

Registration of Political Parties

HANDBOOK

FOR STATE AND LOCAL GOVERNMENT ELECTIONS AND BY-ELECTIONS



Introduction	1
Introduction	1
Overview of the Act and Regulation	1
Disclaimer	1
Contacting the Electoral Commission of Queensland.....	1
Eligibility	1
Application	2
Application	2
Registration	6
Registration	6
Initial processing	6
Rights & Duties of Registered Political Parties	11
Rights & Duties of Registered Political Parties	11
Party officials.....	11
Reviewing the Register of Political Parties	13
Reviewing the Register of Political Parties	13
Appendix	14
Appendix 1	14

This page intentionally left blank

Introduction

Overview of the Act and Regulation

This handbook is intended as a guide for political parties seeking registration under the *Electoral Act 1992* (the Act) and *Electoral Regulation 2013* (the Regulation) for the purpose of contesting State and local government elections in Queensland.

Disclaimer

Commission publications are not intended as a substitute for the Act or Regulation. Parties, party officials and other interested persons are advised to obtain a copy of the Act and Regulation, and if necessary, seek independent legal advice. The Act and Regulation are available online at www.legislation.qld.gov.au.

Contacting the Electoral Commission of Queensland

Please contact the commission's funding and disclosure unit for political party registration enquiries. Our details are set out below:

Postal address: GPO Box 1393
BRISBANE QLD 4001

Office location: Level 20, 1 Eagle Street, Brisbane, Queensland.

Telephone: 1300 881 665

Email: fad@ecq.qld.gov.au

Internet: www.ecq.qld.gov.au

Eligibility

The Act requires that certain criteria be met before a political party is included on the Queensland Register of Political Parties. A party must:

- be established with a written constitution setting out its aims
- have a constitution that is a complying constitution as defined in the Act
- have at least 500 members who are on the Queensland electoral roll **OR** a member who is a member of the Queensland parliament
- have as one of its objectives the promotion of its endorsed candidates for election to the Queensland parliament.

Application

Application

Form QPRo1 - Application to Register a Political Party

An application to register a political party must be made by the party secretary. The application must include:

- the name of the political party;
- the name and address of the person who is to be the registered officer;
- a copy of the constitution;
- details of either a State Member of Parliament (MP) who is a member or at least 500 party members who are State electors;
- a copy of each party member's membership application;
- documentary evidence of each membership application being accepted in accordance with the party's constitution;
- documentation that membership remains current if the application is made more than a year after the member joined; and
- a list of associated entities.

The application may include an abbreviation of the party name for use on ballot papers.

The style of party membership applications depends on requirements in the party's constitution.

Documentary evidence of a person's membership application being accepted will depend on the party constitutional requirements.

Where the application relates to a parliamentary party it must be supported by details of the party member who is an MP and documentary evidence of their party membership.

Associated entities

An associated entity is an entity either controlled by one or more registered political parties; or that operates wholly or to a significant extent for the benefit of one or more registered political parties.

Party name

The commission is unable to register a political party if the proposed party name:

- is more than six words
- is obscene or offensive
- is a party name of an already registered political party
- so nearly resembles a party name that is likely to be confused with or mistaken for that name
- includes the word independent; or
- would otherwise be likely to cause confusion if registered.

Registration may be refused if the name of the proposed political party is, or resembles, a public body name.

Parties including an abbreviation in their application should note that the abbreviation must meet the same requirements prescribed for the party name. Abbreviations may be an acronym, shortened version of the party name or an alternate party name.

In considering whether a name or abbreviation is obscene or offensive applicants should have regard to current community standards.

Party address

A postal address and other contact details form part of the application. It is important that telephone numbers allow contact by the commission during business hours Mondays to Fridays.

Proposed registered officer

Applications must include the name and postal address (can be the party address) of the party's proposed registered officer. It is the registered officer who signs nomination forms for a registered political party's endorsed candidates. Registered officers are the commission's point of contact for election matters.

Application

Complying constitution

Party registration applications must be supported by a complying constitution. The elements of a complying constitution are outlined in section 75 of the Act.

Constitutions must address:

- the party's objects, one of which **must** be the promotion of its endorsed candidates for election to the Queensland Legislative Assembly
- a procedure for amending the party's constitution
- rules for party membership, including-
 - + procedure for accepting members
 - + procedure for ending membership
 - + barring persons convicted of a disqualifying electoral offence within the previous ten years from becoming a party member
 - + banning persons convicted of a disqualifying electoral offence from continuing as a party member
- management of the party's internal affairs including the party structure and the process for dispute resolution
- if preselection as a nominated candidate is to be decided by an internal ballot, that preselection ballot must satisfy the general principles of free and democratic elections.

Parties endorsing candidates through a preselection ballot process might consider adopting the model rules for preselection ballots contained in the Regulation.

Complying constitutions of all currently registered political parties can be viewed on the commission's website; www.ecq.qld.gov.au.

*To assist your submission a checklist has been provided in Appendix 1.

Membership lists

No details of any party member, other than the secretary and proposed registered officer, are disclosed by the commission as part of any public record. Members will be cross referenced with the Queensland electoral roll and contacted seeking their corroboration of party membership.

Membership lists are to be given as a Microsoft Excel spreadsheet with:

- surnames in a separate field
- full given names, initials may fail to identify the member's enrolment
- date of birth
- enrolled address (each line of address in a separate field), additional fields may be included for postal addresses (repeat the data where postal addresses are the same as enrolled addresses, notations of same as, etc will slow the process)
- include courtesy titles and gender, also in a separate field.

Membership list example

Title	Given Name	Surname	Date of Birth	Street Address	Suburb	State	Postcode	Postal Address	Suburb	State	Postcode	Email Address	Gender
Mr	John	Citizen	1/01/1970	123 City St	Aspley	Qld	4034	123 City St	Aspley	Qld	4034	johnqcitizen@jqcitizen.org	M
Ms	Jane	Citizen	1/01/1975	1/20 James St	Maroochydore	Qld	4558	PO Box 555	Maroochydore	Qld	4558	janec2566@gmail.org.au	F
Mx	Ash	Citizen	1/01/1980	2/35 Jones St	Cairns	Qld	4870	2/35 Jones St	Cairns	Qld	4870	n/a	X

The data supplied must be matchable to the membership documentation given with the application.

Membership lists deviating from the required format will not be accepted. The commission must be satisfied that a non-parliamentary political party has a minimum of 500 members before it can be included on the register. Applications where the commission cannot confirm that the party satisfies the membership criteria **must** be refused.

Registration

Registration

Initial processing

Applications for political party registration are first reviewed for legislative compliance, in particular that:

- the proposed name contains a maximum of six words
- it is signed by the party's secretary
- the party has a complying constitution
- membership documentation appears in order.

Intending applicants may ask the Commission to assess a constitution before making the formal application for registration. This will allow the commission to give feedback on compliance flaws and afford the party the prospect of amendment. The commission must refuse registration of a political party if its constitution fails to comply with the Act.

Member authentication

Once satisfied that an application complies with the Act the commission will write to members inviting corroboration of their party membership. Depending on the member information, an email seeking confirmation of membership **OR** a pro forma response and business reply paid envelope are supplied to allow members to reply without cost to themselves.

Replies are cross referenced with the Queensland electoral roll.

Advertising application

An application assessed to be registrable is advertised for public comment in the *Queensland Government Gazette* and a newspaper circulating generally throughout the State. Thirty days from the gazettal date is allowed for objections.

Objections

Comments objecting to the party's registration must be submitted in writing, signed by and identifying the objector to the commission setting out the grounds of belief that-

- the application does not fulfil the particulars specified in section 71 of the Act; or
- the application should be refused under section 75 of the Act.

The commission will provide the proposed registered officer a copy of any objection received to the advertised notice.

Prior to finalising the registration application, the commission will consider any response to the objections given by the proposed registered officer within the advertised timeframe.

All objections to the application for a political party registration are made available for public inspection, including publication on the commission's website.

Registration

Party comment on objection

The commission will give the political party secretary an opportunity to respond to all comments objecting to an applicant party being included in the register. A secretary's response to an objection is made available for public inspection.

Determination

A report is prepared for the Electoral Commissioner recommending either inclusion of the party in the register or refusal of the party's application. This report is prepared either when the applicant party is assessed as complying with the requirements for registration or a reasonable time has lapsed without demonstration of the party's eligibility for registration.

A minimum of six weeks should be allowed to process an application. This time presumes an application that clearly fulfils the technical requirements for registration, a membership list in the required electronic format (or a parliamentary member), and members who are correctly enrolled and who respond promptly verifying party membership.

Closing the register

The Register of Political Parties cannot be changed during an election period for a State general election or a State by-election. An election period commences the day following issue of a writ for the election. All activity related to political party registration is suspended the day following issue of a writ for election and resumes after 6pm on polling day. Local government elections do not interrupt registration activity.

Deputy registered officer

Form QPR03 - Nomination of a Deputy Registered Officer of a Registered Political Party

Registered officers (ROs) may nominate a deputy registered officer (DRO). A RO and DRO are authorised to perform the same functions. A DRO's nomination remains in force until the RO advises the commission otherwise in writing or gives the commission a nomination of a replacement DRO.

It is prudent for a RO to ensure that a DRO is in place at all times. A party of which the RO is incapacitated and does not have a DRO would otherwise find that it cannot nominate its endorsed candidates at an election.

Agent

Form QPR05 - Notice of Appointment of an Agent by a Registered Political Party

Registered political parties must appoint an agent who is responsible for giving all financial disclosures and making application for election funding on the party's behalf.

Amending the register

Form QPR02 - Application to Change the Register of Political Parties

A registered political party may apply to the commission to change its details in the register. These details are specifically:

- the name of the party
- the abbreviated name of the party
- the registered officer of the party.

Applications to change the register, other than an application to change the registered officer, must be signed by the registered officer. An application to change the registered officer must be signed by the party secretary.

The process to change the register is the same, subject to any necessary changes, as though it were an application to register the party. Accordingly, the application is advertised in the Queensland Government Gazette and a newspaper circulating generally throughout the State. A 30 day period is allowed for comment. The party's registered officer is afforded an opportunity to respond to any objection. All objections and the party's response are available for public inspection. A report recommending in favour of or against the proposed change is prepared for the Electoral Commissioner. A determination is then made and all parties are advised accordingly.

Review of determinations

Persons affected by a political party registration decision of the Electoral Commissioner are entitled to seek a review of the decision in the Supreme Court of Queensland. Review applications must be made in writing, setting out the grounds on which review is sought, within one month of the decision coming to the applicant's notice.

Registration

Quarterly report - party constitution

Registered political parties must give the commission a report quarterly notifying whether the party's constitution has been amended. A copy of the amended constitution and a summary of those changes must accompany the quarterly report where the constitution is changed. Reporting dates are the last day of March, June, September and December each year. These reports must be given to the commission within seven days after each reporting date.

Removal of a party from the Register of Political Parties

A party's registered officer may request that a party's registration be cancelled. The commission may cancel a party's registration if there are reasonable grounds to believe that:

- the party no longer exists; or
- no longer has a member who is an MP in the State parliament or 500 members who are Queensland electors; or
- fails to endorse at least one candidate at the two general elections held after the party is included on the register; or
- registration of the party was obtained by fraud or misrepresentation; or
- the party's constitution is no longer a complying constitution; or
- the party fails to give the commission a quarterly report; or
- gives the commission a quarterly report that is false or misleading.

Proposed cancellation of a party's registration must be advertised in the Queensland Government Gazette and a newspaper circulating generally in the State. Fourteen days are allowed from the gazettal date for receipt of written comments objecting to the proposed cancellation. A party's registered officer must be advised in writing if the commission proposes to remove a party from the register.

Rights & Duties of Registered Political Parties

Rights & Duties of Registered Political Parties

The commission makes available a handbook to assist registered officers and agents of registered political parties. A summary of a registered political party's rights and obligations is given below:

- nomination of endorsed candidates for election with the party's name, or abbreviation if one is registered, shown with candidates' names on ballot papers at State and local government elections
- claim reimbursement election funding to assist with the cost of conducting an election campaign at State elections
- financial disclosure
- purchase access to the electoral roll and updates
- reporting amendments to the party's constitution
- giving the commission notice of preselection ballots.

Party officials

The Act refers to a number of party officials who perform a variety of roles. A person may hold multiple positions.

Secretary

Party secretaries are responsible for the party's administration and external correspondence. An application to include a party in the register must be made by the secretary. An application to change the party's registered officer must also be made by the secretary. Secretaries may also notify the commission of an agent's appointment.

The commission may ask for documentary evidence of a secretary being appointed in accordance within the party's constitution.

Rights & Duties of Registered Political Parties

Registered officer

A party's registered officer is a part of the party's formal registration details. Changing a registered officer necessitates a formal application, signed by the secretary, to amend the register. Registered officers are the commission's first point of contact for matters related to a party's registration, other than those concerning disclosure and funding.

It is the registered officer who:

- nominates the party's endorsed candidates at State and local government elections
- makes application to change the party's registration details other than a change of registered officer
- gives quarterly reports about the party's constitution
- notifies the commission in connection with, and keeps documents relating to, preselection ballots
- gives the commission documents requested for an audit or investigation of preselection ballots; and can request that the commission cancel the party's registration.

A registered political party cannot operate without a Registered Officer. If a Registered Officer wishes to resign their position they must be replaced through an application from the party secretary.

Deputy registered officer

Registered officers can appoint another person to deputise for them if they are unable to carry out their duties. Appointment of a deputy registered officer is considered prudent albeit one that is optional. A party representative must notify the commission in writing of this appointment as soon as practicable. A party of which the registered officer is unable to perform his or her function could find itself unable to contest an election or give the commission documents necessary to the party's continued registration. Nominating a deputy registered officer is an administrative function that does not require the formality of making an application to change the register.

Agent

Registered political parties must appoint an agent whose details are entered into the commission's Register of Agents. An agent is responsible for giving financial disclosure reports for the party and making election funding claims for the party. Agents are the commission's first point of contact on all funding and disclosure matters.

In the event that an agent's appointment is no longer in effect the obligations of an agent rest on each member the party's executive committee.

Reviewing the Register of Political Parties

Reviewing the Register of Political Parties

The commission has a responsibility to ensure that only those parties entitled to registration are included on the Register of Political Parties. Generally a party can expect to have its entitlement for registration reviewed in each parliamentary term. Reviews will include ensuring that the party's details are up to date and the eligibility criteria for registration remain current. It is in a party's interest to ensure that membership records remain current with at least one member who is an MP or 500 members who are Queensland electors.

In the instance a Queensland parliamentary party no longer holds a member in the Legislative Assembly, through resignation or other means, this will be reviewed by the commission. The party will be required to supply a list of at least 500 members who are Queensland Electors.

Appendix

Appendix 1

Registered Political Party Constitution Checklist

- the party's objectives, one of which must be the promotion of its endorsed candidates for election to the Queensland Legislative Assembly;
- the procedure to amend the party's constitution;
- the rules for the membership of the party, which must include the following rules-
 - a rule stating the procedure for accepting a person as a member;
 - a procedure for ending a person's membership;
 - a rule prohibiting a person from becoming a member of the party if the person has been convicted of a disqualifying electoral offence within 10 years before the person applies to become a member;
 - a rule prohibiting a person from continuing as a member of the party if the person is convicted of a disqualifying electoral offence;
- a statement about how the party manages its internal affairs, including a statement about-
 - the party's structure; and
 - the process for dispute resolution;
- the rules for selecting
 - a person to hold an office in the party; and
 - a candidate to be endorsed by the party for an election or an election for a local government;

If the party will be holding preselection ballots the parties constitution must include;

- a rule requiring that a preselection ballot must satisfy the general principles of free and democratic elections.

- The general principles of free and democratic elections as applied to a preselection ballot are as follows-
 - only members of the party who are electors may vote;
 - only members of the party who are eligible to vote in the ballot under the party's constitution may vote;
 - each member has only 1 vote;
 - voting must be done by secret ballot;
 - a member must not be improperly influenced in voting;
 - a member's ballot paper must be counted if the member's intention is clear;
 - members' votes must be accurately counted;
 - each person who is seeking selection may be present personally, or may be represented by another person, at the ballot and for the scrutiny, and counting, of votes.



Post: GPO Box 1393 BRISBANE QLD 4001
Telephone: 1300 881 665
Email: ecq@ecq.qld.gov.au