

Australian Electoral Commission rejects challenge to election ban on SEP

Mike Head
17 March 2025

The Socialist Equality Party (SEP) in Australia is holding a crucial public meeting this Wednesday, March 19, entitled “Election ban on the SEP: An attack on democratic rights.” The meeting will be an in-person event in Sydney and live-streamed online.

WHEN: 7 p.m. (AEDT) Wednesday, March 19

WHERE: Lansdowne Rooms 1 & 2, Bankstown Library, 80 Rickard Rd, Bankstown, NSW

Reserve your seat now!

For those unable to attend in person, the event will also be live-streamed via Zoom.

A March 11 letter from the Australian Electoral Commission (AEC) has flatly rejected every point in the Socialist Equality Party’s challenge to the AEC’s rejection of the party’s registration submission for the imminent federal election.

The letter, sent by AEC Assistant Commissioner Joanne Reid, underscores the anti-democratic character of the country’s party registration legislation.

Her reply makes it legally impossible for the SEP to have the basic democratic right to have its party name on the election ballot papers alongside the names of its candidates.

This also deprives voters of the right to be able to identify the SEP’s candidates on the ballot paper in order to vote for us. As the SEP is the only party standing in the elections that offers a genuine socialist alternative to the program of militarism, genocide, ever-greater social inequality and the gutting of working-class conditions, the decision of the AEC is a conscious act of censorship.

It is an action taken on behalf of the Labor government, the Liberal-National Coalition and all the parliamentary parties to ensure workers and young people do not turn to an independent and anti-capitalist political program.

The basic democratic rights of all our more than 1,500 members, whose names and details were supplied to the AEC, are also being denied. Many of them are making statements of outrage and protest.

The AEC’s March 11 correspondence was a delayed answer to a letter sent to the AEC on February 24 by SEP National Secretary Cheryl Crisp. On behalf of the SEP, Crisp formally challenged the AEC’s refusal to register the SEP, which was only notified to the SEP on February 17—nearly five months after the SEP submitted its application on September 23.

In what can only be described as a catch-22 communication, Reid said the AEC had not rejected the SEP’s registration. She said the AEC had instead given the SEP an option to vary and re-submit its application. This is despite Reid’s February 17, 2025 correspondence stating: “My decision is based on my opinion that the Party’s membership list does not meet the requirements set out in ss 123(1)

and 126(2)(ca) of the Electoral Act.”

The first catch is that under the Commonwealth Electoral Act, such a re-submission is treated, under section 131(4) of the Act, “as if it were a new application,” which Reid did not mention in her letter.

That could mean another lengthy process, like the murky five-month one that the AEC took to ban the SEP’s name from the ballots in the first place.

The AEC’s official *Guide for registering a party* indicates a four-month application decision-making process. As the SEP’s experience shows, even that guide is meaningless, as far as the AEC is concerned.

Once Prime Minister Anthony Albanese sets a date for the election, which must be held by May 17, and the writs are then issued for the election, all party registration applications are frozen. The latest possible date for Albanese to trigger the issuing of the writs is April 14.

That means, as the AEC knows, it would be impossible for the SEP to complete any re-submitted registration process before the freeze comes into effect.

The second catch is that, as Reid emphasised, the Electoral Act contains no right to review a decision by the AEC to issue a notice, made under section 131 of the Act, to block a registration and ask for it to be varied. “Importantly, there is no mechanism under the Act to review a decision made to issue a party with a notice under s 131 of the Act,” Reid wrote.

Once such a “variation” notice has been issued, the party’s registration application is also frozen.

This is truly what has become widely known as a “catch-22 situation”: a dilemma from which there is no escape because of mutually conflicting conditions.

(Set in World War II, *Catch-22* is a satirical anti-war novel by Joseph Heller in which a US military pilot requesting mental evaluation for insanity—hoping to be found not sane enough to fly and thereby escape dangerous missions—demonstrates his own sanity in creating the request and thus cannot be declared insane.)

In effect, the issuing of a section 131 notice is a means of delaying any appeal against an AEC decision to refuse to register a party. It adds yet another obstacle to parties seeking to challenge the political establishment.

Rising political disaffection

The AEC’s decision is a continuation of escalating moves by the

political establishment and its agencies to suppress mounting economic, social and political disaffection and shore up the main post-World War II parties of capitalist rule: Labor and the Coalition, as well as the Greens, who have become a pivotal part of this establishment over the past two decades.

The SEP and numbers of other parties were deregistered after Labor and the Coalition joined hands to pass legislation in August 2021 that suddenly tripled the already reactionary membership list requirement from 500 to 1,500. The reactionary measures resulted in the deregistration of almost half the existing non-parliamentary parties. That was just before the May 2022 election, amid COVID-19 lockdowns that necessarily restricted public campaigning.

Parties with existing parliamentary representation, generally those with the greatest resources, such as Labor, the Liberal-Nationals and the Greens, are exempt from this time-consuming and politically invasive registration process.

The AEC's February 17 refusal of the SEP's registration followed an obscure and inexplicably delayed process. The AEC said it culled three members from our submitted list of 1,546 members for supposedly also being members of other parties. Then it claimed that, of a statistically tiny sample of just 33 of the SEP's membership, four denied being members, and that therefore we failed the membership test.

To test the veracity of the AEC's assertions, Crisp's February 24 letter to the AEC made a series of demands "as part of our request for an immediate reversal of the decision." These included being given the names of the three supposed "cross-party duplicates" and four membership "deniers."

Crisp also asked for an explanation of why the SEP was not given the option to waive the right to rely on cross-party duplicates, despite other registered parties being granted this right. She said the SEP also required "the statistical methodology used by the AEC to test the validity of the SEP membership and what assumptions are used for the testing." Crisp noted that there were "serious questions about the validity and reliability of the statistical method used."

In response, Reid's March 11 letter dismissed each of these demands, and also defended the lengthy delay in processing the SEP's application.

Under the false guise of abiding by privacy laws, Reid repeated the AEC's previous refusal to inform the SEP of the names of the individuals axed from the membership list. That "privacy" assertion denies the reality that our members all gave their details to us in the first place, in order to be submitted to the AEC.

Reid refused to supply any details of the AEC's statistical methodology, while claiming that it had been explained in a 2022 response to a Freedom of Information Act application by another rejected party. In fact, that 2022 response did not disclose the methodology.

Finally, Reid further asserted that the Electoral Act forbids the AEC from providing parties with an option of not relying on any "cross-party duplicates," even though that option has been given to at least one other party, named HEART.

refusal to register the SEP stands in stark contrast to the AEC's willingness to permit mining billionaire Clive Palmer to take over a virtually unknown, re-badged officially registered party called Trumpet of Patriots (ToP), in a blatant move to seek to re-align the political system to match Trump's vicious agenda.

Palmer is now bombarding the population with a \$90 million "Make Australia Great Again" election barrage, spewing Trump-like slogans and misinformation.

This contrast makes clear the real purpose of the anti-democratic party registration scheme. It is to do everything possible to keep socialist parties, in particular the SEP, off the ballot papers, while giving free rein to billionaires and far-right formations.

This is under conditions of a historic crisis of the two-party system and the political establishment as a whole, with media polls showing deep discontent with both the Albanese Labor government and the Coalition, producing the likelihood of a highly unstable minority government. As the SEP's February 28 statement explained:

The corporate media has expressed alarm about this "nightmare scenario." It would produce a fragile Labor or Coalition government depending for survival on the parliamentary votes of the Greens and/or various independents in the face of intensifying political discontent and the global turmoil triggered by the fascistic Trump administration in the United States.

The political disaffection, which has been building up for decades, has been deepened by the cost-of-living and housing affordability crisis, producing the greatest cut in working-class living conditions since the 1950s. That has been combined with hostility to the bipartisan support for the US-backed Israeli genocide in Palestine and for US militarism more broadly, including the massive spending on AUKUS submarines and other preparations for war against China.

Despite the AEC ruling, the SEP will intervene boldly in the 2025 federal election to provide workers and young people with a real socialist and internationalist perspective, against the disastrous program of militarism, austerity and authoritarianism supported by every other party.

We urge all our electoral members and supporters to participate actively in this crucial campaign, including by sending letters of protest and support to the SEP at sep@sep.org.au, and by joining our public meeting this Wednesday evening to discuss how to take forward this fight.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact

A revealing contrast

As the SEP pointed out in a February 28 statement, the AEC's