

**HANDBOOK FOR  
REGISTRATION OF POLITICAL PARTIES  
FOR NEW SOUTH WALES PARLIAMENTARY  
ELECTIONS**

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## INTRODUCTION

This handbook has been prepared for parties seeking to register to contest NSW parliamentary elections. It provides guidance on the registration requirements of the *Parliamentary Electorates and Elections Act 1912* (the Act) and the *Parliamentary Electorates and Elections Regulation 2001* (Regulation). Parties registered for NSW parliamentary elections are automatically registered to nominate candidates for NSW local government council elections. Parties wishing to nominate candidates to contest *only* council elections should refer to the provisions of the publication entitled Handbook for Registration of Political Parties for Local Government Elections.

This is one of a series of publications prepared by the NSW Electoral Commission (NSWEC) to assist parties, candidates and others better understand the requirements of the Act.

Other publications providing important information about other requirements of the Act include:

- Handbook for Parties and Candidates – Legislative Assembly Election 2007.
- Handbook for Parties and Candidates – Legislative Council Election 2007.
- Handbook for Scrutineers – State Election 2007.
- Application to Register Electoral Material.
- Distribution of Electoral Material – Practice Notes No.1

These publications are available at [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au)

Information about the funding and disclosure provisions of the *Election Funding Act 1981* is available in the *Election Funding Guide for Parties*. This publication is available at [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au)

This handbook provides an overview only. Parties should carefully consider the requirements of the Act and Regulation, and seek their own independent legal advice where necessary, before submitting an application for registration.

The Act and Regulation are available at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

Sample forms mentioned in this handbook are contained in the Appendices section at page 22.

Further advice and assistance is available from the NSWEC. Written inquiries should be addressed to the Director Corporate Communications, NSWEC, GPO Box 832, Sydney, NSW 2001. Phone enquiries may be made to (02) 9290 5999 and fax enquiries to (02) 9290 5991.

## BACKGROUND

Registration as a political party provides certain entitlements and obligations on parties wishing to promote the election of their candidates to the NSW Parliament.

### What is a party?

Section 3 of the Act defines a party as an organisation whose objectives or activities include the promotion of the election of endorsed candidates to the Assembly or the Council of the New South Wales Parliament. It may be a body corporate, an association of persons or organisations (whether incorporated or not), or a branch or division of one of these.

The party must be established on the basis of a written constitution describing the aims of the party, one of which must be promotion of the election to the Assembly or the Council of candidates endorsed by it.

### Why register?

Registration is not compulsory. The entitlements of registration include:

- Party affiliation (the party name or its abbreviation) may be printed next to the names of endorsed candidates on ballot papers.
- Nomination of candidates through a party's Registered Officer or Deputy Registered Officer.
- Registration of election material (including how-to-vote cards) for distribution on polling day.
- Access to copies, including electronic copies, of the electoral roll. Note there are strict privacy safeguards in respect of the use of this information which can be used for electoral purposes only.
- Eligibility for election funding under the *Election Funding Act 1981*.

### When to register?

Parties applying for registration and intending to participate in a General Election must be registered for 12 months prior to the close of nominations for the election. The next General Election for the NSW Parliament will be held on 26 March 2011. Parties wishing to participate in the election are required to be registered by 1 March 2010.

Registration of parties is prohibited from the day of the issue of the writ for an election until and including the day fixed as polling day for that election. Similarly, no action can be taken during that period in relation to an application for registration.

### What are the requirements for registration?

In order to register, a party must have:

- An acceptable name (e.g. one not currently used by another party). **Those intending to register a party should consult the NSWEC first to find out whether the proposed name of the party is acceptable.**

- At least 750 members who are enrolled on the NSW electoral roll who are not also relied upon by another party for registration purposes.
- A Registered Officer (details provided at time of application).
- Payment of a registration fee of \$2,000 to the NSWEC.

### **What happens once the party is registered?**

Once registered, parties need to meet the eligibility requirements for continued registration on an annual basis.

A registered political party must also ensure that the information about their party in the public *Register of Parties* is up-to-date and accurate. These compliance obligations are discussed in the Continued (Annual) Registration section commencing on page 16.

### **Public information**

The public accountability of political parties is enhanced by the disclosure of information lodged with the NSWEC.

### **Register of parties**

The NSWEC is required by law to establish and maintain a register of political parties.

The *Register of Parties* provides a list of all registered political parties including the name and address of the party, the name, address, occupation and telephone number of the Registered Officer and of the Deputy Registered Officer (if any), and whether the party wishes to be registered for the purposes of the *Election Funding Act 1981*.

As well as the above information, the names, addresses and signatures lodged in support of an application for registration as a party form part of the *Register of Parties*. The *Register* is available for public inspection.

### **If the party is registered in NSW, is it also registered for other states and the Commonwealth?**

Party registration in NSW is separate and distinct to any registration requirements under Federal or other State or Territory law. Information about the registration requirements for Federal or other State or Territory elections is available from the Australian Electoral Commission and individual State or Territory electoral offices respectively whose details are available through links at [www.aec.gov.au](http://www.aec.gov.au).

## **APPLICATION FOR REGISTRATION**

Organisations applying for registration as political parties should make themselves familiar with the requirements of the Act, and with this handbook.

They should also contact the NSWEC (see details on page 2) for advice or guidance about the registration process:

- This helps the NSWEC to understand the proposed application and offer any necessary advice at an early stage.

Parties should also familiarise themselves with the funding, declaration and disclosure obligations of registered political parties covered in the *State Election – Election Funding Guide for Parties*.

### **Application form**

Application for the registration of a party should be made on the form *Application for Registration of a Party* available in the Appendices section starting at page 22.

Registration cannot be considered unless all of the information required by the form is provided.

### **What else is needed?**

The application form must be accompanied by:

- a \$2,000 application fee;
- a copy of the party constitution;
- Documentary evidence that the party meets the minimum membership requirements (750) for registration. This includes a completed *List of 750 Members on Whom the Party Relies for the Purpose of Qualifying as an Eligible Party*.

### **Who may make the application?**

The application must be made by the Secretary of the party.

### **Party Secretary**

The Secretary of the party is the person holding the office (however expressed) who is responsible for the administration and correspondence of the party.

In view of the importance of the Secretary's role (e.g. in signing applications for registration) care should be taken to ensure that the Secretary is properly appointed. This is discussed in *Roles and Obligations* at page 19.

## **Party members must be enrolled**

Party members who are relied upon to meet minimum membership requirements (750), must be eligible for enrolment and be enrolled on the NSW electoral roll. In other words they must be:

- at least 17 years old, be Australian citizens, and have lived at their present address for at least one month; or
- A British subject who is not an Australian citizen but who was on the roll on 25 January 1984 and who has lived at their current address for at least one month.

## **Satisfaction of registration requirements**

The NSWEC must be satisfied that all requirements for registration are met in order to register a party and include it on the *Register of Parties*.

## **What are some grounds of refusal?**

### **Party name**

The Act provides that an application will be refused if the party name or its abbreviation:

- Is more than six words long.
- Is obscene or offensive.
- Is the same as, or is likely to be confused with, or mistaken for, the name of a registered political party.
- Uses the words 'Independent Party', or the word 'Independent' with the name of a registered political party, or in a way that is likely to be confused with the name of a registered political party.

The naming rules also apply to any abbreviation or acronym of the name.

If more than one application is received for the registration of a party having identical or similar names priority will be given to the first application lodged meeting all the requirements of the legislation.

### **Abbreviated name**

A party may register an abbreviation of its name i.e. a shortened version or an acronym of its full party name. The abbreviation or acronym cannot be a separate or alternative name for the party.

## **Contact details**

Contact details for all nominated office bearers should be specified on the application form. It is important that changes to these contact details be notified to the NSWEC as soon as they occur.

## **Branches or divisions**

Where the party applying for registration is a branch or division of a registered political party, the name of that registered party must be provided in the application.

The branch or division must be eligible for registration in its own right. It must be a party whose membership is not relied on for registration purposes by another party, including another related party such as the parent political party.

It may use a name, or abbreviation, which is the same or similar to that of the parent party.

## **Election funding**

The party must indicate whether or not it wishes to be registered for the purposes of the *Election Funding Act 1981*. The *Election Funding Act* requires that parties, groups and candidates lodge with the Election Funding Authority declarations detailing political contributions received and electoral expenditure incurred irrespective of whether or not the party is registered. The Act also provides for the public funding of parties, groups and candidates at NSW Parliamentary elections receiving a prescribed number (4%) of first preference votes for those parties which register and appoint a Party Agent.

Additional information about election funding and the appointment of Party Agents for this purpose is provided in the *Election Funding Guide for Parties* available at [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au)

## **Registered Officer**

The Registered Officer is the person whose name and address will appear in the *Register*. This is the person:

- to whom all correspondence about party registration will be addressed by the NSWEC; and
- Who signs nomination forms for the party's endorsed candidates.

The Registered Officer may nominate one or more Deputy Registered Officers by advising the NSWEC using the *Notice of Appointment of Deputy Registered Officer* form.

### **Applicant details**

The application form must disclose the name and address of the party Secretary, and be signed and dated by them.

### **Attachments to application**

#### **Application fee**

The \$2,000 application fee is required by law. It cannot be varied and is not refundable if the application is refused, or is withdrawn.

The fee can be paid in cash, by bank cheque payable to the NSW Electoral Commission, or by EFTPOS payment at the NSW Electoral Commission.

#### **Related parties**

Evidence of the relationship between parties (e.g. where the applicant party is a branch or division of a registered political party) must be provided.

This may be in the constitutions of the two parties, or it may be a minuted resolution of the Executive Committees of the parties confirming the relationship. The Secretary of the parent party should provide a letter acknowledging the application, and a copy of the evidentiary documents.

The application must be consistent with the constitution of the party, and of the branch. For example, the constitutions may require the parent party to formally approve the application.

#### **Constitution**

A political party, whether it is a body corporate or an association, must be established on the basis of a written constitution or by-laws setting out the aims of the party.

The detailed structure and content of the constitution are not specified in the Act. However, the following matters must be addressed to enable registration to be granted:

- The aims of the party, one of which must be endorsement of candidates to contest Legislative Assembly and/or Legislative Council elections. This is required by the definition of a party in section 3 of the Act.

- The terms and conditions of party membership e.g. procedures for accepting new members and lapsing or terminating membership. This is necessary to demonstrate compliance with the membership requirements of an eligible political party.

Additional matters that might be considered by the party's advisers for inclusion in the constitution, or for consideration more generally include:

- The costs and benefits of incorporation as a company or an association.
- Governance arrangements e.g. procedures for appointing office bearers, establishing committees, quorum and meeting requirements etc.
- Party structure, including related branches and divisions.
- Procedures for amending the constitution.
- Procedures for winding up the party.

A copy of the constitution must accompany the application.

### **Membership**

Registration as a political party may only be granted to organisations meeting the definition of 'party', as defined by section 3 of the Act.

The party must have at least 750 members who are enrolled on the NSW electoral roll for addresses in New South Wales.

### **Same member cannot be relied on by two or more parties**

Two or more parties cannot rely on the same member to qualify as a registered political party. The effect of this 'no-overlap' rule is that:

- No member who is put forward as one of the 750 members required for registration purposes can be used for the registration of another parliamentary registered party in NSW.
- Parties should maintain records of the members upon whom they rely for registration purposes, including up-to-date contact details.

A person who is found to be relied upon as one of the 750 members of two or more parties for registration purposes will be given 30 days to decide which party is entitled to rely on their membership. If a selection is not made, neither party can rely on that member. If, as a result of the person's nomination or a failure by the person to make a nomination, a party ceases to qualify as an eligible party, the Electoral Commissioner will give the party 60 days written notice to provide the necessary number of declarations of party membership to qualify as an eligible party.

## Documentary evidence required

The following documentary evidence must be provided with an application for registration in order that the NSWEC may satisfy itself that the membership requirements are met:

- Completed *List of 750 Members on Whom the Party Relies for the Purpose of Qualifying as an Eligible Party*. As well as a completed paper copy of this form, an electronic copy of the *List of 750 Members* must also be submitted with the application. A spreadsheet template can be obtained by contacting the NSWEC. It is recommended that the *List of 750 Members* be well in excess of the minimum 750 members required under the Act.
- Completed originals of at least 750 *Declaration of Party Membership* forms, each declaring that the signatory is a member of the party and is enrolled on the NSW electoral roll. It is recommended that well in excess of the minimum 750 *Declaration of Party Membership* forms be provided.

## APPLICATION CHECKLIST

This checklist is to ensure that all information and attachments are provided with an application for the registration of a political party:

- Details in the *Application for Registration of a Party* form (party name, abbreviation, and whether or not the party wishes to be registered for the purposes of the *Election Funding Act*) exactly as you wish them to appear on the *Register of Parties*.
- All applicable parts of the application form completed.
- Application signed by the Secretary.
- At least 750 completed and signed *Declaration of Party Membership* forms attached.
- The *List of 750 Members on Whom the Party Relies for the Purpose of Qualifying as an Eligible Party* in both paper and electronic formats attached. (These members must be enrolled on the NSW electoral roll).
- The completed *Notice of Appointment of Registered Officer* attached.
- The completed *Notice of Appointment of Deputy Registered Officer* attached. (This is optional).

- The \$2,000 application fee enclosed.
- A copy of the party's constitution attached.

Copies of all forms are available in the Appendices at page 22.

## **CONSIDERATION OF APPLICATION**

### **Initial consideration**

The initial consideration by the NSWEC allows the NSWEC to review an application in conjunction with the public consultation process.

Where the NSWEC identifies concerns with an application, the applicant will be given an opportunity to vary the application.

The applicant may:

- Change the application.
- elect to proceed with the application as originally presented; or
- Withdraw the application.

### **Public consultation**

If preliminary tests and inquiries indicate that a party may be eligible for registration, the Electoral Commissioner must publish a notice in one or more newspapers circulating in NSW details of the information provided in the application and certain attachments.

The notice must also state that the application is available for public inspection during the 14 day public response period.

*Declaration of Party Membership* and the *List of 750 Members on Whom the Party Relies for the Purpose of Qualifying as an Eligible Party* forms are not required to be included in the published notice for privacy reasons.

The notice will invite public response, within 14 days, for the purpose of determining whether:

- the party is an eligible party;
- the application was properly made; and
- The party should be registered.

This does not limit the matters that the Electoral Commissioner may take into consideration in determining the outcome of the application. The Electoral Commissioner's decision on any objection is final.

### **Consideration**

The NSWEC will consider the application, and the outcome of the public consultation process, against the statutory requirements for registration.

The registration decision is based upon the legal requirements for registration being satisfied. The NSWEC does not have discretion to consider any broader merits of an application, or of an objection. It is guided by legal advice as necessary.

Registration can be granted only where the NSWEC is satisfied that the registration pre-requisites are satisfied:

- The NSWEC will undertake checks of some of the 750 members of a party to confirm their membership. The party should tell those members on whom it is relying for compliance with the '750 rule' that they may be contacted by the NSWEC.
- The NSWEC will also undertake checks to ensure that the 'no overlap' rule is satisfied i.e. that member's are not relied upon for the registration of another party, and that they are entitled to enrolment.

If these initial checks are unsatisfactory or inconclusive, more detailed (and time consuming) checks may be undertaken.

### **How long will it take?**

Parties should allow about 12 weeks for their application to be determined by the NSWEC. This processing period includes a mandatory period of 14 days for public consultation.

This period may be shorter in the case of a well-presented application, which is readily verified, and gives rise to few points of clarification.

It may be longer where information as required by the Act or outlined in this handbook is not provided, verification (e.g. of party membership details) proves difficult, the public consultation process gives rise to contentious issues (e.g. with respect to the party name) or an election period intervenes.

### **Registration**

The NSWEC will:

- give written notice of registration (or refusal to register) to the party;
- advise those who responded to the public consultation process of the registration decision, and the reasons why their submissions were rejected; and
- Advise an unsuccessful applicant party of the reasons why its application was refused.

### **Are there any limits on registration?**

Registration of parties is prohibited from the day of the issue of the writ for an election until and including the day fixed as polling day for that election. Similarly, no action can be taken during that period in relation to an application for registration.

## **REGISTER OF PARTIES**

The NSWEC maintains a public *Register of Parties* (the *Register*) containing details of all registered political parties.

The Act requires that certain information be included in the *Register*. Other information (e.g. party address and Deputy Registered Officer details) is included for convenience.

### **Register particulars**

The *Register* contains, for each party, the:

- party name and address;
- abbreviation or acronym of the name (if there is one);
- name, address and telephone number of the Registered Officer and the Secretary, and the same for any Deputy Registered Officers (if there are any); and
- Whether the party elects to participate in the public funding of election campaigns.

### **Application to amend the Register**

A registered political party may apply to the NSWEC to change its particulars in the *Register*.

It may:

- change the party name or address;

- change the abbreviation of the name;
- add an abbreviation or acronym if there is not already one in the *Register*; and
- Change the persons who are nominated as Registered Officer and Deputy Registered Officer/s of the party.

The Party Secretary may nominate or revoke the appointments of the Registered Officer and Deputy Registered Officer/s.

### **Who makes the application?**

An application to change the *Register* may be made by the Registered Officer. However, if the application is to change the Registered Officer, it must be made by the Secretary of the registered party. The application must include the name and address of the applicant, and the capacity in which they are making the application.

Requests for amendment of the *Register* are regarded in the same way as applications for registration. However, there is no fee payable in respect of requests for amendments. Also, where the amendment is minor, there is no requirement for the publication of a notice inviting public response.

### **Change of party name, or abbreviated name**

An application to change the party name, its abbreviation, or to add an abbreviation, is subject to public consultation to ensure that the new name or abbreviation is acceptable for the purposes of section 66G (3) of the Act.

The consultation process is the same as applies to an application for registration of a political party.

### **Change of Registered Officer or Deputy Registered Officer**

An application to change the person who is the Registered Officer or Deputy Registered Officer must be signed by the Secretary of the party. There is no fee or consultation process for this change.

### **Change of address of Registered Officer or Deputy Registered Officer**

The Registered Officer or Deputy Registered Officer may apply to the NSWEC to change his or her address on the *Register*. There is no fee or consultation process for this change.

The Election Funding Authority must be advised separately if the Party Agent details change or if the Agent dies, resigns or their appointment is revoked.

## **Forms**

Requests for changes to the *Register* should be made on one of the following forms which are included in the Appendices to this Handbook:

- *Application for Registration of a Party* - used for a change to the party name, abbreviation of the name, to add an abbreviation or acronym of the party name if there is not already one in the Register, and to notify a change of party headquarters' address;
- *Notice of Appointment of Registered Officer* - used by the Secretary of a registered party to notify a change of Registered Officer and/or their address;
- *Notice of Appointment of Deputy Registered Officer* – used by a Registered Officer to nominate a person to be Deputy Registered Officer.

Where the NSWEC considers that the application to change the *Register* is in order, it will change the *Register* and advise the applicants that this has been done. If the NSWEC decides not to make the change, it will provide written notice of the reasons.

## **Inspection of the Register**

The *Register* is available for inspection at the NSWEC at no charge during normal business hours.

A list of registered political parties can be viewed on the NSWEC website at [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au) .

## **Review of the Register**

As political parties receive entitlements from registration, they must continue to be eligible for registration. The NSWEC regularly reviews the *Register of Parties*.

The Act provides authority for the NSWEC to check whether parties continue to be eligible political parties, or whether they should be deregistered:

- The NSWEC may write to the Registered Officer of a party seeking information about the party's continuing eligibility to be registered.

- Parties should maintain records enabling them to respond to any request from the NSWEC for the party to prove it remains eligible for registration.

## **CONTINUED (ANNUAL) REGISTRATION**

Registered political parties are required to provide a return to the NSWEC by 30 June each year demonstrating their continued eligibility for registration.

### **Procedures for continued registration**

In March or April each year the NSWEC will write to the Registered Officers of all registered political parties advising them of the requirements that need to be fulfilled to enable their party to continue to be registered for another year.

Parties that have been registered for the first time for less than 6 months before the return due date of 30 June, are not required to participate in the continued registration process.

### **Process**

There is no application fee involved in the continued registration process.

Enclosed with the NSWEC's letter will be the following documents which require the attention of the Registered Officer and return to the NSWEC so that each party's eligibility for continued registration can be considered:

- *List of 750 Members* - a list of the 750 members upon whom the party relied when continued registration was approved last year. In order to comply with the Act the Registered Officer is required to examine the list of 750 members and identify any who are no longer members of the party. These former members must be replaced by current members so that the number on which the party relies for registration remains at 750.
- *Form 20 - Declaration of Party Membership* - "new" members must also complete this form.
- *Annexure "A" to Form 21* - details of the former members and the new members must be shown on Annexure "A" to Form 21.
- *Annexure "B" to Form 21* - where any of the 750 members have changed their name or enrolled address these details must be shown on this form.

- *Form 21 – Annual Return* –the Registered Officer is required to complete this form and sign the Statutory Declaration at the foot of the form and have it witnessed in the presence of a Justice of the Peace.
- *CD-Rom* - this contains an electronic copy of Annexure “A” and Annexure “B”. Registered Officers are asked to return the completed Annexure “A” and Annexure “B” forms in the same electronic format as provided, as well as in hard copy format. Forms 20 and 21 should be returned in hard copy format only.

The completed material can then be returned to the NSWEC for processing.

Failure to lodge the complete return by the due date of 30 June may result in registration of the party being cancelled. This deadline is unalterable.

Copies of the above forms are included in the Appendix.

## **CANCELLATION OF REGISTRATION**

As described above, the Act provides for the annual review by the NSWEC of parties’ continued eligibility for registration, and for deregistration of those parties which do not meet registration requirements, or which no longer wish to be registered.

It is in parties’ interests to maintain up-to-date membership and other records to confirm that they continue to be eligible political parties.

### **Voluntary cancellation**

The Electoral Commissioner may cancel a party’s registration following a written request from the Registered Officer.

### **Cancellation for other reasons**

The NSWEC can also cancel a party’s registration where it is satisfied on reasonable grounds that the party:

- has ceased to exist;
- is no longer eligible for registration;
- did not endorse at least one candidate at a General Election; or
- Obtained registration by fraud or misrepresentation.

To determine whether a registered party remains eligible for registration, the NSWEC may carry out various tests and inquiries to verify that it still has the necessary number of members who are also appropriately enrolled.

If the registration of a party is cancelled, the NSWEC will notify the Registered Officer, together with the reasons for the cancellation, and will also arrange for a notice of cancellation to be published in the Government Gazette.

### **What are the consequences of cancellation?**

If registration is cancelled a party can no longer:

- nominate candidates through its Registered Officer or Deputy Registered Officer;
- have the party name alongside candidates' names on ballot papers;
- register material for distribution on election day; or
- Be eligible for payments under the *Election Funding Act 1981*.

Where a party's registration has been cancelled, that party, or any other party with a name that is likely to be confused with it, is generally ineligible for registration for 4 years.

## **ROLES AND OBLIGATIONS**

The requirement to maintain registration as an eligible political party is discussed in detail earlier in this handbook. Other compliance issues relating to the duties of formal positions established by the Act include:

### **Registered Officer**

The Registered Officer is the person registered with the NSWEC to whom the NSWEC will address all correspondence about party registration matters:

- This is the person responsible for the nomination and endorsement of party candidates for the Assembly or the Council of the New South Wales Parliament.

- This is the person who can request that party affiliation (the party name or its abbreviation) be shown on ballot papers next to candidates' names.

The Registered Officer may be changed by the formal notification procedures outlined in the *Register of Parties* chapter of this handbook.

### **Deputy Registered Officer**

The Registered Officer's responsibilities may be delegated to a Deputy Registered Officer:

- The nomination of a Deputy Registered Officer may be made by the Registered Officer using the approved form which needs to be signed by the Party Secretary.
- A *Notice of Appointment of Deputy Registered Officer* form for this purpose is available from the NSWEC. A copy is in the *Appendix* to this Handbook.

Whether or not a party chooses to nominate a Deputy Registered Officer is optional. However, having a Deputy Registered Officer may be beneficial in enabling the functions of the Registered Officer to continue uninterrupted if the holder of that position is indisposed because of illness or unavailability.

### **Party Secretary**

This is the person, however described, responsible for the administration and correspondence of the party, and is the person who the NSWEC deals with in the initial phase of registration. Once registered, a party's Registered Officer is the main point of contact between the NSWEC and the party. In the event, however, of a change of Registered Officer, it is the Secretary who should advise the NSWEC of the name and contact details of the new holder of this position using the *Notice of Appointment of Registered Officer* form available in the *Appendix* to this handbook.

The Secretary and the Registered Officer may be the same person.

### **Party Agent**

Parties must appoint an Agent to act on their behalf on election funding and disclosure matters. A person appointed as Registered Officer or Deputy Registered Officer is not eligible to be a Party Agent. Detailed information on the appointment of Party Agents and a copy of the necessary form is provided in the *Election Funding Guide for Parties*.

## GLOSSARY

### Deputy Registered Officer

A person, appointed in writing to the NSWEC with delegated power to fulfil the functions of the Registered Officer.

### EFA

Election Funding Authority of New South Wales

### Eligible political party

A political party that has at least 750 members who are eligible to be enrolled on the State electoral roll, and is established on the basis of a written constitution setting out the aims of the party.

### Member of a political party

A party member is a member of the party, or of a related political party who is entitled to enrolment on the State electoral roll.

### Party Agent

A registered political party must appoint a Party Agent and advise the EFA of the appointment. The Agent is responsible for party funding and disclosure matters. The *Election Funding Guide for Parties* refers.

### Political party

An organisation whose objectives or activities include the promotion of the election to the Assembly or the Council of the New South Wales Parliament of endorsed candidates. A political party may elect to be a registered political party.

### Registered Officer

The person registered with the NSWEC who has the authority to nominate candidates for a registered political party. The appointed Registered Officer does not change until the NSWEC is formally notified of, and approves, a replacement.

### Registered political party

A political party registered with the NSW Electoral Commission under Part 4A of the Act. Registration with the Australian Electoral Commission does not automatically confer registration in NSW.

### Register of Parties

A public register maintained by the NSWEC containing details of registered political parties.

### Secretary

The person, under whatever title, responsible for the administration and correspondence of the party.

### NSWEC

New South Wales Electoral Commission

### The Act

The *Parliamentary Electorates and Elections Act 1912*

## LEGISLATIVE REFERENCE GUIDE

Part 4A of the Act deals with the registration of political parties. Its provisions include:

- Definitions and related provisions – section 66A. Note that section 3 contains definitions of relevance to the Act as a whole.
- Registration of parties – section 66B.
- Register of Parties – section 66C.
- Application for registration – section 66D.
- Notice of application for registration – section 66DA.
- registration – section 66E
- Party not to be registered during election - section 66F.
- Entitlements resulting from party registration not available until first anniversary of registration – section 66FA.
- Refusal to register – section 66G.
- Amendment of Register – section 66H.
- Annual returns and other inquiries with respect to continued registration or applications for registration– section 66HA.
- Cancellation of registration – section 66I.
- Public access to registers – section 66J.

Political parties registered to participate in NSW Parliamentary elections are also subject to the provisions of the *Election Funding Act 1981*. Information about these issues is available in the *Election Funding Guide for Parties* available at [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au)

## **APPENDICES**

The following forms which are mentioned in this handbook and are required to be used in the initial registration process and the continued (annual) registration process are on the following pages and can be printed and used in communicating with the NSWEC:

<b><i>Application for Registration of a Party</i></b>	<b>1</b>
<b><i>Notice of Appointment of Registered Officer</i></b>	<b>2</b>
<b><i>Notice of Appointment of Deputy Registered Officer</i></b>	<b>3</b>
<b><i>List of 750 Members on Whom the Party Relies for the Purpose of Qualifying as an Eligible Party</i></b>	<b>4</b>
<b><i>Declaration of Party Membership</i></b>	<b>5</b>
<b><i>Annual Return</i></b>	<b>6</b>
<b><i>Annexure 'A' to Annual Return</i></b>	<b>7</b>
<b><i>Annexure 'B' to Annual Return</i></b>	<b>8</b>

## APPLICATION FOR REGISTRATION OF A PARTY

In accordance with the provisions of section 66D of the *Parliamentary Electorates and Elections Act 1912* I wish to apply for registration of the undermentioned party:

*Name of party*

*Address of party headquarters*

Telephone:

Fax:

Post Code:

*Abbreviation of name*

(TO BE SHOWN WHERE THE PARTY WISHES TO USE AN ABBREVIATION OF ITS NAME ON BALLOT-PAPERS OR ELECTORAL MATERIAL)

*Name & address of Registered Officer of the party*

Post Code:

*Name & address of Deputy Registered Officer/s (if any) of the party*

Post Code:

A list of the names and addresses (as enrolled) of 750 electors who are members of the party and original membership declaration forms completed and signed by each of them, are attached.

\_\_\_\_\_  
Signature of Party Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name & Address of Party Secretary

**This application must be accompanied by a copy of the constitution of the party and a fee of \$2000, payable in cash, bank cheque in favour of the NSW Electoral Commission or by EFTPOS payment at the NSW Electoral Commission.**

RECEIVED AT NSW ELECTORAL COMMISSION:

DATE:

## NOTICE OF APPOINTMENT OF REGISTERED OFFICER

In accordance with section 66H (2) of the *Parliamentary Electorates and Elections Act* 1912 notice is hereby given of the appointment of:

<i>Name of Registered Officer in BLOCK letters</i>
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of	<i>Address</i>	Post Code:
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<i>Occupation of Registered Officer:</i>	<i>Telephone:</i>
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as Registered Officer for	<i>Name of party</i>
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<i>Signature of Party Secretary</i>	<i>Date</i>
<i>Name of Party Secretary</i>	<i>Telephone</i>

## ACCEPTANCE OF APPOINTMENT

I	
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of	<i>Address</i>	Post Code:
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accept the appointment as Registered Officer of	
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<i>Signature</i>	<i>Date</i>
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RECEIVED AT NSW ELECTORAL COMMISSION:	DATE:
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## NOTICE OF APPOINTMENT OF DEPUTY REGISTERED OFFICER

In accordance with section 66D of the *Parliamentary Electorates and Elections Act 1912* notice is hereby given of the appointment of:

<i>Name of Deputy Registered Officer in BLOCK letters</i>
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of	<i>Address</i>	Post Code:
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<i>Occupation of Deputy Registered Officer:</i>	<i>Telephone:</i>
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as Deputy Registered Officer for	<i>Name of party</i>
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<i>Signature of Party Secretary</i>	<i>Date</i>
<i>Name of Party Secretary</i>	<i>Telephone</i>

### ACCEPTANCE OF APPOINTMENT

I	
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of	<i>Address</i>	Post Code:
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accept the appointment as Deputy Registered Officer of

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<i>Signature</i>	<i>Date</i>
RECEIVED AT NSW ELECTORAL COMMISSION:	DATE:

**LIST OF 750 MEMBERS ON WHOM THE PARTY RELIES FOR THE  
PURPOSE OF QUALIFYING AS AN ELIGIBLE PARTY\***

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**NAME OF PARTY**

	NAME (as enrolled)	ADDRESS (as enrolled)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

\*Use additional pages as necessary

Page no.: \_\_\_\_\_

FORM 20  
REGISTRATION OF PARTY  
DECLARATION OF PARTY MEMBERSHIP  
Parliamentary Electorates and Elections Act 1912  
(Section 66D (2) (g1))

To the Electoral Commissioner:

I

of  Post Code:

born

declare that I am a member of the following political party:

and I consent to that party relying on my membership for the purposes of the party qualifying for registration under the Parliamentary Electorates and Elections Act 1912.

Signature of party member: .....

Dated this ..... day of ..... 200.....

Note: Each declaration of membership must be completed by (or at the direction of) the party member concerned and then signed by the member. Particulars to be completed are to be written by hand at the same time the form is signed. Each declaration of membership is to be made on a separate sheet of paper.

The Electoral Commissioner may, in order to verify the requirements for registration of a party, request a person who signs a declaration of membership to confirm that the person is a member of the party and that the person completed and signed the form.

- NOTES:
1. Return this form to the Secretary of your party for lodgement with the New South Wales Electoral Commission.
  2. Under the provisions of Section 66J of the Parliamentary Electorates and Elections Act 1912 this form is available for public inspection.

FORM 21  
REGISTRATION OF PARTY  
ANNUAL RETURN  
Parliamentary Electorates and Elections Act 1912  
(Section 66HA (1))

To the Electoral Commissioner:

Annual Return for: \_\_\_\_\_ of: \_\_\_\_\_  
(Year) (Name of party as appearing on Register of Parties)

1. All the members of the party on whom the party relies to continue to be eligible for registration under Part 4A of the Parliamentary Electorates and Elections Act 1912 are still members of the party.
2. Annexure "A", pages 1 to \_\_\_\_, shows members of the party who are members on whom it relies to continue to be eligible for registration (in place of former members of the party). The remainder of the members on whom the party relies are still members of the party.
3. Annexure "B", pages 1 to \_\_\_\_, shows the changes that have occurred in the names or addresses of members of the party on whom it relies to continue to be eligible for registration.

Cross out whichever clause or clauses above do not apply.

I, \_\_\_\_\_  
(Print full name in BLOCK letters)

the registered officer of the above party, do solemnly and sincerely declare that I have made all reasonable inquiries to verify the above information and that the information is, to the best of my knowledge and belief, correct, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Signature of registered officer of party

Sworn by the deponent on \_\_\_\_\_ before me,  
Date

\_\_\_\_\_  
Name Signature J.P.

FOR OFFICE USE ONLY	
_____	_____
Date of receipt of annual return	Signature of Electoral Commissioner

ANNEXURE "A"

The following list specifies in Column A those former members of the party on whom it previously relied for continued registration. Column B specifies the list of members instead of those former members on whom the party now wishes to rely for continued registration. The remainder of the members on whom the party relies are still members of the party.

Column A Names and addresses (as enrolled) of former members on whom the party relied	Column B Names and addresses (as enrolled) of replacement members on whom the party relies
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	

Note: A Declaration of Party Membership (Form 20) completed by each replacement member specified in column B on whom the party relies is to be attached.

## ANNEXURE "B"

The following list specifies the former names and/or addresses of members of the party on whom it relies to continue to be eligible for registration. Where a member on whom the party relies for continued registration has changed their name, their address, or both, detail these changes below.

Column A Previous names and addresses (as enrolled) of members on whom the party relies	Column B Current names and addresses (as enrolled) of members
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	