

# Australian Electoral Commission Meeting No. 276

**Date:** Wednesday 17 November 2021 **Time:** 4:00pm **Location:** Microsoft Teams

### Attendees:

The Hon. Justice Susan Kenny AM (Chairperson);  
Mr Tom Rogers (Electoral Commissioner);  
Dr David Gruen (Australian Statistician)

**Action Officer:** section 47F (Commission Secretariat)

### Agenda

#### Item

1. Welcome
2. For decision: Seniors United Party of Australia
3. For decision: The New Liberals
4. Closing

### Agenda item 1: Welcome and Commissioner's introduction

The meeting opened at 4:00pm with the three-person Australian Electoral Commission (the Commission) in attendance; the Hon. Justice Susan Kenny, Mr Tom Rogers, and Dr David Gruen.

## Agenda item 2: For decision: Seniors United Party of Australia

In relation to the application for review regarding the deregistration of the Seniors United Party of Australia, the Commission examined and discussed the material before it, including the results of the assessment of the revised membership list submitted by the Party on 23 September 2021.

### The Commission decided:

- To set aside the decision of the delegate made under s 137(6) of the *Commonwealth Electoral Act 1918 (Cth)* on 9 March 2021 to deregister the Seniors United Party of Australia; and
- To substitute a decision to take all such steps as are necessary to give effect to its decision, including to maintain the registration of the Seniors United Party of Australia by re-registering that Party.

## Agenda item 3: For decision: The New Liberals

The Electoral Commissioner noted that The New Liberals sought his recusal from the review of the delegate's decision to register The New Liberals "on the basis of reasonable apprehension of bias", for the reasons stated in a document dated 5 July 2021. The Electoral Commissioner advised that he had no "material personal interest" within s 29 of the *Public Governance, Performance and Accountability Act 2013*; no "direct or indirect pecuniary interest" within s 11 of the *Commonwealth Electoral Act 1918*; and that there was no basis for a reasonable apprehension of bias on his part. Having considered the matters raised by The New Liberals, the other members of the Commission agreed that there was no basis shown for the Electoral Commissioner to withdraw from the review.

In relation to the applications for review, the Commission examined and discussed the material before it, including the material provided by the Liberal Party of Australia, the National Party of Australia and The New Liberals, and the material before the delegate in making the decision under review. The Commission was satisfied that an assessment of the membership list submitted by The New Liberals showed that The New Liberals has at least 500 members, and that the assessment was made in conformity with the sampling methodology endorsed by the Commission. The Commission concluded, however, that the name "The New Liberals" so nearly resembles the name, "Liberal Party of Australia" and/or the abbreviation "Liberal" that it is likely to be confused with or mistaken for that name or that abbreviation, as the case may be. Accordingly, the application for registration by The New Liberals must be refused pursuant to s 129(1)(d) of the *Commonwealth Electoral Act 1918*.

### The Commission decided:

- To set aside the decision of the delegate made on 3 June 2021 to register The New Liberals (the Party) under Part XI of the *Commonwealth Electoral Act 1918* (the Act); and
- To substitute a decision to refuse the application to register the Party as a political party under Part XI of the Act;
- To take all such steps as are necessary to give effect to the Commission's decision, including to remove the Party from the Register of Political Parties maintained under s 125 of the Act.

#### **Agenda item 4: Closing**

The Chairperson thanked members for attending and closed the meeting at 5:00pm.