

COPY

**Issue: Party Registration - Policy Formulation****Purpose**

That the Commission adopt a policy of relying on signed membership applications including a declaration of entitlement to enrolment and supported by a statutory declaration signed by the applicant party's secretary to satisfy itself of the eligibility of non-parliamentary parties for registration.

**Background**

Under the Commonwealth Electoral Act, to be eligible for registration, a non-parliamentary party must have at least 500 members entitled to enrolment as distinct from an entitlement to vote.

Previous policy sought to determine a party's eligibility by undertaking two checks:

1. checking claimed members against the Electoral Roll; and
2. conducting a mail out survey of a sample of eligible members to estimate membership numbers by a process of extrapolation.

The problems with this policy are that: (1) at any given time, between 5% and 20% of those entitled to enrolment are not registered on the roll thus underestimating the number of eligible members; and (2) mail out surveys are an unreliable method of ascertaining likely membership numbers because of the typically high number of non-responses.

At its meeting on 26 July 1996 the Commission considered several policy issues and options for future procedures. This paper sets out an alternative policy based on the Commission's discussions of 26 July and the subsequent consideration of the issues within the AEC.

**Policy Proposal***Step 1 Membership Declarations*

Applicant parties are to supply a minimum of 500 membership forms incorporating declarations of both party membership and entitlement to enrolment. (Parties will be advised to supply the maximum number of declarations possible.) The Commission would supply a suitable proforma for parties to use providing a suitably worded explanation of the criteria for entitlement. The forms would also include an explanation of the requirement for the Commission to validate the claimed membership of the party and incorporate a consent for the form to be forwarded in support of the application. (It would be acceptable for parties to prepare membership forms to their own specification as long as the required wording is incorporated.)

The forms must be accompanied by a statutory declaration from the secretary of the applicant party attesting to the authenticity of the documents provided.

149 90  
in correspondence with applicant parties we would explain the legal ramifications of the statutory declaration and emphasise that the Commission would undertake its own (unspecified) checks on the authenticity of the declarations.

### *Step 2. Check of authenticity*

Telephone contact to be made with a sample of members, drawn randomly, to verify the authenticity of the membership declarations. The sample will be conducted in accordance with advice from the Australian Bureau of Statistics.

The Electoral Commissioner, as delegate of the Commission, will retain the discretion to authorise such further checks as considered appropriate in each case.

### **Comment**

The underlying aim is to check the veracity of declarations, not to attempt the impossible task of arriving at actual figures for membership and entitlement to enrolment. In accordance with advice from the Australian Bureau of Statistics, tolerance will be limited taking into account the Statutory Declaration attesting to the validity of all membership declarations and the fact that members will have been asked by their party to consent to being contacted by the AEC. Furthermore, when making telephone contact, AEC officers will advise reluctant respondents of the possible consequences for the applicant party of a negative response. Should any persons express doubt about whether the contacting officer is genuinely from the AEC, they will be invited to call us back as a means of verification.

### *Deletion of Entitlement Check*

Section 126 of the Act requires the Commission to determine whether a party should be registered. Previous policy and recent proposals have incorporated a check to RMANS as a means of checking entitlement. You will have noted, however, that this is not included in the steps proposed above.

Upon reflection, the RMANS check may put the Commission in conflict with the Act and leave us open to challenge. The reason is that, typically, 5%-20% of those entitled to enrolment are not enrolled at any given time. By requiring parties to have a minimum of 500 members on the roll, the Commission could in effect be requiring that they have up to 600 members entitled to enrolment.

The risk of not conducting a check to RMANS, on the other hand, is that some persons might incorrectly declare their eligibility to enrolment. This risk is reduced, however, by the fact that the declaration form will make clear the eligibility requirements. It should also be borne in mind that the Commission's existing enrolment policy requires no further evidence of entitlement on the claim card than a declaration by the elector.

### **Summary**

It is essential to adopt a fair and equitable process within the limitations of the legislation.

The practical problems identified above are:

- it is difficult to verify entitlement to enrolment without, in effect, applying a standard higher than that specified by the Act;
- the procedure of extrapolating the results of a mail out survey carries a considerable risk of denying registration to an eligible party because mail out surveys typically have low response rates; and
- there is a risk of inconsistency between the standards of proof required for entitlement to enrolment compared with actual enrolment.

The process now recommended is in accordance with the stated preference of the Commission for working from declarations supported by a statutory declaration from the applicant party.

It provides a more accurate assessment of a party's ability to satisfy the membership criterion while avoiding the deficiencies of the sampling method currently used. Applicant parties are already required to provide a list of members' names and addresses. The requirement for information to be provided in this form adds very little to the parties' workload in collecting this information. In addition, applicant parties will benefit from more rapid processing and greater certainty. The provision of 500 or more genuine membership forms should allow a party to be registered within five weeks, far less than the six to eight weeks currently allowed under optimum conditions.

The spirit of the Act, in requiring 500 members, is that a party should have a substantial level of community support. Whichever process is adopted will inevitably involve a degree of risk. The proposal outlined above should enable the Commission to determine registration applications without the risk of setting a standard higher than that contemplated by the Act, while at the same time ensuring that parties are not registered unless they have the required substantial level of support.

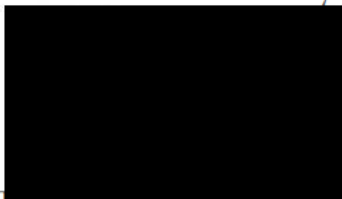
### Recommendation

That the Commission approve a policy requiring that non-parliamentary parties applying for registration provide proof of membership in the form of signed membership applications incorporating a declaration of entitlement to enrolment and authenticated by telephone sample.

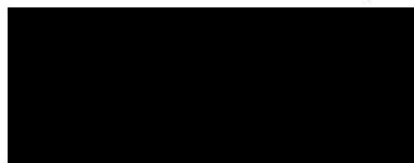
**RECOMMENDATION APPROVED/~~NOT APPROVED~~**

*gph*

.....day of .....September 1996.



Chairperson



Electoral Commissioner