect of parliamentary parties must be determined before the others.

- (3) If, during the period of 6 months immediately preceding the day on which a general election must be held under section 28(1) of the *Constitution Act 1934*, an application is received by the Electoral Commissioner for registration of a political party, that application must not be determined until after the general election.

41—Publication of notice of application

- (1) Where an application for registration is lodged with the Electoral Commissioner, the Electoral Commissioner must publish notice of the application in the Gazette and in a newspaper circulating generally in the State.
- (2) A notice under subsection (1) in relation to an application must—
 - (a) set out—
 - (i) particulars of the name of the party and of any abbreviation of that name that the party desires to use for the purposes of this Act; and
 - (ii) the name of the applicant; and
 - (b) invite any elector who desires to object to the application to submit a written objection, containing particulars of the grounds of the objection, to the Electoral Commissioner within 1 month after the date of the publication of the notice in the Gazette.
- (3) An objection submitted to the Electoral Commissioner in response to an invitation under subsection (2)—
 - (a) must be signed by the objector; and
 - (b) must set out the postal address of the objector.

42—Registration

- (1) After considering all objections to an application for registration of a political party submitted under this Part, the Electoral Commissioner must determine the application.
- (2) An application for the registration of a political party must be refused if, in the opinion of the Electoral Commissioner, the name of the party or the abbreviation of its name (if any) that it wishes to be registered—
 - (a) comprises more than 6 words; or
 - (b) is obscene; or
 - (c) is the name, or is an abbreviation or acronym of the name, of another political party (not being a related political party) that is a parliamentary party or a registered political party; or
 - (d) so nearly resembles the name, or an abbreviation or acronym of the name, of another political party (not being a related political party) that is a parliamentary party or a registered political party that it is likely to be confused with or mistaken for that name, abbreviation or acronym; or
 - (e) comprises the words "Independent Party" or comprises or contains the word "Independent" and—
 - (i) the name, or an abbreviation or acronym of the name, of a parliamentary party or a registered political party; or
 - (ii) matter that so nearly resembles the name, or an abbreviation or acronym of the name, of a parliamentary party or a registered political party that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym.
- (3) An application for the registration of a political party may be refused if, in the opinion of the Electoral Commissioner the name of the party, or the abbreviation (if any) of the name, that it wishes to be registered—

- (a) is the name, or an abbreviation or acronym of the name, of a prominent public body, or so nearly resembles the name, or an abbreviation or acronym of the name, of a prominent public body that it is likely to be confused with that name, abbreviation or acronym; or
- (b) comprises or contains a word or set of words—
 - (i) that constitute a distinctive aspect or part of the name of another political party (not being a related political party) that is a parliamentary party or a registered political party; or
 - (ii) that so nearly resemble a distinctive aspect or part of the name of another political party (not being a related political party) that is a parliamentary party or a registered political party that it appears that that distinctive aspect or part of that name is being adopted by the political party applying for registration.

Note—

For example, the underlined words constitute distinctive aspects or parts of the names of political parties:

Australian Democrats (South Australian Division Inc)

Australian Labor Party (South Australian Branch)

The Liberal Party of Australia (SA Division)

The National Party of Australia (SA) Inc

No Pokies Campaign Inc.

- (3a) Subsection (3)(b) does not apply if the applicant for registration provides the Electoral Commissioner with a declaration (in the form determined by the Electoral Commissioner) that has been signed by a person authorised by the relevant parliamentary party or registered political party (as the case may require) and states that the party consents to the use of the particular word or set of words.
- (4) Where a writ for an election has been issued, a political party must not be registered during the election period.
- (5) Where the Electoral Commissioner decides that a political party should be registered, he or she must—
 - (a) register the party by entering in the Register—
 - (i) the name of the party; and
 - (ii) if an abbreviation of the name of the party was set out in the application— that abbreviation; and
 - (iii) the name and address of the person who has been nominated as the registered officer of the party for the purposes of this Act; and
 - (b) give written notice to the applicant that he or she has registered the party; and
 - (c) if any person or persons submitted objections to the application—give written notice to the objector or objectors that he or she has registered the party, setting out in the notice to each objector the reasons for rejecting the objection; and
 - (d) publish in the Gazette notice of the registration of the party.
- (6) Where the Electoral Commissioner decides that an application for the registration of a political party should be refused, he or she must give the applicant written notice of—
 - (a) the refusal; and
 - (b) the reasons for the refusal; and
 - (c) the rights of the applicant to appeal against the decision of the Electoral Commissioner.

42A—Registered officers

- (1) A registered political party must have a registered officer.
- (2) The registered officer and any deputy registered officer of a registered political party must be an elector.
- (3) If a registered officer of a registered political party ceases to be an elector, he or she ceases to be the registered officer of the party.
- (4) A registered political party must not be without a registered officer for a period longer than one month.
Maximum penalty: \$750.
Expiation fee: \$105.
- (5) A registered political party must, within one month after any change in the identity or address of its registered officer, give notice in writing to the Electoral Commissioner containing details of the change.
Maximum penalty: \$750.
Expiation fee: \$105.
- (6) It is a defence to a charge of an offence against subsection (4) or (5) for the registered political party to prove that the matters alleged against it did not arise from a failure by the party to exercise proper diligence.

43—Changes to Register

- (1) Where a political party is registered under this Part, an application may be made to the Electoral Commissioner, by the registered officer of the party, or any other person authorised by the party to make the application, to change the Register by—
 - (a) changing the name of the party to a name specified in the application;
 - (b) if an abbreviation of the name of the party is entered in the Register—changing that abbreviation to an abbreviation specified in the application;
 - (c) if an abbreviation of the name of the party is not entered in the Register—entering in the Register an abbreviation of the name of the party, being an abbreviation specified in the application.
- (2) An application under subsection (1) must be dealt with in the same way and determined by reference to the same principles as an application for registration of a political party.

43A—Annual returns and other inquiries

- (1) The registered officer of a registered political party must, by 30 September each year, furnish to the Electoral Commissioner a return as to the party's continued eligibility for registration under this Part in the form prescribed by the regulations.
- (2) A return under subsection (1) must be accompanied by any documents required under the regulations.
- (3) A return is not required under subsection (1) if the party has been registered for less than 6 months before the return is due to be furnished.
- (4) The Electoral Commissioner may at any time, by notice in writing, require a registered officer of a registered political party to provide such information as is specified in the notice for the purpose of determining whether the party is still eligible to be registered under this Part.
- (5) If the registered officer of a registered political party fails to comply with a requirement under this section, the Electoral Commissioner may de-register the party.

44—Voluntary de-registration

- (1) A political party that is registered under this Part must be de-registered by the Electoral Commissioner if an application for de-registration is made to the Electoral Commissioner by the registered officer or some other person authorised by the party to make the application.
- (2) An application under subsection (1) must—
 - (a) be in writing, signed by the applicant; and
 - (b) set out the name and address of the applicant and particulars of the capacity in which he or she makes the application.
- (3) Where a political party is de-registered under subsection (1), that party, or a party that has a name that so nearly resembles the name of the de-registered party that it is likely to be confused with or mistaken for that name, is ineligible for registration under this Part until after the general election next following the de-registration.

45—De-registration of political party

- (1) If the Electoral Commissioner is satisfied on reasonable grounds that—
 - (a) a political party registered under this Part has ceased to exist (whether by amalgamation with another political party or otherwise); or
 - (b) a political party so registered has ceased to have the required number of members (or, in the case of a parliamentary party, an appropriate member) to enable the party to continue as an eligible political party; or
 - (c) a political party so registered, not being a parliamentary party, has not at either of the last 2 general elections for the House of Assembly, or a simultaneous Legislative Council election, endorsed a candidate for election; or
 - (d) the registration of a political party was obtained by fraud or misrepresentation,the Electoral Commissioner may de-register the party.
- (2) A political party may not be de-registered under this section unless the Electoral Commissioner has, by notice in writing addressed to the registered officer of the party—
 - (a) informed the registered officer of his or her intention to de-register the party; and
 - (b) allowed the registered officer a reasonable opportunity to show cause why the party should not be de-registered.

46—De-registration

- (1) Where a writ for an election has been issued, a political party may not be de-registered under this Part during the election period.
- (2) Where a political party is de-registered under this Part, the Electoral Commissioner must cause the particulars on the Register that relate to that party to be cancelled.

46A—False statements

A person who, in furnishing information for the purposes of this Part, knowingly makes a statement that is false or misleading in a material particular is guilty of an offence.

Maximum penalty: \$5 000

46B—Membership information to be confidential

- (1) Subject to subsection (2), the names and addresses of electors appearing in material provided to the Electoral Commissioner in connection with the membership requirements for registration, or continued registration, as a political party under this Part will be held by the Electoral Commissioner on a confidential basis (and therefore that material will not be available for public inspection under this Part).

- (2) Subsection (1) does not prevent the Electoral Commissioner providing information to a prescribed person or body, or a person or body of a prescribed class, (if any) for purposes connected with the operation or administration of this Act.

Electoral Regulations 2009

5A—Registration of political parties—nomination of party entitled to rely on person (section 36)

- (1) For the purposes of section 36(4)(a) of the Act, the Electoral Commissioner must give a person relied on by 2 or more political parties an opportunity to nominate the party entitled to rely on the person by giving the person a notice advising the person that—
- (a) the person is being relied on by 2 or more parties for the purposes of Part 6 of the Act; and
 - (b) the Act prevents the person from being so relied on; and
 - (c) the person may nominate the party entitled to rely on the person for the purposes of Part 6 of the Act; and
 - (d) the nomination must be in writing and sent to the Electoral Commissioner; and
 - (e) if no such nomination is received by the Electoral Commissioner within 28 days of the date of the notice, the person is not entitled to be relied on by any of the parties.
- (2) For the purposes of section 36(4)(b) of the Act, the Electoral Commissioner must give a party an opportunity to change a person or persons on whom it relies by giving the registered officer of the party a notice advising the registered officer that—
- (a) the registration of the party is liable to be cancelled because of the provisions of section 36; and
 - (b) the party may change the person or persons on whom it relies—
 - (i) in the case of a party that is not a parliamentary party—by providing to the Electoral Commissioner—
 - (A) the name and address of the person, or names and addresses of the persons, on whom the party proposes to rely in place of the person or persons on whom the party may no longer rely as a result of the operation of section 36; and
 - (B) a declaration or declarations of membership of the party (in the form determined by the Electoral Commissioner) completed and signed by the person or persons referred to in subparagraph (A) (on whom the party proposes to rely); or
 - (ii) in the case of a parliamentary party—by providing to the Electoral Commissioner—
 - (A) the name and address of the member on whom the party proposes to rely in place of the person on whom the party may no longer rely as a result of the operation of section 36; and
 - (B) a declaration of membership of the party (in the form determined by the Electoral Commissioner) completed and signed by the member referred to in subparagraph (A); and
 - (c) details to be provided under paragraph (b) must be in writing and sent to the Electoral Commissioner; and
 - (d) details to be provided under paragraph (b) must be received by the Electoral Commissioner within 28 days of the date of the notice.

5B—Registration of political parties—annual returns and other inquiries (section 43A)

- (1) For the purposes of section 43A(1) of the Act, the prescribed form for an annual return is set out in Form A1 in Schedule 1.
- (2) For the purposes of section 43A(2) of the Act, the following documents are required:
 - (a) in the case of a party that is not a parliamentary party—
 - (i) a document that sets out the names and addresses (as enrolled) of 200 electors who are members of the party and on whom the party relies for the purpose of qualifying as an eligible political party; and
 - (ii) a declaration (in the form determined by the Electoral Commissioner) completed and signed within the period to which the annual return relates by the registered officer of the party and verifying the information set out in the document referred to in subparagraph (i);
 - (b) in the case of a parliamentary party—
 - (i) a document that sets out the name and address of the member on whom the party relies for the purpose of qualifying as an eligible political party; and
 - (ii) a declaration of membership of the party (in the form determined by the Electoral Commissioner) completed and signed within the period to which the annual return relates by the member on whom the party relies for the purpose of qualifying as an eligible political party.

5C—Prescribed persons (section 46B)

For the purposes of section 46B of the Act, the following are prescribed persons:

- (a) the Crown Solicitor for the State of South Australia;
- (b) a police officer;
- (c) an employee of the administrative unit that is, under the Minister, responsible for the administration of the Criminal Law Consolidation Act 1935 engaged in the investigation of an offence against the Electoral Act 1985.

Declarations of membership may be provided as follows:

Membership Declaration

I,
(name)

of
(address)

declare that I am a member of
(name of party)

Signed.....

Date.....