



**Registration
of
Political Parties
in the
Northern Territory**

NT ELECTORAL COMMISSION OFFICES

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CONTENTS

1	Introduction	1
2	Registration	2
2.1	Eligibility for Registration	2
2.2	Application for registration	2
2.3	Lists of members	3
3	Processing Applications	4
3.1	Membership check	4
3.2	Public notice and objection period	4
3.3	Determination	5
3.4	Appeals	5
3.5	Processing time.....	6
4	Changing Details in the Register of Political Parties	6
5	Rights, Obligations and Responsibilities of Registered Political Parties	6
5.1	Rights.....	6
5.2	Responsibilities	7
6	Party Officials	7
6.1	Party Secretary.....	7
6.2	Registered Officer	7
7	Review of the Register of Political Parties	8
8	De-Registration	8
9	Public Records	9
Appendix 1	Application to Register a Political Party (<i>Example</i>).....	10
Appendix 2	Application to Change the Registered Party Name or Registered Officer Details (<i>Example</i>)	11
Appendix 3	Application to Cancel the Registration of a Political Party or advise of a New Party Constitution (<i>Example</i>).....	12

1 INTRODUCTION

This handbook is intended as a guide for political parties wishing to be registered under the Northern Territory *Electoral Act* Part 9. Registration is not compulsory for participation in the electoral process, but unregistered parties do not qualify for the benefits obtained by registration such as party names on ballot papers.

The handbook contains information as a guide only; the provisions of Part 9 of the *Electoral Act* and Regulations are the final authority. Further information is available from the Northern Territory Electoral Commission (NTEC). Contact details are shown inside the front cover.

In order to successfully apply for registration on the Register of Political Parties in the Northern Territory a party must meet the criteria in Section 1 entitled 'Eligibility for registration'.

Once registered, the party:

- will, on request, receive monthly extracts of the roll for all Legislative Assembly Divisions in the Northern Territory;
- may have their registered officer nominate candidates for Legislative Assembly elections;
- will have their party name placed on the ballot paper under the name of their candidates;
- must, within 30 days of changing its constitution, give the Commission a copy of the changed constitution;
- must notify the Commission of the name and contact details if it changes its registered officer;
- provide an annual return stating that it is still qualified for registration and provide a copy of its current constitution;
- provide an annual return disclosing financial receipts, payments and debts;
- advise in writing, before 1 August after the end of the financial year, persons donating \$1500 or more, or gifts totalling \$1500 or more, of their obligations to disclose their donations to the political party.

Processing an application for registration will be undertaken as quickly as possible. A party applying under the 200 members criterion should allow up to six weeks for processing to be completed. The time will be considerably less for a party with federal registration.

2 REGISTRATION

2.1 Eligibility for Registration

The *Electoral Act* requires that certain criteria be met for a political party to be eligible for registration on the NT Register of Political Parties. The party:

- must be established on the basis of a constitution, however described; and
- must be registered under the *Commonwealth Electoral Act* **or** have at least 200 members who are electors (that is, on the electoral roll for an address in the Northern Territory).

2.2 Application for registration

An application for registration as a political party must be made by the party secretary in writing, in the form approved by the NTEC. A sample form is at **Appendix 1**. It must :

- be signed by the secretary of the party;
- state the party's name;
- state the name and address, and contain a specimen signature of the person nominated to be the registered officer of the party;
- contain a statutory declaration by the secretary
 - that the registered officer of the party is qualified to be an elector in the Northern Territory;
 - stating the details of the party's federal registration if the application for registration is made under the criteria of being registered under the *Commonwealth Electoral Act*, OR
 - that, if the application for registration is made under the criteria of having 200 members, the members are electors, members under the party's constitution and not members of another registered party or a party applying for registration. An electronic list of the names and addresses of at least 200 members will be required for verification that they are electors and members of the party;
- be accompanied by a copy of the party's constitution and an application fee of \$500.

The application must be received by the NTEC prior to six months before the date of a scheduled general election, for registration processing to take place before that election.

The NTEC **cannot** register a political party if the proposed party name:

- is more than 6 words;
- is obscene;
- is the name or an acronym of the name of a registered party or parliamentary party;
- so nearly resembles a name or acronym of the name of a registered party or parliamentary party that it is likely to be confused with or mistaken for that party name or acronym;
- consists of the word 'Independent' or 'Independent Party';
- would otherwise be likely to cause confusion if registered; or
- includes the name of a member of the Legislative Assembly (MLA) and the applicant does not have the MLA's written consent to use the name.

The NTEC will refuse the application if:

- the registered officer is not qualified to be an elector or is the registered officer of a registered party
- or
- the NTEC believes the party does not have at least 200 members if applying under s152 (4).

The NTEC cannot undertake any action in relation to the registration of a political party during an election period for an election.

The postal address of the party and a business hours contact telephone, facsimile numbers and email address (if available) should be provided. This will enable the NTEC to contact the party should there be any minor query with regard to the application. Anything substantial will be queried in writing to the party's secretary as the person making the application.

Note: The Commission should be advised of any changes to the party's address, telephone or facsimile numbers or email address.

The application must show the name and postal address of the proposed registered officer of the party. The registered officer is the person who can sign nomination forms for the party's endorsed candidates and will be the NTEC's main contact person for the party.

2.3 Lists of members

The lists of members and their addresses are provided 'in confidence' to the NTEC; no details relating to any party member (other than the secretary and registered officer detailed on the application) are part of the public record.

In order to be satisfied that the party meets the membership criteria, the names on the list are checked against the electoral roll to ensure that at least 200 are electors. The NTEC will write to those members who are enrolled and ask them to confirm their membership of the party in writing.

To facilitate this procedure, membership lists should:

- be typed or printed in an electronic format;
- be listed in alphabetical order by surname;
- show full names (e.g. James Walter Smith not J W Smith);
- show postal addresses; and
- also show residential addresses if they are different from postal addresses.

Lists which are illegible or do not show full names and addresses will slow up the processing of the application and may jeopardise the party's registration if members cannot be identified on the electoral roll from the information provided. If the NTEC cannot identify at least 200 members on the electoral roll, the party's application may be rejected. Similarly, if the NTEC cannot verify that a person is a member in accordance with the party's constitution, that person will not be counted as a party member.

3 PROCESSING APPLICATIONS

3.1 Membership check

When an application is received by the Commission, it is checked to ensure that it meets the technical requirements of the Act, that it contains the required information, has been signed and, where necessary, the list of members and their addresses has been provided.

Where the application relies upon the party being registered under the *Commonwealth Electoral Act*, the particulars of the federal registration will be checked with the Australian Electoral Commission (AEC).

Where the application relies upon the 200 members criterion, a check of members' names against the electoral roll is undertaken. Those found to be enrolled will be contacted seeking a statement that they are members of the party and not members of another registered party or another party applying for registration.

If the Commission is unable to identify at least 200 members on the roll the party secretary will be contacted and no further action will be taken until the secretary responds. If the secretary is:

- able to provide names and addresses of additional members, or further information to enable identification of members who could not be found on the electoral roll, the process will recommence;
- unable to provide additional names and/or information, the application will be refused.

The Commission will only give public notice of the application for registration when federal registration is confirmed or statements confirming membership of the party by 200 members who are electors have been received.

3.2 Public notice and objection period

When the NTEC is satisfied that the party meets the criteria for registration, a notice advising of the application is published in the 'Northern Territory News' inviting any person who objects to the party being registered to lodge an objection with the NTEC within 14 days of the date of the notice.

The party's application (except the list of members if applicable) and constitution can be viewed at the Commission's Darwin Office.

Objections must:

- be made to the Commission in writing;
- set out the name and address of the person objecting;
- set out the grounds on which the objection is based; and
- be signed by the person objecting.

Copies of any objections received will be forwarded to the proposed registered officer of the party with advice that the party's response must be provided within 14 days of the receipt of the notice. Both the objection and the party's response to it will be made available for public inspection at the Commission's office.

3.3 Determination

After the end of the 14 day objection period, the Commission will decide whether it is satisfied that the party should be entered in the Register of Political Parties. When making this decision, it will take into account objections received and the party's response to them.

Acceptance of application

Once the NTEC determines that the party can be registered:

- it is entered in the Register of Political Parties;
- a notice is published in the next available Government Gazette and the Northern Territory News stating that the party has been entered in the Register of Political Parties;
- the Registered Officer is given written notice that the party has been entered in the Register of Political Parties;
- any person who lodged an objection to the party's application is also notified in writing and given reasons for the rejection of their submission and appeal details.

Refusal of application

If the Commission determines that an application should be refused, written advice setting out the reasons for the refusal of the application will be sent to the proposed registered officer of the party with appeal details i.e.

- the period allowed for applying for starting an appeal; and
- how to start an appeal.

3.4 Appeals

Decisions to register a political party or to refuse to register a political party are appealable under the *Electoral Act*. An affected person, namely the registered officer of the party and any person who objected to the registration of the party, may make an application to appeal the decision.

An affected person may appeal against the decision to the Supreme Court by filing a notice of appeal against the decision with the Registrar of the Supreme Court. The notice must be filed within 28 days after the affected person receives notice of the appealable decision or the day the person becomes aware of the decision.

The Supreme Court may make an order staying or otherwise affecting the operation or implementation of so much of the decision as the Court considers appropriate to effectively hear and decide the appeal.

In deciding the appeal, the Court may:

- confirm or vary the decision; or
- set the decision aside and substitute its own decision; or
- set the decision aside and remit the matter to the Commission with the directions it considers appropriate.

3.5 Processing time

The time taken to process an application for registration will vary. A minimum of 6 weeks should be allowed from the time of lodgement by a party applying under the 200 members criterion. This would be the time taken to process an application with no problems and a well presented list of members. Processing may be delayed if:

- the application form has not been properly completed;
- the list of members is difficult to decipher or deficient in any way;
- members are slow to return membership statement forms; or
- objections are received.

In addition, all processing of applications for party registration must cease during an election period (other than local government elections) so if a writ for a Legislative Assembly extraordinary general election or by-election is issued, processing must cease until 6pm on polling day.

An application to register a party cannot be decided before a general election if it was received within the six months period before a scheduled, set term election.

4 CHANGING DETAILS IN THE REGISTER OF POLITICAL PARTIES

Any information in the Register of Political Parties may be changed by making a written application to the Commission. An application must be made by the party secretary. The Commission has a form available for this purpose, a sample is at **Appendix 2**.

Except for changing the name and/or contact details for the registered officer or the contact details of the registered party, applications to change the details in the register must be advertised in the same way as an application for registration and a 14 day period allowed during which objections to the proposed change can be lodged. Parties should bear this in mind if contemplating a change to the Register during the lead up to an election. If any objections are received they will be dealt with in the same manner as detailed above for objections to applications for registration.

5 RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF REGISTERED POLITICAL PARTIES

5.1 Rights

A political party which is listed on the Northern Territory Register of Political Parties has the following benefits:

- the registered party is entitled to receive upon request monthly elector enrolment information;
- the registered officer of the party can nominate the party's endorsed candidates at Legislative Assembly elections; and
- the registered party name is printed under the names of its endorsed candidates on ballot papers for Legislative Assembly elections.

5.2 Responsibilities

A registered political party must, following registration:

- provide an annual return stating that it is still compliant with membership/registration criteria and provide a copy of its current constitution;
- provide an annual return disclosing financial receipts, payments and debts;
- advise in writing, before 1 August after the end of the financial year, persons donating \$1500 or more or gifts totalling \$1500 or more, of their obligations to disclose their donations to the political party.

6 PARTY OFFICIALS

The duties of certain positions under the *Electoral Act* are set out below.

6.1 Party Secretary

The party secretary is empowered to make an application for registration of the party and change the particulars of the party and registered officer in the Register of Political Parties. The party secretary must also give notice of a reporting agent for disclosure matters if the appointment was made by a registered party — if not, it will be by the candidate in an election. If no appointment is made, the registered officer is taken to be the reporting agent.

6.2 Registered Officer

The registered officer must be nominated on the party's application for registration. This is the person the NTEC will contact with regard to party registration matters.

The registered officer has a number of functions under the Act:

- request the monthly provision of elector enrolment information;
- lodge nomination forms to endorse the party's candidates at Legislative Assembly elections;
- request the party's registered name be shown on ballot papers under the name of the party's endorsed candidate;
- provide the NTEC with a new copy of the party's constitution within 30 days of any changes being made to the document;
- provide the Electoral Commission with a return within 16 weeks after the end of the financial year stating that the party is still compliant with membership registration criteria and forwarding a current copy of the party constitution;
- provide the NTEC with a return on disclosure matters within 16 weeks after the end of the financial year if no reporting agent has been appointed.

The registered officer may make a written request to the NTEC to cancel the party's registration. An example of the form to request cancellation of the party's registration or provide a new copy of the party's constitution is at **Appendix 3**.

7 REVIEW OF THE REGISTER OF POLITICAL PARTIES

Registered political parties receive significant benefits which include access to sensitive personal information contained on the electoral roll. The Commission is therefore obliged to ensure that only those parties which continue to meet the eligibility criteria for registration remain on the register. To achieve this, the Commission will review the register on a regular basis.

The registered officer must provide an annual registration compliance return and may be asked to provide other information, to assist with the review.

Parties that registered under the 200 member criterion will therefore need to ensure that their membership records are maintained at a high standard to facilitate the review. Any party which cannot substantiate its meeting of the '200 members who are electors' criterion may have its registration cancelled by the Commission.

8 DE-REGISTRATION

The NTEC **must** cancel the registration of a party on the following grounds without any objection process:

- by written request of the party's registered officer; or
- if the party was registered under the criterion of federal registration and the party ceases to be registered under the Commonwealth Act; or
- if the party does not endorse a candidate at the last two Legislative Assembly general elections provided the party was registered at the time of the elections.

The NTEC **must** cancel the registration of a party on the following grounds if objections raised do not change its beliefs on the matter:

- the party has ceased to exist (whether by amalgamation with another political party or otherwise); or
- the registered officer has not complied with a notice requesting information with regard to the registration of the party; or
- the party does not have a constitution; or
- the registration of the party was obtained by fraud; or
- if the party was registered under the criterion of 200 members and the party ceases to have 200 members who are electors.

If the NTEC proposes to cancel the registration of a party (other than those where no objection process is required), the NTEC will give:

- public notice stating the intention to cancel a party's registration and advising that written objections to the cancellation may be made to the Commission within 14 days after the date of the publication of the notice; and
- a written notice to the registered officer or the last registered officer of the party stating the intention to cancel the registration of the party, the reasons for the cancellation and that written objections to the cancellation may be made within 14 days after the date of the notice.

The NTEC must take any objections received into account prior to taking further action in relation to the cancellation of the registration of the party.

If, after considering all objections the NTEC decides NOT to cancel the registration of a party, the NTEC must give written notice:

- to the registered officer of the party; and
- if an objection was made by a person other than the party, then that person.

If, after considering all objections the NTEC decides to cancel the registration of a party, it must:

- give written notice to the registered officer or the last registered officer of the party (the notice will state the decision, the reasons for the decision and appeal details);
- give public notice of the cancellation; and
- remove the particulars of the party from the Register of Political Parties.

All documents relating to the party's registration and the cancellation remain in the NTEC's records.

The cancelled party or a political party that has a name that nearly resembles the cancelled party is ineligible for registration until after the next Legislative Assembly general election following the cancellation.

9 PUBLIC RECORDS

The Register of Political Parties is available for public inspection at the NTEC's office in Darwin during normal working hours. There is no charge for inspecting this register.

Copies of applications to register political parties and party constitutions are available for inspection during the registration process.

Objections to an application for registration will be forwarded to the proposed registered officer for comment. Both the objection and the registered officer's response to it will be made available for public inspection at the Commission's office until the application is decided.

Note: Details of lists of members and records relating to membership checks requested by the NTEC for a review of the register are not public documents; under no circumstances will they be made available to the public. NTEC staff with a responsibility for party registration matters will have access to this information.

Appendix 1 Application to Register a Political Party (Example)



LAPP-1
Electoral Act s152

APPLICATION TO REGISTER A POLITICAL PARTY

SECTION A – PARTY DETAILS

Name of Party: _____
 Postal Address: _____ Postcode: _____
 Phone: _____ Facsimile: _____ E-mail: _____

SECTION B – REGISTERED OFFICER

Full Name of Registered Officer: _____
 Postal Address: _____ Postcode: _____
 Phone: _____ Facsimile: _____ E-mail: _____
 Signature of Registered Officer: _____

SECTION C – APPLICANT (Secretary of the Party—Electoral Act s152)

Full Name of Secretary: _____
 Postal Address: _____ Postcode: _____
 Phone: _____ Facsimile: _____ E-mail: _____
 Signature of Secretary: _____

SECTION D – ACCOMPANYING DOCUMENTS AND APPLICATION FEE

- A copy of the current Constitution of the party
- A Statutory Declaration by the secretary that the registered officer named above is qualified to be enrolled
- A Statutory Declaration that the party is registered with the Australian Electoral Commission and details of the registration OR
- A Statutory Declaration that the party has at least 200 members under its constitution who are electors and not members of another registered party or a political party applying for registration
- An electronic list of at least 200 members and their addresses if applicable *and*
- Application fee of \$500

Address enquiries to: Northern Territory Electoral Commission
 GPO Box 2419, DARWIN, NT 1300
 Telephone: 08 8999 5000 and 1800 MYVOTE
 Facsimile: 08 8999 7630 E-mail: mail@ntec.gov.au

NTEC use only
 Date received
 Date finalised
 Registration No.:

LAPP-1

SECTION E – STATUTORY DECLARATIONS

OATHS ACT STATUTORY DECLARATION

Section 23C(1)

I, (1) _____ Secretary of the Political Party applying for registration, do solemnly and sincerely declare that (2):

(a) The Registered Officer _____ named in the attached 'Application to Register a Political Party' is entitled to be enrolled on the Northern Territory electoral roll; and

(b) *The _____ is registered under the Commonwealth Electoral Act with the Australian Electoral Commission. The details of which are:

Registered Name: _____
 Date of Registration: _____

Or

*The _____ has at least 200 members under its constitution who are electors and not members of any other registered political party or a party applying for registration.

*Delete whichever does not apply

And I make this solemn declaration by virtue of the *Oaths Act* and conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at _____ the _____ day of _____, 20_____

(3) _____

Before Me (6) (4) _____

(5) _____

NOTE: A person wilfully making a false statement in a statutory declaration is liable to a penalty of \$2000 or imprisonment for 12 months, or both.

- (1) Name and address of person making the declaration
- (2) Here insert the matter declared to either directly following the word 'declare' or, if the matter is lengthy, insert the words 'as follows' and thereafter set out the matter in numbered paragraphs
- (3) Signature of the party secretary making the declaration
- (4) Signature of the person before whom the declaration is made
- (5) Name and contact address or telephone number of person before whom the declaration is made legibly written, typed or stamped.
- (6) This declaration may be made before any person who has attained the age of 18 years.

Appendix 2 Application to Change the Registered Party Name or Registered Officer Details (Example)



**NORTHERN
TERRITORY
ELECTORAL
COMMISSION**
EVERY VOTE COUNTS!

LAPP-2
Electoral Act s169

APPLICATION TO CHANGE REGISTERED PARTY NAME OR REGISTERED OFFICER DETAILS

SECTION A – CURRENT PARTY NAME

Name of Party: _____

SECTION B – TO CHANGE PARTY NAME OR DETAILS

Name of Party: _____

Postal Address: _____ Postcode: _____

Phone: _____ Facsimile: _____ E-mail: _____

OR

SECTION C – TO CHANGE REGISTERED OFFICER OR OFFICER DETAILS

Full Name of Registered Officer: _____

Postal Address: _____ Postcode: _____

Phone: _____ Facsimile: _____ E-mail: _____

Mobile No: _____

Signature of Registered Officer: _____

SECTION D - APPLICANT

Full Name of Secretary: _____

Postal Address: _____ Postcode: _____

Phone: _____ Facsimile: _____ E-mail: _____

I hereby apply to (place a tick in the appropriate box below):

- Change the name of the party/party contact details in Section A to that in Section B
or
 Change the name or other particulars of the Party Registered Officer – Section C.

Signature of Secretary: _____

POINTS TO NOTE

- To change the name of a registered party, complete an Application to Register a Political Party, the necessary Statutory Declaration, List of Members if applicable and provide an application fee of \$500.
- To change the particulars of the Registered Officer contact details, complete this form. No application fee is required.

Address enquiries to:

Northern Territory Electoral Commission
GPO Box 2419 DARWIN NT 0801
Telephone: 08 8999 5000 and 1800 MYVOTE
Facsimile: 08 8999 7630 E-mail: mail.ntec@nt.gov.au

NTEC use only

Date received
Date finalised
Registration No:

Appendix 3 Application to Cancel the Registration of a Political Party or Advise of New Party Constitution (Example)



LAPP-3
Electoral Act ss160, 172

APPLICATION TO CANCEL THE REGISTRATION OF A POLITICAL PARTY OR ADVISE OF NEW PARTY CONSTITUTION

SECTION A – CURRENT PARTY NAME

Name of Party: _____

SECTION B – APPLICATION TO CANCEL PARTY REGISTRATION

Full Name of Registered Officer: _____

Postal Address: _____ Postcode: _____

Phone: _____ Facsimile: _____ E-mail: _____

I hereby apply to cancel the registration of the party mentioned in Section A from the Register of Political Parties in the Northern Territory.

Signature of Registered Officer: _____ Date: _____

OR

SECTION C – ADVICE OF NEW PARTY CONSTITUTION

Full Name of Registered Officer: _____

Postal Address: _____ Postcode: _____

Phone: _____ Facsimile: _____ E-mail: _____

I hereby advise that the Constitution of the party mentioned in Section A was amended on _____ and a copy of the new constitution is attached for your records.

Signature of Registered Officer: _____ Date: _____

POINTS TO NOTE

- 1 Applications to cancel the registration of a political party will be acted upon when received by the NTEC and there is no objection or review process.
- 2 Registered parties have 30 days after changing their constitution to advise the NTEC.

Address enquiries to:

Northern Territory Electoral Commission
GPO Box 2419 DARWIN NT 0801
Telephone: 08 8999 5000 and **1800 MYVOTE**
Facsimile: 08 8999 7630 E-mail: mail.ntec@nt.gov.au

NTEC use only

Date received

Date finalised

