



Electoral Legislation Amendment (Party Registration Integrity) Act 2021

No. 94, 2021

**An Act to amend the law relating to elections in
respect of registration of parties and to provide for
application of the amendments**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedules.....	2
Schedule 1—Amendments		3
	<i>Commonwealth Electoral Act 1918</i>	3



Electoral Legislation Amendment (Party Registration Integrity) Act 2021

No. 94, 2021

An Act to amend the law relating to elections in respect of registration of parties and to provide for application of the amendments

[Assented to 2 September 2021]

The Parliament of Australia enacts:

1 Short title

This Act is the *Electoral Legislation Amendment (Party Registration Integrity) Act 2021*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	3 September 2021

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Commonwealth Electoral Act 1918

1 Subsection 123(1) (subparagraph (a)(ii) of the definition of *eligible political party*)

Omit “500”, substitute “1,500”.

2 After section 123

Insert:

123A Determining whether a non-Parliamentary party has at least 1,500 members

- (1) In determining for the purposes of this Part whether a political party that is not a Parliamentary party has at least 1,500 members, the same member may not be relied on by more than one party.
- (2) If an individual is a member of more than one political party that is not a Parliamentary party, then, for the purposes of subsection (1):
 - (a) only the party nominated by the member may rely on the individual as a member; and
 - (b) no party may rely on the individual as a member if, after the Electoral Commission has given the individual at least 30 days to do so, the individual has not nominated a party.

3 Paragraph 126(2)(ca)

Omit “include a list of the names of the 500”, substitute “for an eligible political party that is not a Parliamentary party—include a list of the names of the 1,500”.

4 Subsection 126(2A)

Repeal the subsection.

5 Before subsection 129(1)

Insert:

Names not to be registered

6 Paragraph 129(1)(b)

After “obscene”, insert “, frivolous or vexatious”.

7 At the end of section 129

Add:

Names to be registered only with consent

- (3) The Electoral Commission must refuse an application for the registration of a political party if:
- (a) either of the following apply:
 - (i) the applicant party’s name contains a word that is in the name, or the abbreviation of the name, of a registered political party;
 - (ii) the proposed abbreviation of the applicant party’s name contains a word that is in the name, or abbreviation of the name, of a registered political party; and
 - (b) the application is not accompanied by the written consent, to the use by the applicant party of the word in its name or abbreviation, of:
 - (i) if there is only one registered political party to which paragraph (a) applies—the registered political party’s registered officer; or
 - (ii) otherwise—the registered officer of the first such political party to be registered.
- (4) For the purposes of subparagraph (3)(b)(ii), if the registered political parties to which paragraph (3)(a) applies are a State branch, and the federal branch, of a federal party that were registered on the same day, the federal branch is taken to be the first of those political parties to be registered.
- (5) Subsection (3) of this section, and subsections 129A(2) and 134A(1), do not apply to:
- (a) a function word; or
 - (b) a collective noun for people; or

-
- (c) the name of a country, the word “country”, or a recognised geographical place in Australia; or
 - (d) the word “democratic”.
- (6) In applying subsection (3) or (5) of this section, or subsection 129A(2) or subparagraph 134A(1)(a)(iii), in relation to a word, other grammatical forms, and commonly accepted variants (including abbreviations, contractions and alternative forms), of the word are to be treated in the same way as the word.

8 Section 129A

Before “The”, insert “(1)”.

9 At the end of section 129A

Add:

- (2) The Electoral Commission must refuse to enter in the Register a logo of a political party (the *applicant*), set out in an application to register the applicant, if:
- (a) the applicant’s logo contains a word that is in the name, or the abbreviation of the name, of a registered political party; and
 - (b) the application is not accompanied by the written consent, to the use by the applicant of the word in its logo for the purposes of registration under this Part, of:
 - (i) if there is only one registered political party to which paragraph (a) applies—the registered political party’s registered officer; or
 - (ii) otherwise—the registered officer of the first such political party to be registered.

Note: Subsection (2) has effect subject to subsections 129(5) and (6).

- (3) For the purposes of subparagraph (2)(b)(ii), if the registered political parties to which paragraph (2)(a) applies are a State branch, and the federal branch, of a federal party that were registered on the same day, the federal branch is taken to be the first of those political parties to be registered.

10 Subparagraph 134A(1)(a)(ii)

Omit “exist; and”, substitute “exist; or”.

11 At the end of paragraph 134A(1)(a)

Add:

- (iii) the name or logo of the second party contains a word that is in the name, or abbreviation of the name, of the parent party; and

12 Paragraph 134A(1)(aa) (second occurring)

Repeal the paragraph.

13 At the end of subsection 134A(1)

Add:

Note: Subparagraph (1)(a)(iii) has effect subject to subsections 129(5) and (6).

14 After subsection 134A(1)

Insert:

- (1A) If, in relation to a second party mentioned in subsection (1), there is more than one registered political party that meets both of the following conditions (each such party is an *earlier registered party*):
 - (a) the party was registered before the second party;
 - (b) the party has in its name, or the abbreviation of its name, a word contained in the name or logo of the second party;then only the registered officer of the first of the earlier registered parties to be registered with that word in its name or abbreviation may make an objection under paragraph (1)(b) to the continued use of the name or logo by the second party.
- (1B) For the purposes of subsection (1A), if the earlier registered parties are a State branch, and the federal branch, of a federal party that were registered on the same day, the federal branch is taken to be the first of the earlier registered parties to be registered with the word in its name or abbreviation.

15 Section 136 (heading)

Omit “or ceasing to be a Parliamentary party”.

16 Paragraph 136(1)(a)

Omit “candidate; or”, substitute “candidate.”.

17 Paragraph 136(1)(b)

Repeal the paragraph.

18 Paragraph 137(1)(b)

Omit “has ceased to have at least 500”, substitute “does not have at least 1,500”.

19 At the end of subsection 137(1)

Add:

Note: In determining whether a party has at least 1,500 members, the same member may not be relied on by more than one party (see section 123A).

20 Application of amendments*Membership requirements*

- (1) The following amendments of the *Commonwealth Electoral Act 1918* (the *Act*) made by this Schedule apply, after this item commences, in relation to a political party other than a registered political party:
 - (a) the amendment of the definition of *eligible political party* in subsection 123(1);
 - (b) the amendment of subsection 126(2);
 - (c) section 123A so far as it relates to those amendments.
- (2) Subitem (1) has effect in relation to a political party other than a registered political party:
 - (a) whether or not the party has applied for registration under Part XI of the Act; and
 - (b) whether any such application was made before or after this item commences.

Schedule 1 Amendments

(3) The following amendments of the Act made by this Schedule apply from the start of the day after the end of the period of 3 months beginning on the day this Act receives the Royal Assent:

- (a) the amendments of section 137;
- (b) section 123A so far as it relates to those amendments.

Party names

(4) The amendments of sections 129 and 129A of the Act made by this Schedule apply in relation to an application for the registration of a political party made after this item commences.

(5) The amendments of section 134A of the Act made by this Schedule apply, from the day this item commences, in relation to all political parties, regardless of their date of registration.

*[Minister's second reading speech made in—
House of Representatives on 12 August 2021
Senate on 26 August 2021]*

(101/21)
