

NOTICE OF DECISION ON PARTY REGISTRATION DEREGISTERING A POLITICAL PARTY AND REMOVAL FROM THE REGISTER OF POLITICAL PARTIES SENIORS UNITED PARTY OF AUSTRALIA

Notice of decision under s 137(6) of the *Commonwealth Electoral Act 1918* (Electoral Act) and Statement of Reasons

I am writing in accordance with s 137(6) of the Electoral Act to notify you of the review conducted under s 138A(1) of the Electoral Act and the determination to deregister Seniors United Party of Australia (the Party) as a non-Parliamentary party and remove the Party particulars in the *Register of Political Parties*.

I am authorised to determine deregistering the Party under s 137(1)(b) and s 138 of the Electoral Act as a delegate of the Electoral Commission.

On 20 August 2020, the Electoral Commission issued a Notice to the Registered Officer of the Party, under s 138A(3) (s 138A Notice) of the Electoral Act. The s 138A Notice requested the Party provide the Australian Electoral Commission (AEC) with an electronic membership list of between 500 and 550 members in order for the AEC to determine the eligibility of the Party to remain registered. On 8 October 2020, the Party responded to the s 138A Notice providing the requested documentation.

On 11 January 2021, a delegate of the Electoral Commission issued a notice to the Registered Officer of the Party, under s 137(1)(b) (s 137 Notice) of the Electoral Act. The Party's membership list failed the membership testing assessment of the review.

On 3 February 2021, the Party responded to the s 137 Notice providing a statement in accordance with s 137(2) and an electronic membership list of between 500 and 550 members of the Party.

Decision

As a delegate of the Electoral Commission, I am satisfied, on reasonable grounds that the Party has ceased to have at least 500 members, and no longer meets the requirements of an eligible political party as per s 123 of the Electoral Act.

I have determined that Seniors United Party of Australia will be deregistered for the reasons set out in this Notice and the particulars of the Party be removed from *Register of Political Parties*.

Materials I have taken into account

In making my decision, I have had regard to:

- the response to the s 137(1)(b) Notice provided by the Party on 3 February 2021;
- Part XI of the Electoral Act; and

- the AEC *Party Registration Guide*.

Findings of Fact

On the material before me, I make the following findings:

Membership list

The membership list submitted by the Party contained 550 members. The following results were found after initial membership testing against the Electoral Roll (electoral roll) of the membership list submitted by the Party, required by s 123(3) of the Electoral Act:

Submitted membership list	550
Automatically matched to the electoral roll	474
Manually matched to the electoral roll	70
Not currently enrolled or unable to match on the electoral roll	(1)
Deceased	(5)
Total	544

Of the 544 members matched to the electoral roll, the following were identified as duplicates within the list provided by the Party or as members who have previously supported the registration of a registered non-Parliamentary party (or parties):

Total matched to the electoral roll	544
Duplicates identified in the membership list provided by the Party	(4)
Members identified as also supporting the registration of another party	(1)
Total	539

A list of 539 members requires contact with a random sample of 44 members under the formula provided by the Australian Bureau of Statistics. For the AEC to be satisfied that the Party has at least 500 members, up to five denials of membership are permitted.

The relevant numbers for this membership test were:	Members
The random sample size	44
Maximum number of denials permitted	5
Contact attempts made by the AEC*	64
Responses received	
- Confirmed Membership	35
- Denied Membership	9
PASS/FAIL	FAIL

*as some members were uncontactable, or provided a neutral response.

Based on this information, I am satisfied on reasonable grounds that the Party ceases to have at least 500 members, and no longer meets the requirements of an eligible political party under s 123 of the Electoral Act.

Your review rights

Under s 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 posted to Locked Bag 4007, Canberra City ACT 2601.

How do I request an internal review?

In accordance with ss 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.

If you wish to apply for additional time beyond the 28 days to make an application for review of the delegate's decision, please also include the reasons for the application for additional time.

Who conducts an internal review?

The Electoral Commission, which is comprised of three members, the Australian Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.

Under s 141(4) of the Electoral Act, the Electoral Commission review 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.

What can I do if I disagree with the outcome of an internal review?

If an internal review decision has been made by the Electoral Commission and you do not agree with that decision, a person whose interests are affected, and who are 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 its 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.

Should you have any queries regarding party registration, please contact the AEC on 02 6271 4552, visit www.aec.gov.au or email fad@aec.gov.au.

Yours sincerely

(signed)

Joanne Reid
Assistant Commissioner
Delegate of the Electoral Commission

9 March 2021