

# Australia's two ruling parties rush to use new electoral laws to deregister rivals

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The Australian Labor Party and the Liberal-National Coalition have quickly exploited the new anti-democratic electoral laws that they jointly rammed through both houses of federal parliament in late August.

These increasingly discredited parties—on which capitalist rule in Australia has rested since World War II—both lodged successful applications by early November to end the registration of rival parties with “labour” or “liberal” in their names.

The Australian Electoral Commission (AEC) also wasted no time in moving to deregister nine other parties, including the Socialist Equality Party (SEP). Further such decisions are likely among the 36 registered parties that currently have no members of parliament.

Apart from the SEP, the parties affected so far are the Science Party, Secular Party of Australia, Affordable Housing Party, Independents CAN, Derryn Hinch’s Justice Party, No 5G Party, Australia First Party (NSW) Incorporated and Love Australia or Leave.

Despite the many clear political differences that the SEP has with all these parties, we defend their democratic right to contest elections. We oppose the capitalist state determining which parties can stand candidates.

The AEC has published no reasons on its website for listing these nine parties as ones it is “considering deregistering,” but these moves almost certainly result from the new laws. The legislation suddenly trebled, from 500 to 1,500, the number of members whose names and details parties must submit to the AEC to retain the basic democratic right to stand candidates under their party names.

This rush to deregister parties before the looming federal election underscores the desperate and

profoundly anti-democratic effort by the two big business parties to suppress and disenfranchise the rising political discontent.

The disaffection is intensifying because of their bipartisan drive to force the population to “live with” the extremely-transmissible Omicron COVID-19 mutation, soaring social inequality, and the growing dangers of climate change and war.

These developments highlight the necessity for the campaign being waged by the SEP against these reactionary laws. As part of our fight, we urge all our supporters to sign up as SEP electoral members, and ask their contacts, friends and family members to do the same, so that we can retain our basic right to nominate clearly-identified genuine socialist candidates.

The Labor Party was the first to activate the new provisions that give “first-registered” parties the power to object to the AEC registering a party with a common political word, such as “labor,” “liberal,” “green” and “socialist” in its name. In mid-October, Labor lodged an objection to the continued registration of the Democratic Labour Party (DLP), a right-wing split away from Labor that has contested elections since 1955.

On November 9, the Liberal Party followed suit, objecting to the ongoing registration of the Liberal Democratic Party (LDP), an extreme “free market” formation that has run candidates since it was formed in 2008.

The AEC summarily upheld both applications, Labor’s on November 19 and the Liberals’ on November 23, on the basis of the legislation’s creation of a specific monopoly over such names. The AEC dismissed arguments that the words “labour” and “liberal” were covered by exemptions for “function”

words or “collective” nouns for people.

The LDP has appealed to the High Court, arguing that the laws violate the implied freedom of political communication that the court has previously ruled exists in the colonial-era 1901 Australian Constitution. After an initial hearing on November 30 that case will return in February.

The DLP has not joined the High Court challenge, but notified the AEC that it will apply for a review, after which it could appeal to the Administrative Appeals Tribunal (AAT).

Even before the new laws were introduced, the Liberal Party initiated an appeal of an earlier AEC ruling to register the New Liberals, a self-styled “progressive” breakaway from the Liberals. That appeal was granted by the AEC on December 7, under the previous law, on the basis that the “resemblance” between the two party names was “likely” to cause confusion in some voters’ minds, regardless of the distinguishing word “New.”

That appeal verdict effectively overturned a long line of rulings by the AEC and AAT that no “reasonable person” would be likely to be confused by such names and that no party had the right to “own” commonly-used political labels. These rulings dated back to 2001, when the AAT, the peak federal tribunal, decided that the AEC had wrongly refused registration to “liberals for forests” because the name was too similar to the Liberal Party.

The New Liberals could appeal this month’s ruling to the AAT, but the new laws would allow the Liberals to simply lodge a new objection to the now-protected use of the word “liberal.”

When the WSWS yesterday asked the AEC if more parties faced deregistration under the new 1,500-member rule, a spokesperson said the AEC could not comment on decisions that might not yet be announced. The nine parties named thus far have just a month each in which to submit statements or membership lists to contest their deregistration.

If the SEP and these other parties are struck off the party register in January, before Prime Minister Scott Morrison is due to call the 2021 election, they will be unable to stand candidates under their names. They will also have to collect 100 voters’ signatures per candidate despite the raging pandemic making physical political campaigning highly dangerous.

Last month, an the application SEP for a six-week extension of the arbitrary December 2 deadline set for submitting an expanded membership list because of “the greatest health crisis in 100 years.”

Since then, then the political turmoil has intensified. According to media opinion polls, Morrison’s government faces a landslide election defeat, with its only hope for survival being that support for Labor remains at near-record lows. That raises the prospect of another minority government, extending the instability that has wracked the political establishment since the massive defeat suffered by the Howard Coalition government in 2007.

Under these conditions, the working class urgently requires a new leadership. Above all, that is what the ruling class and its political servants are seeking to block. The opposition to the dictates of big business must be guided by a socialist program that puts the social needs of working people—first and foremost their health and lives—ahead of the private profits of the wealthy few.

The SEP’s significant numbers of new electoral members have signed up on that basis, in opposition to Labor, the trade unions and the Greens. We appeal to all our readers to do the same: Become an electoral member of the SEP to help us retain our registration, defeat this attack on democratic rights and take forward the fight for a socialist alternative.



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