



Our Reference: 18 19 014, 18/829

Mr Darren Churchill
Registered Officer
Australian Democrats
P.O. Box 547
GLENELG SA 5045

Dear Mr Churchill

Approval of application for party registration

I refer to the application lodged on 5 December 2018 to register the Australian Democrats (the Party) as a political party under Part XI of the *Commonwealth Electoral Act 1918* (the Electoral Act).

As a delegate of the Electoral Commission I have approved the application to register the Party. The Party's details have been entered in the *Register of Political Parties* (the Register). Enclosed is a report of the details held in respect to your Party's registration. Please contact the Australian Electoral Commission (AEC) if those details are inaccurate.

The Party's details will be included in an amended publication of the Register available on the AEC website within seven days. The AEC will also publish on its website a notice of this decision and a Statement of Reasons.

The decision of the delegate to approve the Party's registration is a reviewable decision. A person (including an organisation) affected by the decision and dissatisfied with it, may make a written application to the Electoral Commission requesting a review of the decision within 28 days of the decision coming to the attention of the affected person. Commissioners of the Electoral Commission are the Electoral Commissioner, a judicial and a non-judicial member. Any person affected by and dissatisfied with the outcome of the review by the Electoral Commission may request further review by the Administrative Appeals Tribunal in accordance with the *Administrative Appeals Tribunal Act 1975*.

Registration confers a number of entitlements and obligations on political parties. The information below provides a brief description of those entitlements and obligations. I urge you to read this information carefully to ensure that you are familiar with the entitlements and obligations applying to your Party.

Office holders

In order to access the entitlements of registration, political parties must provide details of particular party office holders to the AEC. The same person can hold a number of positions at the same time.

Registered Officer and Deputy Registered Officer

The Registered Officer and Deputy Registered Officers of a party can nominate the party's endorsed candidates for a federal election.

As the Party nominated you as its Registered Officer in the application for registration, you are the person the AEC must write to in relation to party registration matters. Forms for [changing details of the Registered Officer](#) and for the [appointment of Deputy Registered Officers](#) are available on the AEC website. A Deputy Registered Officer's appointment may be revoked at any time in writing, signed by the Registered Officer.

An individual cannot hold the position of Registered Officer, or Deputy Registered Officer, or both, for more than one federally registered political party.

Party Agent

The Party Agent is responsible to manage requirements related to election funding, including the lodgement of claims should the Party be eligible. The Party Agent is also responsible for lodging the Party's annual financial disclosure returns. Election funding and financial disclosure obligations are discussed in more detail below. The AEC has noted Mr Ian Alistair Urquhart as being the Party Agent for the Party.

The form [Appoint Party Agent](#) is used to change details of the Party Agent or for appointing a new Party Agent.

The Party should notify the AEC in writing of any changes to its Party Agent details as soon as possible after those changes occur. In addition, a Party Agent can notify the AEC in writing of their resignation as Party Agent. If your Party establishes state or territory branches, each of those branches needs to appoint an agent as election funding is paid through each branch agent.

Party Secretary

The AEC recognises Mr Andrew John Castrique as being the Secretary of the Party. The Party Secretary, as defined in the Electoral Act, is the day-to-day manager of the Party responsible for its administration and correspondence.

The Secretary is the person to whom the AEC will write on general election and enrolment matters (other than party registration). The Party should notify the AEC in writing if it changes its Secretary. Because of the importance of the Secretary it is the AEC's policy to seek evidence of the change, such as confirmation by another senior Party official of the Secretary's appointment under the Party's constitution.

Entitlements

Election funding

Election funding is payable to any candidate who receives more than 4% of the total first preference votes cast in an election. The election funding entitlement is calculated on the basis of the total formal first preference votes obtained by the Party's endorsed candidates, multiplied by the current election funding rate. If eligible, an initial payment of election funding of \$10,000 (indexed) will be paid as soon as practicable 20 days after polling day for an election. To be paid more than \$10,000 (indexed), the Party Agent must lodge a claim with the AEC which sets out electoral expenditure incurred. The maximum amount of election funding payable is the lesser of:

- the amount of claimed expenditure; and
- the amount calculated by multiplying the number of votes by the current election funding rate.

You should retain electoral expenses receipts to support election funding claims. The AEC will provide additional information to political parties on the process for making claims.

Nominations and party names on ballot papers

The Registered Officer of a registered political party may nominate endorsed candidates for that party. Nominations made by a Registered Officer need be signed only by the Registered Officer and the candidate.

The Registered Officer can nominate all the Party's endorsed House of Representatives candidates for a particular state or territory to the Australian Electoral Officer for that state or territory. This avoids the need to lodge the forms with each Divisional Returning Officer separately. However, note that a bulk nomination of all candidates must be made no less than 48 hours before the close of nominations.

On the nomination form, the Registered Officer may also request that the registered name or the registered abbreviation of a political party be printed on the ballot papers adjacent to the name of a candidate endorsed by the party.

Nominations may also be made by a Deputy Registered Officer appointed by the Party's Registered Officer.

State and territory branches

At the time of writing, the AEC is aware of only one Party organisation for your Party and is not aware of any state or territory branches. The Party would need to satisfy the AEC that an ongoing branch organised on the basis of a particular state or territory exists before the AEC could formally recognise such a branch. Please refer to subsection 287(1) of the Electoral Act for the definition of a state branch, which the AEC relies upon in determining whether to recognise a state or territory branch. The sort of evidence which would assist is set out on page 20 of the AEC's [Party Registration Guide](#) on the AEC website. A state or territory campaign committee, which is active leading up to elections but dormant between elections, would not qualify as a branch organised on the basis of a state or territory.

Recognised branches must also lodge their own financial disclosure returns (see subsection 314AB(1) of the Electoral Act).

Electoral roll information

A registered political party, in certain circumstances, may be entitled to obtain the electoral roll and other related information as set out in s 90B of the Electoral Act. Should you wish to enquire about electoral roll data, please contact the Roll Products and Services Section of the AEC through rps@aec.gov.au.

ObligationsFinancial disclosure

Registered political parties are required, through their Party Agent, to lodge an annual return covering the financial year from 1 July to 30 June. For a party that becomes registered during a financial year, the disclosure period commences on the date of registration. This return needs to be lodged with the AEC within 16 weeks after the end of the financial year. The AEC reminds all political parties of their disclosure obligations at the end of each financial year.

Whilst the AEC does send reminder letters as a matter of course prior to 20 October each year to those with disclosure obligations, I would encourage you to contact the AEC prior to this date to obtain any support or assistance you may need regarding the lodgement of an accurate disclosure return by your Party.

The annual return must contain the total of all amounts received, expenditure incurred, and debts outstanding at the end of the financial year. Details of certain transactions are required to

be set out in the return. All political party annual returns are made available for public inspection on the AEC website from February the following year.

The AEC publishes a [Financial Disclosure Guide for Political Parties](#) that outlines the financial disclosure provisions of the Electoral Act.

Party Agents are able to lodge their annual financial disclosure returns electronically through the eReturns portal. Credentials for the eReturns portal will be sent to the Party Agent.

Compliance reviews

The AEC undertakes a regular program of compliance reviews that examines a sample of disclosure returns from political parties and associated entities. The purpose of each review is to assess the level of compliance with the disclosure obligations set out by Part XX of the Electoral Act. Upon finalisation, the outcomes of reviews are published on the AEC's website.

Electoral communications

If your party is going to engage in electoral advertising or campaigning, then the Electoral Act requires those communications to be authorised to allow voters to know who is communicating the electoral matter. More on the [authorisation requirements for electoral communications](#) is on the AEC website. Any existing or continuing advertising or electoral communications that you may have needs to be appropriately authorised or removed.

Review of eligibility to remain on the Register

The AEC may review the eligibility of political parties to remain on the Register at any time except during an election. If the AEC is going to undertake such a review of your party, you will be provided with a written notice requesting specific evidence to support the party's eligibility to remain registered. As a matter of standard practice, the AEC reviews the eligibility of parties to remain on the Register once every three years.

Review rights

Under subsection 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.

Requests for review of this decision should be addressed to Mr Tom Rogers, Australian Electoral Commissioner, and emailed to commission.secretariat@aec.gov.au or by post to: Locked Bag 4007, Canberra ACT 2601.

In accordance with subsections 141(2) and 141(3) of the Electoral Act, an application for review must:

- be in writing;
- specify the name of the applicant; and
- set out the reasons for making the application.

Affected persons may apply for additional time beyond the 28 days to make an application for review of the delegate's decision and should also include the reasons for the application for additional time.

Under subsection 141(4) of the Electoral Act, the Electoral Commission will consider an application for review 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.

If an internal review decision has been made by the Electoral Commission and a person whose interests are affected, and who is dissatisfied with the decision made by the Electoral Commission, may apply to the Administrative Appeals Tribunal (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 their website: www.aat.gov.au/applying-for-a-review/how-to-apply.

Freedom of Information

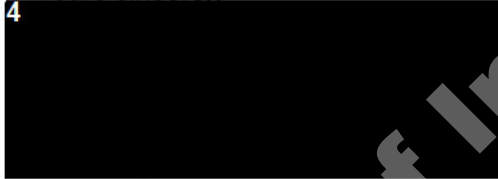
Under the *Freedom of Information Act 1982* (the FOI Act) any person has the right to request access to documents held by the AEC. For more information about access to documents under the FOI Act please visit the AEC's "Access to AEC information" webpage at: www.aec.gov.au/information-access/index.htm.

Further assistance

In administering the party registration and financial disclosure provisions of the Electoral Act, the AEC seeks the co-operation of political parties to comply with legislative requirements. It is our objective to provide reasonable support to assist parties to comply with their obligations under the Electoral Act.

If you or any other party official needs clarification or assistance on matters concerning party registration or clarification on election funding and financial disclosure matters contact the AEC on 02 6271 4552 or email fad@aec.gov.au.

Yours sincerely

4 

Gabrielle Paten
Assistant Commissioner
Disclosure, Assurance and Engagement

7 April 2019

REDACTION CODES

- 1 Personal Information (name) redacted.
- 2 Personal Information (date of birth) redacted.
- 3 Personal Information (photograph) redacted
- 4 Personal Information (facsimile of signature) redacted.
- 5 Personal Information (facsimile of manuscript initialling) redacted.
- 6 Personal Information (Individual's address) redacted.
- 7 Personal Information (individual's telephone number) redacted.
- 8 Personal Information (individual's opinion) redacted.
- 9 Personal Information (opinion about individual) redacted.
- 10 Personal Information (employment history) redacted.
- 11 Personal Information (qualifications) redacted.
- 12 Personal Information (health) redacted.
- 13 Personal Information (identifying individual) redacted.
- 14 Business information (Bank Account details) redacted.
- 15 Business information (Billing Account details) redacted.
- 16 Business information (internal operations) redacted.
- 17 Legal Professional Communication redacted.
- 18 Deliberative material redacted.
- 19 Irrelevant material redacted.
- 20 Electoral Roll material redacted.
- 21 Tests, examinations or audits material redacted.
- 22 Management or assessment of personnel material redacted.
- 23 Proper and efficient conduct of the operations of AEC material redacted.
- 24 Lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law.