

SEP (Australia) files objection to party deregistration

Socialist Equality Party (Australia)
30 January 2022

On January 17, the Socialist Equality Party in Australia sent the statement below to the Australian Electoral Commission (AEC), objecting in the strongest terms to the AEC's notification of its intention to deregister the SEP.

The AEC is preparing to do so under the provisions of the anti-democratic new electoral laws that were jointly rammed through parliament last August by the Liberal-National Coalition government and the opposition Labor Party.

As the letter to the AEC says, this legislation is "a naked attempt to prop up the existing parliamentary parties and stifle popular rising discontent, which has been intensified by the disastrous handling of the COVID-19 pandemic."

The SEP's letter was filed amid an intensifying public health and political crisis. Anger and loathing toward both the government and Labor, which was already seething last August, is continuing to mount.

The underlying disgust, which has built up over decades of soaring social inequality, has been deepened by outrage over the rising toll of COVID infections, hospitalisations and deaths. This disaster has been directly produced by the profit-driven "let it rip" program adopted by the bipartisan "National Cabinet" of federal, state and territory government leaders.

The political establishment fears that any eruption of working-class struggle or explosion of political disaffection in the looming federal election, which is due by May, would shatter not just Prime Minister Scott Morrison's unstable Coalition government but the capacity of any Labor government to impose the requirements of the corporate boardrooms.

The SEP is demanding the basic democratic right to stand candidates in its name at the election in order to advance, in the broadest possible way, the necessary socialist perspective, based on the protection of health and lives, not private profit. This includes the fight for a scientific program to eradicate the coronavirus pandemic against the criminal, "live with the virus" offensive by the ruling elite. Only the SEP fights for this perspective, together with our sister parties internationally.

As the statement explains, the sudden and arbitrary three-month deadline set by the legislation to recruit 1,000 new members was clearly calculated to block the SEP and other parties with no current parliamentary members from contesting the election. The deadline was imposed knowing that the raging pandemic made it highly unsafe, a risk to public health and at times illegal, for our members to conduct normal political campaigns and public meetings, including to recruit the extra members needed to submit to the AEC.

Already, as of January 27, the AEC has notified 10 parties,

including the SEP, of its intention to deregister them. That is nearly one-third of the registered parties with no parliamentary members, and further such deregistration moves are likely.

The SEP's statement to the AEC sets out key legal reasons for suspending any deregistration process until after the election. These include that the legislation itself violates the implied constitutional freedom of political communication. The recent re-registration of the Seniors United Party, with 550 members, by way of a successful appeal to the full AEC, despite the new 1,500-membership rule, would also otherwise create an electoral inequality and anomaly.

The SEP is further insisting that any deregistration decision be stayed to allow the party to fully exercise its rights of appeal, if necessary, to the Administrative Appeals Tribunal and the Federal Court.

We appeal to all our electoral members, WSWS readers and workers and youth more broadly: Support our campaign against the deregistration laws and our fight to retain our registration. If you have not already done so, become an electoral member of the SEP. Help us push ahead to recruit the extra electoral members that we need, not just to retain our party registration but to take forward the fight for a genuine socialist alternative, and consider applying to become full members of the SEP.

The Socialist Equality Party's Statement in Response to the AEC's "Notice under s 137(1A) of the Commonwealth Electoral Act 1918"

To the Australian Electoral Commission (AEC),

The Socialist Equality Party strongly objects to the AEC's notification of intention to deregister the SEP following the passage of the Electoral Legislation Amendment (Party Registration Integrity) Bill 2021.

This anti-democratic legislation was pushed through both houses of parliament on August 25-26 by the Liberal-National Coalition with the support of the Labor Party. It is a naked attempt to prop up the existing parliamentary parties and stifle popular rising discontent, which has been intensified by the disastrous handling of the COVID-19 pandemic.

Clearly, the concern within the parliamentary establishment is that this hostility will be expressed in the next federal election in votes for "other" political parties.

The legislation seeks to strip party registration from political parties, including the SEP, that do not currently have parliamentary representation, by suddenly trebling the number of members required from 500 to 1,500 to be officially recognised.

Moreover, the legislation imposed an arbitrary three-month deadline

for the submission of such expanded membership lists. This deadline was manifestly timed to exclude parties from contesting the impending federal election, which must be held by May 2022.

The legislation also gave “first-registered” parties, such as the Liberal, National, Labor and Greens parties, an effective veto over party names that contain common words in their titles. The timing of the legislation means that affected parties are unlikely to be able to register under modified names in time for the election.

Both these aspects of the legislation make a mockery of the holding of elections. Voters are meant to have the right to freely choose their representatives, not have the government or governmental agencies determine which parties can contest elections with their candidates identified.

In particular, these provisions serve to rob voters of the right to cast informed ballots for candidates of parties that oppose the current political establishment.

For all these reasons, this legislation violates the implied constitutional freedom of political communication. Far from overcoming alleged voter confusion, as officially claimed, it both discriminates against “other” parties and reduces the capacity of voters to know the political identities and platforms of candidates.

Furthermore, the anti-democratic nature of the legislation’s requirements has been magnified by the worst public health crisis in a century, which has made it highly unsafe, and a risk to public health, for our members to conduct normal political campaigns and public meetings, including to recruit the 1,000 extra members needed to submit to the AEC.

In fact, for a substantial part of the three-month period, it was illegal to campaign in person in the two most populous states, New South Wales and Victoria, due to safety stay-at-home restrictions, as well as being dangerous.

When the SEP, because of the pandemic, objected to these requirements and twice applied to the AEC for extensions of the December 2 deadline, we asked the AEC: “Are you declaring that members of minor parties, including the SEP, must be placed at serious risk of infection, possible long-term illness or death to reach the arbitrary number of members determined by the new Act?”

Nevertheless, the AEC rejected those applications, stating that it had no discretion to extend the deadline, despite having done so during our earlier re-registration process in 2020. To justify its stance, the AEC cited the fact that an election was shortly due to be called.

That statement underscored the connection between the timing of the legislation and the looming election. As the AEC is aware, once the writs for the election are issued, any procedures underway to deregister parties must cease.

Between the December 2 deadline and the lodging of this objection, the COVID-19 disaster has worsened to an unprecedented degree, fuelled by both the Delta and Omicron mutations. This has vastly heightened the dangers to our members and the entire population, as well as having a dramatic impact on every facet of economic and social life, making political campaigning even more difficult.

If and when an election is called, it will be held under conditions of an extraordinary public health and political crisis, with a terrible toll of illness, hospitalisations and deaths. Millions of people, including voters in this country, will be aware that this catastrophe is directly the outcome of the profit-driven policies of governments, federal, state and territory, both Liberal-National and Labor.

These conditions make it all the more essential that “other” parties have the right to advance opposed programs, and that voters have the

right to identify and cast ballots in favour of these parties’ candidates. That includes the SEP, the only party advancing a genuine socialist alternative, based on the protection of health and lives, not the interests of the wealthy corporate elite.

In addition, the SEP has since become aware that the Seniors United Party has been able to retain its registration, with 550 members, by way of a successful appeal to the full AEC, despite the new 1,500-membership rule, and evidently will be allowed to contest the election.

If other parties, such as the SEP, are deregistered and prevented from contesting the election, despite having submitted more than 550 members’ names and details, that will create a clear electoral inequality and anomaly.

Therefore, the SEP not only objects to deregistration and to the legislation itself but calls on the AEC to suspend the deregistration of all parties until after the federal election can be held.

If the AEC intends to proceed to deregister the Socialist Equality Party, we will seek review by the full AEC and, if necessary, by the Administrative Appeals Tribunal and the Federal Court. In that case, we request that the AEC suspend deregistration of the SEP from coming into legal effect until those appeals can be heard.

In light of all the foregoing matters we consider that deregistration of the party as notified would be highly inappropriate and indeed unlawful. The review process, pursuant to the legislation and regulations, has not concluded, and accordingly our rights should not be abridged prior to the review process. The matters raised and our request for review are matters of fundamental importance, clearly both to our party which has been a registered and active political party since 2007, and more broadly. We consider that deregistration of our party at this point would be an extremely unreasonable act by the AEC considering the continuing review process, and conduct which would be actionable in law.

Yours sincerely,
Cheryl Crisp
National Secretary and Registered Officer
Socialist Equality Party



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact