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ASSISTANT MINISTER TO THE PRIME MINISTER AND CABINET
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Senator Helen Polley
Senator for Tasmania
Chair of Standing Committee for the Scrutiny of Bills
Parliament House
CANBERRA ACT 2600

Dear Chair

Thank you for your correspondence of 25 August 2021 regarding the Senate Standing Committee for the Scrutiny of Bills' (the Committee) consideration of the *Electoral Legislation Amendment (Electoral Offences and Preventing Multiple Voting) Bill 2021* and the *Electoral Legislation Amendment (Party Registration Integrity) Bill 2021*.

Electoral Legislation Amendment (Electoral Offences and Preventing Multiple Voting) Bill 2021

In relation to proposed section 202AH into the *Commonwealth Electoral Act 1918* (the Electoral Act), I note the Committee's comments about the provision to allow the Electoral Commissioner to declare an elector as a 'designated elector' if the Electoral Commissioner reasonably suspects that the elector has voted more than once in an election.

I note the explanatory memorandum explains that:

A reasonable suspicion can be determined by any means available to the Electoral Commissioner. For example, this may include consideration of records of certified-lists, which contain multiple-marks recorded against an elector's name as having voted more than once in a single election.

Proposed sections 202AJ and 202AK also set out the conditions and procedures for the review of a decision to declare an elector as a designated elector.

I am satisfied this provides sufficient guidance as to the appropriate exercise of the power to declare a person a designated elector.

Electoral Legislation Amendment (Party Registration Integrity) Bill 2021 (the Bill).

In relation to proposed amendment of section 129(1)(b) of the Electoral Act, I note the Committee's comments with regards to provision to allow the Electoral Commission to refuse an application for the registration of a political party if, in its opinion, the party name or the abbreviation of the party name of the applicant is frivolous or vexatious.

I note the explanatory memorandum to the Bill provides that the terms frivolous and vexatious *"are to be given their ordinary meaning, and are intended to include party names or abbreviations that are nonsensical or are malicious in their application. This would include, for example, an applicant seeking to register 'Australian Electoral Commission', or 'Australian Government' as a political party."*

The Electoral Act already provides that a refusal of an application for the registration of a political party, including for the reasons relating to proposed amendment of section 129(1)(b) is a 'reviewable decision' as defined in section 141.

I am satisfied this provides sufficient guidance as to the appropriate exercise of the proposed measure to allow the Electoral Commission to refuse an application for the registration of a political party if, in its opinion, the party name or the abbreviation of the party name of the applicant is frivolous or vexatious.

I thank the Committee for its consideration of these Bills and I trust this information is of assistance.

Yours sincerely

BEN MORTON

26/8/2021