

AEC reference: LEX3100

[REDACTED]

Dear [REDACTED]

Review of decision under section 141(4) of the *Commonwealth Electoral Act 1918* – notice of decision under section 141(7)

1. The Australian Electoral Commission (“the Commission”) refers to your written application, which was received by the Commission on 7 April 2022, for review of the delegate’s decision to deregister the Health Australia Party (“the Party”) under section 137(6) of the *Commonwealth Electoral Act 1918* (“Electoral Act”).
2. The Commission notes that, due to the operation of section 138A of the Electoral Act, no action could lawfully be undertaken regarding your review application from 11 April 2022 when the writs were issued for the 2022 federal election until the writs were returned on 23 June 2022. Further, due to s 138A of the Electoral Act and certain by-elections, no action could be taken from 27 February 2023 to 21 April 2023 and from 12 June 2023 to 31 July 2023.
3. Your application for review was made under section 141(2) of the Electoral Act. In conformity with section 141(7) of the Electoral Act, this letter is to notify you as the review applicant that the Commission has reviewed the delegate’s decision and **affirmed** the decision under review.

Notice of decision – section 141(7)

4. The Commission has reviewed the delegate’s decision of 5 April 2022 to deregister the Party.
5. The Commission has **affirmed** the decision under review pursuant to section 141(4)(a) of the Electoral Act.

Section 141 of the Electoral Act

6. Section 141(2) of the Electoral Act provides that an application to the Commission for review of a reviewable decision is to be made ‘within the period of 28 days after the day on which the decision first comes to the notice of the person, or within such further period as the Commission (either before or after the expiration of that period) allows’.

7. Your application was received by the Commission in the statutorily prescribed time and form.

Reasons for making this decision

8. In making this decision, the Commission has had regard to:

- (a) your application for review dated 7 April 2022 and related correspondence between you and the Commission Secretariat;
- (b) the delegate's decision under section 137(6)(a) of the Electoral Act to deregister the Party, with the notice of the deregistration and reasons under section 137(6)(b) of the Electoral Act dated 5 April 2022 ("reasons for decision");
- (c) the material before the delegate, including correspondence between the Party and the Commission;
- (d) the notice under section 138A of the Electoral Act (under cover of email dated 8 October 2021) requiring the Party to provide specified information on the Party's eligibility to remain registered by 8 December 2021, being a current membership list for the Party of at least 1,500 members and no more than 1,650 members in a spreadsheet;
- (e) the Party's membership list provided under cover of an email dated 29 November 2021 ("November 2021 list");
- (f) the notice of intention to deregister under section 137(1)(b) of the Electoral Act dated 18 January 2022;
- (g) the Party's statement under section 137(2) of the Electoral Act dated 11 February 2022;
- (h) the Party's alphabetical membership list provided under cover of email dated 11 February 2022 ("February 2022 list");
- (i) the Party's membership list containing 3,582 names provided under cover of email dated 29 June 2022 ("June 2022 list");
- (j) the methodology for testing membership lists as outlined in the AEC's Party Registration Guide ("the Guide") and published on its website from time to time ("Methodology");
- (k) the results of the testing of the November 2021 list and February 2022 list in accordance with the methodology then in place, and the re-testing of the February 2022 list in accordance with the subsequently revised Methodology.

9. In support of your application for review under section 141 of the Electoral Act, you submitted that:

- (a) *The method used by the AEC to determine our eligibility is not legislated, and we have been advised would not withstand a legal challenge. We have been advised that the direction to submit a list of only 1,650 members is not legislated. We believe that we should have been allowed to submit our full member list of around 3,000 members and allow either the AEC to demonstrate that we did not have 1,500 members or, conversely allow that list to demonstrate we did have more than 1,500 members.*
- (b) *We understand that the 36 members you identified as supporting the registration of another Party were not contacted to inquire if they wished to be considered as members of the HAP, or the other Party, meaning that some probably should have been included in our audit.*
- (c) *Unfairness: The AEC denied our request, as a nationally registered Party, to access the ELIAS database for every State and Territory to allow us to confirm that members were correctly enrolled on the electoral rolls. We were only given access to the Victorian database. This materially restricted our ability to correct our national roll (which we had, prior to the second submission, reduced from around 4,000 members to around 3,000 members). That would have meant that the 5 deceased members and the 16 members not able to be matched to the electoral roll would not have been included in our list, and we would have had the opportunity to supply you with a more accurate list.*

10. In the Party's statement under section 137(2) of the Electoral Act dated 11 February 2022, you:

- (a) submitted that the Party does have a current membership of more than 1,500 members;
- (b) observed that the Party had "achieved state registration in Victoria and Western Australia who both require that at least 500 members reply positively to a written letter of inquiry";
- (c) submitted that the Party was a "viable and growing party" with a membership list of more than 3,500 names;
- (d) submitted that the Party "very nearly passed the [AEC's testing methodology]. With fewer being claimed by other parties; with fewer found not to be on the roll (had we been given a national ELIAS rather than just the Victorian we could have eliminated them); and with just one or two fewer denials we would have passed";
- (e) stated that you had "revised [y]our list of 1,650 to be submitted to the AEC and improved it to the point that 1,483 have indicated, either directly, or by being one of those who replied to the Victorian and Western Australian vetting procedure, that they are willing to say yes to any inquiry from the AEC. The remaining 167 have all joined in the last 15 months and are all on the roll. We also managed to delete more than 100 from the original list who had belatedly resigned or who indicated that they had also joined another party. As such we now have a much more robust list which we are confident would pass your testing procedure";

- (f) requested that the AEC not proceed to deregister the Party; and
- (g) failing that, supplied a further list (the February 2022 list) and requested that the testing methodology be applied to that list.

Methodology

11. The Commission noted that the Electoral Act does not prescribe a method for ascertaining whether a political party satisfies the numerical membership requirement of the Electoral Act by having at least 1,500 members. The Commission followed the Methodology outlined in the Guide for determining whether a non-Parliamentary party satisfies this membership requirement. The Commission noted that the Methodology was the same as the sampling methodology recommended by the Australian Bureau of Statistics (“ABS”).
12. Up until mid-2023, the Methodology required:
 - (a) the provision of a membership list of between 1,500 and 1,650 names for membership testing;
 - (b) the removal from that list of:
 - i. names that cannot be matched, either via an automated process or manually, to a Roll kept under the Electoral Act (collectively the Commonwealth Electoral Roll);
 - ii. names relied on by another party for the purpose of registration or continued registration;
 - iii. duplicate names.
 - (c) the list of the remaining names (“the examined list”) is assessed to determine whether there are reasonable grounds for the Commission to be satisfied that the party does not have “at least 1,500 members”;
 - (d) if the examined list contains between 1,500 and 1,650 names, that list is randomised using an Excel function, the size of the random sample being determined by the number of names on the examined list in conformity with advice received from the ABS: see Appendix 2 of the Guide for a shortened version of the sample size table;
 - (e) the people named in the random sample are contacted first by email and, if no response is received after 24-48 hours, then by phone. Contact is attempted on three separate occasions. If the person named remains uncontactable after the third attempt, the person is deemed a “non-response” (not a denial). Then the next person on the list is sought to be contacted. The process continues until a response is obtained from the requisite number of people according to the ABS advice.

13. Having regard to Party’s submission at [43] below, in mid-2023 the Commission amended the Methodology to address the situation where a party supplies a membership list containing names of persons who also appear on the membership lists of other non-Parliamentary registered political parties (“cross-party duplicate members”). The Commission determined that those names would no longer be removed as a matter of course from a party’s membership list for the purpose of testing (see step 12(b)(ii) above). Instead, the Commission decided that it would contact each of the cross-party duplicate members to ask those members to nominate, within 30 days, which party could rely upon them as a member for the purposes of party registration (“cross-party duplicate testing”). Only the names of members who nominate the party for registration purposes remain within the membership list for further testing.

Testing of Membership Lists

14. In support of the Party’s registration as a non-Parliamentary party, you provided two membership lists.

The November 2021 list

15. On 8 October 2021, the delegate wrote to the Party’s then registered officer, requesting a membership list of between 1,500 and 1,650 names. The Party provided the November 2021 list on 29 November 2021. This list contained 1,650 names of people that the Party considered to be members. In conformity with the Methodology that applied at the time, an officer of the Commission cross-checked the list with the Electoral Roll to ensure that each listed person was “an elector” as required by the definition of “a member of a political party” in section 123(3) of the Electoral Act.

16. As summarised in the following table, an officer of the Commission identified 12 names that were not able to be matched to any individual on the Electoral Roll, and 5 names matched to deceased electors whose names had been removed from the Electoral Roll. No duplicate names were identified. An officer of the Commission identified 45 individuals in the list who had previously been relied on for the registration of another political party. That officer was of the opinion that, for this reason, these individuals were unable to be relied on by the Party for the purpose of registration: see section 123A(1) of the Electoral Act.

17. For a list of 1,588 names, ABS advice was that there can be statistical confidence that the party has at least 1,500 members where a random sample of 46 individuals confirm that they are members of the Party, with a maximum of five denials permitted. As set out below, 39 individuals confirmed membership of the Party, with 7 denials.

| | |
|---|--------------|
| Submitted membership list | 1,650 |
| Automatically matched to the electoral roll | 1,452 |
| Manually matched to the electoral roll | 181 |
| Unable to match or not enrolled on the electoral roll | (12) |
| Deceased | (5) |
| Total | 1,633 |
| | |
| Total matched to the electoral roll | 1,633 |

| | |
|---|--------------|
| Duplicates identified in the membership list provided by the Party | 0 |
| Members identified as also supporting the registration of another party | (45) |
| Total | 1,588 |
| The relevant numbers for this membership test were: | |
| The random sample size | 46 |
| Maximum number of denials permitted | 5 |
| Contact attempts made* | 68 |
| Responses received | |
| Confirmed Membership | 39 |
| Denied Membership | 7 |
| PASS/FAIL | FAIL |

*as some members were uncontactable, or provided a neutral response

18. On the basis of these results, the delegate was satisfied that there were reasonable grounds for concluding that the Party did not have at least 1,500 members and, on 18 January 2022, issued a notice under section 137(1)(b) of the Electoral Act (“s 137(1)(b) notice”), stating that the Commission was considering deregistering the Party under section 137 of the Electoral Act and providing the Party with an opportunity to provide a statement under section 137(2) as to why the Party should not be deregistered (“s 137(2) statement”).

The February 2022 list

19. On 11 February 2022, the Commission received the Party’s s 137(2) statement and two copies of a new membership list. The second copy provided by the Party was sorted alphabetically and, in accordance with the Party’s request, the Commission examined this list.
20. The 11 February 2022 list contained 1,650 names of people that the Party considered to be members. In conformity with the Methodology that applied at the time, an officer of the Commission cross-checked the list with the Electoral Roll to ensure that each listed person was “an elector” as required by the definition of “a member of a political party” in section 123(3) of the Electoral Act. As summarised in the following table, an officer of the Commission identified 16 names that were not able to be matched to any individual on the Electoral Roll, and five names matched to deceased electors whose names had been removed from the Electoral Roll. Two duplicate names were also identified. An officer of the Commission identified 36 individuals in the list who had previously been relied on for the registration of another political party and was of the opinion that, for this reason, these individuals were unable to be relied on by the Party for the purpose of registration under the Methodology: see section 123A(1) of the Electoral Act.

| | |
|---|--------------|
| Submitted membership list | 1,650 |
| Automatically matched to the electoral roll | 1,435 |
| Manually matched to the electoral roll | 194 |
| Unable to match or not enrolled on the electoral roll | (16) |
| Deceased | (5) |
| Total | 1,629 |

| | |
|---|--------------|
| Total matched to the electoral roll | 1,629 |
| Members under 18-year-old | (0) |
| Duplicates identified in the membership list provided by the Party | (2) |
| Members identified as also supporting the registration of another party | (36) |
| Total | 1,591 |

21. For a list of 1,591 names, ABS advice was that there can be statistical confidence that the party has at least 1,500 members where a random sample of 46 individuals confirm that they are members of the Party, with a maximum of five denials permitted. As set out below, 39 individuals confirmed membership of the Party, with 7 denials.

| The relevant numbers for this membership test were: | Members |
|--|----------------|
| The random sample size | 46 |
| Maximum number of denials permitted | 5 |
| Contact attempts made* | 78 |
| Responses received | |
| Confirmed Membership | 39 |
| Denied Membership | 7 |
| PASS/FAIL | FAIL |

*as some members were uncontactable, or provided a neutral response

Testing of Membership Lists following the decision to amend the Methodology

22. On 8 June 2023, the Commission invited the Party to provide an updated membership list and on 28 June 2023, the Party declined to do so.
23. On 1 August 2023, the Commission advised the Party that the Commission would re-test the February 2022 list in accordance with the amended Methodology: see [13] above.
24. The 11 February 2022 list contained 1,650 names of people that the Party considered to be members. An officer of the Commission cross-checked the list with the Electoral Roll to ensure that each listed person was “an elector” as required by the definition of “a member of a political party” in section 123(3) of the Electoral Act. As summarised in the following table, an officer of the Commission identified 17 names that were not able to be matched to any individual on the Electoral Roll, and 19 names matched to deceased electors whose names had been removed from the Electoral Roll. One duplicate name was also identified. An officer of the Commission identified 81 individuals in the list who had previously been relied on for the registration of another political party.

| | |
|---|--------------|
| Submitted membership list | 1,650 |
| Automatically matched to the electoral roll | 1,424 |
| Manually matched to the electoral roll | 190 |
| Unable to match or not enrolled on the electoral roll | (17) |

| | |
|---|--------------|
| Deceased | (19) |
| Total | 1,614 |
| Total matched to the electoral roll | 1,614 |
| Under 18-year-old members | (0) |
| Duplicates identified in the membership list provided by the Party | (1) |
| Members identified as also supporting the registration of another party | (81) |
| Total | 1,532 |

25. In accordance with the amended Methodology, an officer of the Commission undertook cross-party duplicate testing. As summarised in the following table, 10 individuals nominated their support for the Party, 24 individuals nominated support for another party and two individuals did not support any party. Forty-five individuals did not respond.

| | |
|--------------------------------------|--------------|
| Cross-party duplicate testing | 81 |
| Supports applicant party | 10 |
| Supports another party | 24 |
| Supports neither party | 2 |
| Did not respond | 45 |
| Total unique members | 1,542 |

26. For a list of 1,542 names, the ABS advice is that there can be statistical confidence that the party has at least 1,500 members where a random sample of 33 individuals confirm that they are members of the Party, with a maximum of two denials permitted. As set out below, 27 individuals confirmed membership of the Party, with 6 denials.

| | |
|---|--------------|
| The relevant numbers for this membership test were | 1,542 |
| Required contacts | 33 |
| Maximum number of denials permitted | 2 |
| Contact attempts made | 63 |
| Responses received | |
| Confirmed Membership | 27 |
| Denied Membership | 6 |
| PASS/FAIL | FAIL |

Principal issue for determination on review

27. The Electoral Act relevantly defines an eligible political party as a political party that is either a Parliamentary party or a party having “at least 1,500 members”. Consistent with this definition, in the circumstances set out above, the Commission is required by section 137(6) of the Electoral Act to deregister a party if it is satisfied on reasonable grounds that the party does not have at least 1,500 members, provided that the Commission has given the party notice under section 137(1) of the Electoral Act; and having considered any statement lodged by the

party under section 137(2) in response to that notice, has determined that the party should be deregistered for the reason set out in that notice.

28. Under cover of a letter dated 5 April 2022, a delegate of the Commission gave notice under section 137(1) of the Electoral Act that the Commission was considering deregistering the Party on the basis that the delegate was satisfied on reasonable grounds that the Party did not have at least 1,500 members (“s 137 notice”). This was because, upon contacting a random sample of 46 individuals from the November 2021 list, 7 of the people contacted by the Commission denied being members of the Party. The s 137(1) notice invited the Party to respond with a statement setting out the reasons why the Party should not be deregistered. On 11 February 2022, you submitted such a statement and the February 2022 list. As already indicated, the Commission contacted a random sample of 46 individuals from the February 2022 list, and 7 of the people contacted by the Commission denied being members of the Party. Having considered this result in light of ABS advice and the Party’s s 137(2) statement, the delegate decided that the Party should be deregistered for the reason set out in the s 137(1) notice: that is, on 5 April 2022 the delegate decided to deregister the Party on the basis that she was satisfied on reasonable grounds that the Party, not being a Parliamentary party, did not have at least 1,500 members. The Party was in consequence deregistered under s 137(6) of the Electoral Act.
29. In reviewing the delegate’s decision to deregister the Party, the Commission is required to consider the s 137(1) notice (together with all the other relevant material before it) in order to determine whether the Party should be deregistered for the reason set out in the s 137(1) notice. That is, the Commission on review is required to consider whether it is satisfied on reasonable grounds that the Party, not being a Parliamentary party, does not have at least 1,500 members.
30. With respect to this question, the Commission notes that the November 2021 and February 2022 lists were tested in accordance with the Methodology applicable at the time. The February 2022 list was also subsequently tested in accordance with the Methodology as amended by the Commission in 2023: see [22]-[23] above and [34] below. As indicated above, ABS advice was that, in each case, the results did not support the conclusion that the Party has at least 1,500 members on the Electoral Roll, who were also electors within the meaning of the Electoral Act.

Further material in support of your application for review

31. On 8 April 2022, the Commission Secretariat sent an email to you inviting you to provide further material in support of your application for review, including “a list of members that meets the requirements of the Electoral Act”. You responded by email the same day, stating you “would be very happy to provide the Commission with our full membership list” and requesting “full access to ELIAS to allow us to present you with the most appropriate and up to date list”.
32. As already noted, your application for review could not lawfully be progressed between 11 April 2022 and 23 June 2022. On 24 June 2022, the Commission Secretariat sent you an email advising of the return of the writs for the 2022 federal election and inviting you to provide a revised membership list of between 1,500 and 1,650 members in accordance with

the Guide. The email advised that “[a]ny membership list provided by the party must adhere to the guidelines outlined in the [Guide]; [t]he party needs to lodge a membership list of between 1,500 and 1,650 members ...”

33. On 29 June 2022, you provided a list of 3,582 names on the Party’s membership list (“full membership list”), contrary to the Commission’s advice and the requirements of the Guide. On 1 July 2022, in response to an email of the same date from the Commission Secretariat advising that a membership list that did not conform to the Guide would not be processed, you stated that you understood that the full membership list would “not be processed by the AEC, and I have not asked that it be processed”. You added: “however, I submit that list to just provide evidence that my claim that we have a membership list of 3,582 was a factual statement”. You added that although the full membership list would contain the names of persons on whom the party could not rely for the purposes of membership testing, even if half the names from the list were removed, there would remain over 1,500 members on the list.
34. On 8 June 2023, the Commission Secretariat sent you an email again inviting you to provide an up-to-date membership list of between 1,500 and 1,650 members for testing to support your application. On 28 June 2023, you declined to do so. On 1 August 2023, the Commission Secretariat advised you by email that the Commission would re-test the Party’s February 2022 membership list. As already stated, this was done in accordance with the Methodology as amended.

Commission’s response to your further material and submissions

35. The Commission does not accept your argument that it should be satisfied that the Party has at least 1,500 members simply because you have provided a list of 3,582 names of people whom the Party considers to be members. The Commission accepts that the Electoral Act does not prescribe any particular method for determining whether a political party satisfies the numerical requirements of the Electoral Act. The Commission considers that it employs an appropriately rigorous sampling methodology, endorsed by the ABS, to determine whether a party has at least 1,500 members. Relevantly, if this sampling methodology is followed, the probability of rejecting a valid list is 6% or below. The Commission is therefore satisfied that this sampling methodology is appropriate for the purpose of membership testing, including because it is rational, practical and fair in all the circumstances.
36. Given that the Commission has explained and made known its use of the sampling methodology to determine whether there are reasonable grounds to be satisfied that a non-parliamentary party has the requisite number of eligible members, the Commission expects that such parties will, in full knowledge of the Commission’s membership testing procedures, provide high-quality lists containing the relevant numbers of names of members the party believes will both meet the requirements of the Electoral Act and confirm membership of the party when asked by the Commission. The Commission was unable to test the full membership list because that list did not conform to the requirement that it contain between 1,500 and 1,650 names.

Failure to provide national Electoral Roll data to the Party

37. In your application for review, you submitted that in circumstances where the Commission did not provide the Party with access to national Electoral Roll data, the Party was prevented from providing the Commission with a more accurate list, excluding deceased electors and electors not on the Electoral Roll.
38. The Commission responds that it supplied the Party with all the data to which the Party was entitled under the Electoral Act.
39. On 27 October 2021, under section 90B of the Electoral Act, the Party submitted a request as a registered political party for the supply of elector enrolment data. The effect of item 6 of the table in section 90B(1) is that the Commission must provide a copy of a Roll to a non-Parliamentary registered political party on request by the Party and on payment of any fee under section 90B(9). The Party was not required to pay a fee under section 90B(9).
40. On 1 November 2022, the Commission advised the Party that its request had been completed. Acting under section 90B(3) of the Electoral Act, the Commission provided the Party with information in relation to Victoria. This is because section 90B(3) only required the Commission to provide the Party with information relating to persons enrolled in a State or Territory in which a branch or division of the party is organised. At the time of its request, the Party did not have any registered or unregistered State branches (“recognised branches”) (as to which, see Electoral Act, section 287(1)). This is consistent with information provided to parties in the Guide and on the Commission’s website to the effect that if a party does not have recognised branches, the Commission considers the party to be organised in the same state or territory of the address of the party’s registered officer recorded on the Register. In this case, the Party’s registered officer had an address in Victoria. Accordingly, in conformity with section 90B(3) and the information provided in the Guide and its website, the Commission provided the Party with the relevant data for Victoria.
41. On 8 April 2022, you made a further request for access to national Electoral Roll data. Following the delegate’s decision of 5 April 2022, however, the Party was deregistered and thus ceased to be a registered political party within the meaning of section 4 of the Electoral Act. At this point, neither you nor the Party had any entitlement to access the Roll, as the Commission Secretariat advised you on 11 April 2022.
42. As noted above, the critical issue falling for the Commission’s determination on this review is whether is satisfied on reasonable grounds that the Party does not have at least 1,500 members. The issue of access to the Electoral Roll is not directly relevant in this connection.

Failure to contact individuals who are members of multiple parties

43. In your application for review, you submitted that the Commission should have contacted the 36 members who were identified as supporting the registration of another party when testing the February 2022 list.
44. The Commission notes the terms of section 123A of the Electoral Act, which are as follows:

123A Determining whether a non-Parliamentary party has at least 1,500 members

- (1) *In determining for the purposes of this Part whether a political party that is not a Parliamentary party has at least 1,500 members, the same member may not be relied on by more than one party.*
- (2) *If an individual is a member of more than one political party that is not a Parliamentary party, then, for the purposes of subsection (1):*
 - (a) *only the party nominated by the member may rely on the individual as a member; and*
 - (b) *no party may rely on the individual as a member if, after the Electoral Commission has given the individual at least 30 days to do so, the individual has not nominated a party.*

45. As already stated, the Commission considered your submission concerning the application of s 123A and, in consequence, amended the Methodology so that cross-party duplicate members are contacted and asked to nominate which party can rely on them as a member for the purposes of party registration. The Commission subsequently invited you to submit an up-to-date list because it held concerns about the previous testing. When you did not do so, the Commission tested the February 2022 list in accordance with its amended Methodology in order to determine whether that list contained the names of 1,500 members on the Electoral Roll.
46. As set out at [24]-[26] above, the Commission removed from the February 2022 list the names of persons who were deceased, not enrolled to vote or could not be found on the Electoral Roll, as well as duplicate names and the names of cross-party duplicate members who, when contacted, indicated that the Party could not rely on them for the purposes of party registration. Pursuant to ABS advice, the Commission then tested the remaining list of 1,542 names using a sample of 33 people, with a maximum of 2 denials permitted. The testing of the February 2022 list returned 6 denials. In consequence, the Commission considers that the February 2022 list, as tested according to the amended Methodology, does not provide reasonable grounds to conclude that the Party has at least 1,500 members on the Electoral Roll.
47. The Commission further notes that it has received ABS advice as to whether it can, in determining your application for review, have regard to the results of the testing of the November 2021 list and the February 2022 list conducted prior to amendment of the Methodology. The ABS advised the Commission that even under the most favourable assumption for the Party (that all cross-party duplicate members identified under the previous testing would, if asked, have indicated that the Party could rely on them for registration purposes) the testing results do not support the proposition that those lists contained the names of 1,500 members. The Commission can therefore be confident that if the previous testing had been conducted in accordance with the amended Methodology, there would have been no materially different outcome.
48. On this basis, Commission is satisfied that the Party does not have at least 1,500 members.
49. Accordingly, the Commission affirms the delegate's decision to deregister the Party under s 137(6) of the Electoral Act on the basis that it is satisfied on reasonable grounds that the Party does not have at least 1,500 members.

Statement of review rights

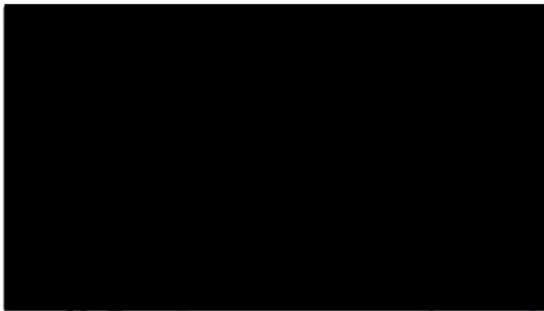
50. A statement of review rights in respect of this decision is enclosed.

Yours sincerely,



The Hon Justice Susan Kenny AM
Chairperson

14/12/ 2023



Mr Tom Rogers
Electoral Commissioner

14/12/ 2023



Dr David Gruen AO
Australian Statistician
(non-judicial member)

14/12/ 2023

Your review rights

Under s 141(5) of the Electoral Act, a person (including an organisation) affected by the Commission's decision who is dissatisfied with the decision may make an application to the Administrative Appeals Tribunal ('the AAT') for review of the decision.

How is an application made to the AAT for a review of a Commission decision?

In accordance with s 29 of the *Administrative Appeals Tribunal Act 1975*, the application must:

- (a) be made in writing;
- (b) be accompanied by any prescribed fee;
- (c) contain a statement of reasons for the application; and
- (d) be made within the prescribed time.

The application should also:

- (a) specify the name of the applicant; and
- (b) include an address at which documents in relation to the AAT proceedings may be given.

More information on how to apply to the AAT can be found on the AAT website:

<https://www.aat.gov.au/apply-for-a-review>.

Prescribed fee

The AAT's standard application fee is listed on its website. In certain circumstances, an applicant may be entitled to pay a reduced fee.

If an applicant pays the standard application fee and the AAT review is resolved in the applicant's favour, the AAT will refund the difference between the standard application fee and the reduced fee. There is no refund if the applicant paid the reduced fee.

Further information about fees is available on the AAT website: <https://www.aat.gov.au/apply-for-a-review/other-decisions/fees>.

Prescribed time

You may apply to the AAT for review of the Commission's decision during the period commencing on the day on which the Commission's decision was made and ending on the twenty-eighth day after this letter was given to you.

The AAT may extend the time for making an application to the AAT for a review of a decision, if an application for extension is made in writing to the AAT and the AAT is satisfied that it is reasonable in all the circumstances to do so.

Further information about time limits is available on the AAT website:
<https://www.aat.gov.au/apply-for-a-review/other-decisions/time-limits>.

Conduct of a review by the AAT

The AAT can exercise the same powers and discretions as the Commission to make a decision on an application to register a party in the Register afresh and make a decision to either:

- affirm the decision under review;
- vary the decision under review; or
- set aside the decision under review and:
 - make a decision in substitution for the decision set aside; or
 - remit the matter for reconsideration in accordance with any directions or recommendations of the AAT.

Further information about the review process can be found on the AAT website:
<https://www.aat.gov.au/steps-in-a-review/other-decisions>.

Freedom of Information

Under the *Freedom of Information Act 1982* ('the FOI Act'), any person has the right to request access to documents held by the Commission.

For more information about access to documents under the FOI Act, please visit the Commission's "Access to AEC information" webpage at: www.aec.gov.au/information-access/index.htm.

Should you have any further queries regarding the Commission's decision, please contact the Commission Secretariat by emailing commission.secretariat@aec.gov.au.