

NOTICE

SECTIONS 62L(5) AND 217 ELECTORAL ACT 1907 (WA)

Decision

In accordance with sections 62L(5), 217(3) and 217(4) of the *Electoral Act 1907 (WA)* (**Electoral Act**) on 20 February 2020 I decided to cancel the registration of the Small Business Party (**the Party**).

Background

Section 217(1) of the Electoral Act provides that an existing party may, in the period of 12 months beginning on the commencement day, make an application for continued registration. The "commencement day" is the day on which the *Constitutional and Electoral Legislation Amendment (Electoral Equality) Act 2021* section 90 comes into operation, that being 25 November 2021.

Section 217(3) requires me to cancel the registration of an existing party if it does not make an application for continued registration by the end of the day on 24 November 2022.

The Party did not make an application for continued registration by the end of the day on 24 November 2022.

On 28 November 2022 I wrote to you as required by sections 62L(3)(a) and 217(4) of the Electoral Act to give you notice of my proposal to cancel the registration of the Party.

As required by sections 62L(3)(b) and 217(4) of the Electoral Act, notices of the proposed cancellation of the Party were published in the Government Gazette on 27 January 2023 and in the West Australian newspaper on 28 January 2023.

On 9 February 2023 I received three (3) emails from third parties who object to the proposed cancellation (**Objections**).

Pursuant to sections 62L(4) and 217(4) of the Electoral Act I am required to consider any objection made before taking any further action in relation to the cancellation.

Cancelling the Party's Registration

I have considered the Objections, and in particular, I have considered the proposal made by one (1) objector that the Party is provided with an extension of time within which to apply for continued registration, and the proposal made by two (2) objectors that no action is taken and the Party remains on the register, and the strong recommendation that the Party remains on the register.

However, having regard to section 217(3)(a) of the Electoral Act, I do not have discretion to act as proposed by the Objections.

I have therefore decided to cancel the registration of the Party.

Right of Review

You may have the right to seek review of this decision under sections 62N and 217(4) of the Electoral Act. Any application for review must:

- (a) be in writing;
- (b) be made to the Supreme Court of Western Australia;
- (c) be made within one month after my decision comes to your notice;
- (d) set out the grounds on which review is sought.



Robert Kennedy
ELECTORAL COMMISSIONER

20 February 2023