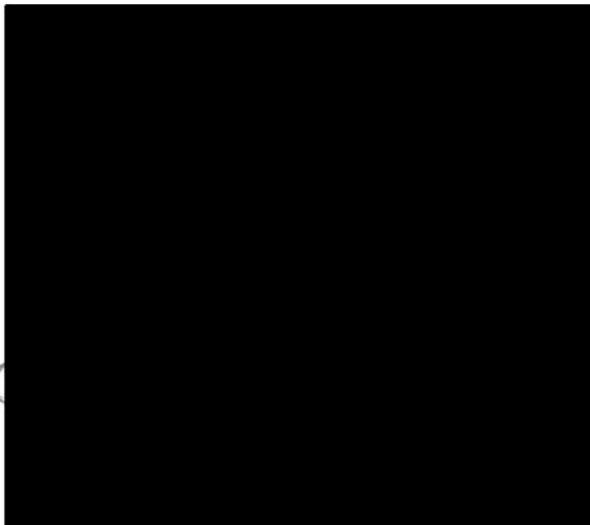


AEC reference: LEX1671



Dear 

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

1. The Australian Electoral Commission (“the Commission”) refers to the written application received by the Commission on 6 April 2022, for review of the delegate’s decision to deregister the Democratic Labour Party (“the Party”) under s 137(6) of the *Commonwealth Electoral Act 1918* (“Electoral Act”).
2. The Commission notes that, due to the operation of ss 127 and 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 ss 127 and 138A of the Electoral Act and certain by-elections, no action could be taken from 27 February 2023 to 21 April 2023, from 12 June 2023 to 31 July 2023 and from to 29 January 2024 to 22 April 2024.
3. The application for review was made under s 141(2) of the Electoral Act. This letter is to notify you that the Commission has reviewed the delegate’s decision and **affirmed** the decision under review.

Notice of decision – s 141(7)

4. The Commission has reviewed the delegate’s decision of 4 March 2022 to deregister the Party.

5. The Commission has **affirmed** the decision under review pursuant to s 141(4)(a) of the Electoral Act.

Section 141 of the Electoral Act

6. Section 141 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 on 6 April 2022, outside the 28-day period stipulated in s 141. On 31 March 2022 you requested an extension of time to lodge your application. The Commission decided to allow a further period up to the date of receipt of your application for you to make your application.

Reasons for making this decision

8. In making its decision, the Commission has had regard to:
- (a) your application for review dated 31 March 2022 (under cover of an email dated 6 April 2022) and related correspondence with the Commission Secretariat;
 - (b) the delegate's decision made under s 137(6)(a) of the Electoral Act to deregister the Party, with the notice of the deregistration and reasons under s 137(6)(b) of the Electoral Act dated 4 March 2022 ("reasons for decision");
 - (c) the material before the delegate, including correspondence between the Party and the Commission;
 - (d) the notice under s 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 by email on 8 December 2021 ("the December 2021 list");
 - (f) the notice of intention to deregister under s 137(1)(b) of the Electoral Act (under cover of email dated 27 January 2022);
 - (g) the Party's statement under s 137(2) of the Electoral Act dated 25 February 2022 (under cover of email dated 26 February 2022);
 - (h) the Party's membership list provided by email on 6 April 2022 ("the April 2022 list");
 - (i) the Party's membership list provided by email dated 23 September 2022 ("the September 2022 list");

- (j) the methodology for testing membership as outlined in the AEC's Party Registration Guide ("Guide") and published on its website from time to time ("Methodology");
- (k) the results of the testing of the membership lists mentioned above in accordance with the Methodology.

9. In support of your application for review under s 141, you made the following submissions:

- 1. *'That in not being advised that we were allowed to submit additional names as part of our statement on 26 February 2022 as other parties did, we were denied natural justice in the decision making process;*
- 2. *That in not responding to our request for permission to lodge a new list of names, as contained in both our email and statement of 26 February 2022, the DLP was denied the ability to demonstrate our eligibility to registration as was granted to numerous other parties;*
- 3. *That the means of statistical extrapolation by which the minimum membership is determined is neither "fair" nor "robust" but merely indicative and therefore does not comply with the AEC's legal obligations to definitively determine eligibility for registration under the Electoral Act;*
- 4. *That because the AEC failed to contact 1530 of the 1650 members we supplied, the AEC denied us a just and equitable assessment of our membership; and*
- 5. *That wording of the Delegate's written response suggests an apprehended bias against us and raises the possibility that we were not afforded an objective assessment.'*

Methodology

10. 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").

11. 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 ("cross-party duplicate members");
 - 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” (noting that if at this stage the examined list contains less than 1,500 names, the party is given an opportunity to provide a further membership list);
 - (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.
12. An elector cannot be relied upon by more than one political party for the purposes of party registration: see s 123A(1). In mid-2023, the Commission amended the Methodology with respect to “cross-party duplicate members” (as detailed in the Commission’s previous decision with respect to the “Health Australia Party” in December 2023). The Commission determined that the names of those “cross-party duplicate members” would no longer be removed as a matter of course from a party’s membership list for the purpose of testing. Instead, those members are asked to nominate, within at least 30 days, which party could rely upon them as a member for the purposes of party registration. Only the names of members who nominate the relevant party for registration purposes can remain within the membership list for further testing.
13. As explained below, the final list provided by the Party in September 2022 was re-tested in accordance with this updated Methodology.

Testing of Membership Lists

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

The December 2021 list

15. On 8 October 2021, the delegate wrote to you as the Party’s registered officer, requesting a membership list of between 1,500-1,650 names. The Party provided the December 2021 list on 8 December 2021. This 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 s 123(3) of the Electoral Act.

Submitted membership list	1650
Automatically matched to the electoral roll	1474
Manually matched to the electoral roll	118
Unable to be matched or not enrolled on the electoral roll	(37)
Deceased	(21)
Total	1592

16. As summarised in the above table, an officer of the Commission identified 37 names that were not able to be matched to any individual on the Electoral Roll, and 21 names matched to deceased electors whose names had been removed from the Electoral Roll.

17. An officer of the Commission identified three names as duplicates in the December 2021 list and 17 individuals in the list who had previously been relied on for the registration of another registered political party. The officer of the Commission 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 s 123A(1) of the Electoral Act.

Total matched to the electoral roll	1592
Duplicates identified in the membership list provided by the Party	(3)
Members identified as also supporting the registration of another party	(17)
Total	1572

18. For a list of 1,572 names, ABS advice was that there can be statistical confidence that the party has at least 1,500 members where a random sample of 42 individuals confirm that they are members of the Party, with a maximum of four denials permitted. The results were as follows.

The relevant numbers for this membership test were:	Members
The random sample size	42
Maximum number of denials permitted	4
Contact attempts made*	70
Responses received	
Confirmed Membership	28
Denied Membership	14
PASS/FAIL	FAIL

*as some members were uncontactable, or were unable to confirm or deny membership at the time of contact

19. 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 issued a notice under s 137(1)(b) of the Electoral Act, stating that the Commission was considering deregistering the Party under s 137 of the Electoral Act and providing the Party with an opportunity to provide a statement under s 137(2) as to why the Party should not be deregistered ("s 137(2) statement").

The April 2022 list

20. On 6 April 2022, you provided a second membership list that contained 1,646 names in support of your application for review of the delegate’s decision, which was received by the Commission on the same day. 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 s 123(3) of the Electoral Act.

Submitted membership list	1646
Automatically matched to the electoral roll	1444
Manually matched to the electoral roll	123
Unable to be matched or not enrolled on the electoral roll	(36)
Deceased	(43)
Total	1567

21. As summarised in the above table, an officer of the Commission identified 36 names that were not able to be matched to any individual on the Electoral Roll, and 43 names matched to deceased electors whose names had been removed from the Electoral Roll.

22. The officer of the Commission did not identify any duplicate names in the April 2022 list. The officer did, however, identify 11 individuals in the list who had previously been relied on for the registration of another registered 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: see s 123A(1) of the Electoral Act.

Total matched to the electoral roll	1567
Duplicates identified in the membership list provided by the Party	0
Members identified as also supporting the registration of another party	(11)
Total	1556

23. For a list of 1,556 names, ABS advice was that there can be statistical confidence that the Party has at least 1,500 members where a random sample of 38 individuals confirm that they are members of the Party, with a maximum of three denials permitted. The results were as follows.

The relevant numbers for this membership test were:	Members
The random sample size	38
Maximum number of denials permitted	3
Contact attempts made	59
Responses received	
Confirmed Membership	33
Denied Membership	5
PASS/FAIL	FAIL

24. The Commission notes that on 18 August 2022, an individual whom the Commission had unsuccessfully sought to contact telephoned the Commission and denied membership of the Party. The Commission further notes that the inclusion of this individual would not result in a different outcome because the response was a denial of membership.

The September 2022 list

25. By email sent on 23 September 2022, you provided a third membership list, which you described as “the membership list from 01/07/2022”, which “should have been sent with [your] earlier email” (that is, your email of 2 July 2022).
26. The September 2022 list contained 1,650 names, which an officer of the Commission cross-checked 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 s 123(3) of the Electoral Act.

Submitted membership list	1650
Automatically matched to the electoral roll	1447
Manually matched to the electoral roll	122
Unable to be matched or not enrolled on the electoral roll	(36)
Deceased	(45)
Total	1569

27. As summarised in the above table, an officer of the Commission identified 36 names that were not able to be matched to any individual on the Electoral Roll, and 45 names who were matched to deceased electors whose names had been removed from the Electoral Roll.
28. The officer of the Commission did not identify any duplicate names in the September 2022 list. The officer did, however, identify two individuals on the list who had previously been relied on for the registration of another registered 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: see s 123A(1).

Total matched to the electoral roll	1569
Duplicates identified in the membership list provided by the Party	0
Members identified as also supporting the registration of another party	(2)
Total	1567

29. For a list of 1,567 names, ABS advice was that there can be statistical confidence that the Party has at least 1,500 members where a random sample of 42 individuals confirm that they are members of the Party, with four denials permitted. The results were as follows.

The relevant numbers for this membership test were:	Members
The random sample size	42
Maximum number of denials permitted	4
Contact attempts made	61
Responses received	
Confirmed Membership	32
Denied Membership	10
PASS/FAIL	FAIL

Re-testing of the September 2022 list

30. As noted above at [12], in mid-2023 the Methodology for testing of party membership lists was amended with respect to “cross-party duplicate members”. By email dated 8 June 2023, the Party was invited to provide an updated list to be tested in accordance with the amended Methodology. The Party subsequently sought and was granted extensions of time to provide this list. No such list was received by the Commission, and in October 2023 the Federal Secretary for the Party confirmed that the Commission should proceed with re-testing by reference to the September 2022 list.

31. The September 2022 list contained 1,650 names, which an officer of the Commission cross-checked 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 s 123(3) of the Electoral Act.

Submitted membership list	1650
Automatically matched to the electoral roll	1404
Manually matched to the electoral roll	125
Unable to be matched or not enrolled on the electoral roll	38
Deceased	83
Total	1529

32. As summarised in the above table, an officer of the Commission identified 38 names that were not able to be matched to any individual on the Electoral Roll, and 83 names who were matched to deceased electors whose names had been removed from the Electoral Roll.

33. The officer of the Commission did not identify any duplicate names in the September 2022 list. The officer did, however, identify three individuals in the list who had previously been relied on for the registration of another registered political party. In accordance with the Methodology as amended in mid-2023, these three individuals were contacted and asked to nominate which party could rely on them as a member for the purposes of party registration. None of these three individuals nominated the Party as able to rely on their membership for the purposes of party registration.

Total matched to the electoral roll	1529
Duplicates identified in the membership list provided by the Party	0
Members identified as also supporting the registration of another party	3
Total	1526

34. For a list of 1,526 names, ABS advice was 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 two denials permitted. The results were as follows.

The relevant numbers for this membership test were:	Members
The random sample size	33
Maximum number of denials permitted	2
Contact attempts made	70

Responses received	
Confirmed Membership	21
Denied Membership	12
PASS/FAIL	FAIL

Principal issue for determination on review

35. 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”. Consistently with this definition, in the circumstances set out above, the Commission is required by s 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 s 137(1) of the Electoral Act; and having considered any statement lodged by the party under s 137(2) in response to that notice, has determined that the party should be deregistered for the reason set out in that notice.
36. Under cover of a letter dated 27 January 2022, a delegate of the Commission gave notice under s 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(1) notice”). This was because, upon contacting a random sample of 42 individuals from the December 2021 list, 14 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 26 February 2022, the Party submitted such a statement. Having considered this statement, the delegate decided that the Party should be deregistered for the reason set out in the s 137(1) notice: that is, on 4 March 2022 the delegate decided to deregister the Party on the basis that she was satisfied on reasonable grounds that the Party did not have at least 1,500 members. The Party was notified of this decision by an email sent the same day. The Party was, in consequence, deregistered under s 137(6) of the Electoral Act.
37. 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.
38. With respect to this question, the Commission notes that the Party has submitted the December 2021 list, the April 2022 list, and the September 2022 list, each of which were tested in accordance with the Methodology. The September 2022 was also re-tested in conformity with the Methodology as amended in late 2023. 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.

A further response to your submissions

39. The Commission also notes that both the Party's s 137(2) statement and the present application for review make a number of criticisms of the Methodology followed by the Commission in testing membership lists and of the procedure adopted by the delegate. The Commission responds to these criticisms in the following paragraphs.
40. The application for review submits that "[t]he use of a sample of only 42 members to draw conclusions regarding the membership status of 1,572 members would appear to be questionable" because "from a statistical standpoint ... using such a tiny sample must have a huge standard of error" and return results that are "merely indicative" rather than definitive. Accordingly, it is submitted that there is a failure to "comply with the AEC's legal obligations to definitively determine eligibility for registration under the Electoral Act". It is further submitted that "the only way to definitively assess whether a party has the minimum 1500 members required by the amended Electoral Act is for the AEC to contact each and all of the members provided". Similar arguments were made in the Party's s 137(2) statement, which submitted that the requirement to provide a list of between 1,500 and 1,650 names was a "restriction imposed by the Electoral Commission and not something required by the legislation" and amounted to a denial of natural justice in so far as it prevented the submission of the full membership list.
41. The Commission does not accept these arguments. As noted above, the Electoral Act does not prescribe a particular method for determining whether a political party satisfies the numerical membership requirements of the Electoral Act. The Methodology applied by the Commission to determine whether a party has at least 1,500 members employs a rigorous sampling methodology endorsed by the ABS. Relevantly, if the Methodology is followed, the probability of rejecting a valid list is 6% or below. The Commission is therefore satisfied that the Methodology is appropriate for the purpose of membership testing, including because it is rational, practical and fair in all the circumstances.
42. In response to the criticism that the application of the Methodology constitutes a denial of natural justice, the Commission further notes that the s 138A(3) notice dated 8 October 2021 specifically drew your attention to the membership testing process employed by the Commission to test membership lists. As the Commission explained in its previous decision of October 2022 with respect to the deregistration of VOTEFLUX.ORG | Upgrade Democracy!, given that the Commission's use of the Methodology has been made known on its website and in other communications, the Commission expects that parties will, in full knowledge of the Commission's membership testing procedures, provide high-quality lists containing the names of members the party believes will both meet the requirements of the Electoral Act and confirm membership of the party to the Commission when asked by the Commission. The inability of any given party to provide a list satisfying the testing requirements in these circumstances is therefore reasonable grounds for the Commission to conclude that a party does not have the requisite number of members under the Electoral Act.

Procedural fairness

43. You also submit that it was procedurally unfair that the delegate did not respond to the Party's request to submit a second membership list made in the Party's s 137(2) statement and email of 26 February 2022.
44. The Commission accepts that the delegate did not respond to the Party's request to submit a second membership list. For the purposes of the Commission's decision on this review, however, any unfairness that arose from this was effectively addressed by the opportunities subsequently afforded to the Party at the review stage to provide updated membership lists. The Party availed itself of these opportunities by providing updated membership lists to the Commission Secretariat on 6 April 2022 and 23 September 2022, and was afforded the opportunity to provide another list in mid-2023. As already noted, the Party was granted various extensions of time. In October 2023, however, the Party confirmed that it was not able to provide another list and that re-testing of the September 2022 list was acceptable to it.

Alleged inconsistent treatment of parties

45. In your application for review dated 31 March 2022, you also submitted that the Commission had treated some political parties more favourably than others, including the Party. You argued that:

'In the first instance, it is of concern to us that amongst many small parties which have received Notices of Intent to Deregister, conservative Christian parties such as the DLP and the Christian Democrats appear to have been singled out for quick deregistration while left-leaning secular parties such as "Derryn Hinch's Justice Party" which also received similar notices months before the DLP continue to be registered....

Instead of acting on the request contained in the DLP's statement and email, the statement seems to have been given priority for denial, because barely four business days later we received the notice of 'Intention to Deregister.' Meanwhile, the "Derryn Hinch Justice Party" which was listed for deregistration on 17 December 2021, the Health Australia Party which was listed on 18 January 2022 and the Australian Progressives which was listed on 11 January 2022 all remain on the list of registered parties.'

46. The Commission rejects this submission and reiterates that its task on review is to determine on the information before it whether it is satisfied that the Party is eligible as a non-Parliamentary party to remain on the Register of Political Parties ("the Register"). The Commission notes that the *Electoral Legislation Amendment (Party Registration Integrity) Act 2021* ("2021 amendments") amended the Electoral Act to increase the membership threshold for a non-Parliamentary party from 500 to 1,500 members.
47. Following the entry into force of the 2021 amendments, the Commission undertook to review the eligibility of all registered non-Parliamentary parties to remain on the Register. To this end, on 8 October 2021, the Commission issued all non-Parliamentary parties on the Register at that date with notices under s 138A(3). The notices required each party to provide a list of at least 1,500 and no more than 1,650 names of party members in order to demonstrate eligibility to remain on the Register. If a party failed to provide a list satisfying the

Commission's testing requirements, the Commission issued that party with a notice stating that it was considering deregistering the party under s 137(1)(b) and inviting it to submit a response setting out reasons why the party should not be deregistered under that provision. Before making a decision, the Commission advised that it would carefully consider any response a party made.

48. The precise timing of each of the steps taken by the Commission in respect of any particular party depended upon the information provided by the party in response to the notices to the party given under ss 138A(3) and 137(1)(b) of the Electoral Act, when that information was provided, and the length of time it took the Commission to conduct relevant checks and confirmation of membership in accordance with the Methodology as described above.
49. By way of example, both the 'Derryn Hinch's Justice Party' and the 'Health Australia Party' actually gave the Commission a supplementary membership list in response to the s 137(1)(b) notice sent to them. The Commission in fact tested each of their supplementary lists in accordance with the Methodology, and no decision concerning their eligibility to remain on the Register was made until such testing was completed, with the consequence that decisions about their eligibility were made after the delegate's decision about your party's eligibility. No party was "singled out for quick deregistration".
50. Two of the parties to which your submissions referred, the Health Australia Party and the Australian Progressives, failed to pass the Commission's testing process and the Commission subsequently deregistered them. Derryn Hinch's Justice Party passed the Commission's testing process but subsequently voluntarily deregistered.

Position on review

51. On the basis of the membership testing results of the Party's membership lists, the Commission is satisfied that there are reasonable grounds on which to be satisfied that the Party does not have 'at least 1,500 members'.
52. Accordingly, the Commission affirms the delegate's decision to deregister the Party under s 137(6)(a).

Conclusion and review rights

53. The Commission has affirmed the decision under review pursuant to s 141(4)(a) of the Electoral Act.
54. A statement of review rights in respect of this decision is enclosed.

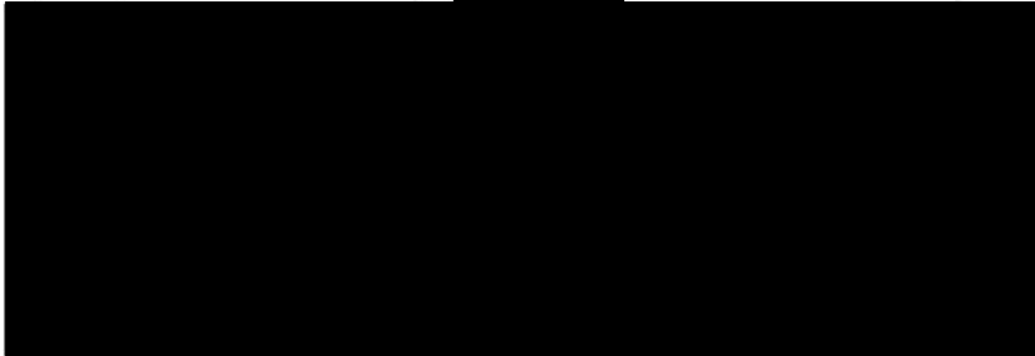
Yours sincerely,



The Hon Justice Susan Kenny AM KC

Chairperson

17 May 2024



Mr Tom Rogers

Electoral Commissioner



17 May 2024



Dr David Gruen AO

Australian Statistician
(non-judicial member)

17 May 2024

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 has a standard application fee. 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.