

**NOTICE OF DECISION ON PARTY REGISTRATION
DEREGISTERING A POLITICAL PARTY AND REMOVAL FROM THE
REGISTER OF POLITICAL PARTIES
HEALTH ENVIRONMENT ACCOUNTABILITY RIGHTS
TRANSPARENCY (HEART)**

Notice of decision under s 137(6) of the *Commonwealth Electoral Act 1918* (Electoral Act) and Statement of Reasons

1. I am writing in accordance with s 137(6)(b) of the Electoral Act to notify you of the review conducted under s 138A(1) of the Electoral Act and the determination to deregister Health Environment Accountability Rights Transparency (HEART) (the Party).
2. As a delegate of the Electoral Commission, I am authorised to deregister the Party under s 137(6)(a) of the Electoral Act, and to cancel the particulars of the Party from the *Register of Political Parties* (the Register) under s 138 of the Electoral Act.
3. On 20 April 2023, the Electoral Commission issued a Notice to the Registered Officer of the Party, Ms Rebecca McCredie, under s 138A(3) of the Electoral Act (s 138A Notice). The s 138A Notice requested the Party provide the Australian Electoral Commission (AEC) with an electronic membership list of between 1,500 and 1,650 members in order for the AEC to determine the eligibility of the Party to remain registered. The due date for responding was 21 June 2023.
4. Between 12 June 2023 and 31 July 2023, no work could be undertaken on the Party's review of eligibility due to the operation of s 138A(2) of the Electoral Act as a writ had been issued for a by-election in the electorate of Fadden. The Party was provided with a revised due date of 15 August 2023 to respond to the s 138A Notice.
5. On 23 August 2023, after discussion with the Party, the Party was provided with an extension until 17 October 2023 to comply with the s 138A Notice.
6. On 16 October 2023, the Party responded to the s 138A Notice providing a list of 1,553 members.
7. On 13 December 2023, as delegate of the Electoral Commission, I gave the Registered Officer of the Party a notice under s 137(1) of the Electoral Act (the s 137 Notice), that I was considering deregistering the Party because I was satisfied on reasonable grounds that the Party does not have at least 1,500 members (s 137(1)(b)). Pursuant to s 137(2) of the Electoral Act, the Party was given one month to respond to the s 137 Notice (being 13 January 2024).
8. On 12 January 2024, the Registered Officer of the Party provided a statement in accordance with s 137(2) of the Electoral Act. The statement was accompanied by a new membership list.
9. Section 137(5) of the Electoral Act prescribes that:

Where, in response to a notice given under s 137(1) in relation to a political party, a statement is lodged under s 137(2), the Electoral Commission shall consider that statement and determine whether the political party should be deregistered for the reason set out in that notice.

10. On 23 April 2024, following the return of writ for the Cook by-election, the AEC advised the Party it could provide an updated membership list if it wished to do so by 7 May 2024. On 7 May 2024, the Party submitted a revised membership list of 1,544 names in support of the review of eligibility.

Decision

11. As a delegate of the Electoral Commission, I am satisfied on reasonable grounds that the Party does not have at least 1,500 members and that the Party should be deregistered.
12. I have determined that Health Environment Accountability Rights Transparency (HEART) should be deregistered under s 137(6)(a) of the Electoral Act, for the reasons set out below. Therefore, the particulars of the Party will be cancelled from the Register under s 138 of the Electoral Act.

Materials I have taken into account

13. In making my decision, I have had regard to:
- the s 138A Notice, and the membership list in response to the s 138A Notice submitted on 16 October 2023;
 - the s 137 Notice;
 - the statement, and membership list in support of the statement, provided by the Party in response to the s 137 Notice on 12 January 2024;
 - the revised membership list provided by the Party on 7 May 2024;
 - the operation of s 138A(2) in relation to by-elections in the federal electorates of:
 - Fadden – 12 June 2023 until 31 July 2023
 - Dunkley – 29 January 2024 until 18 March 2024
 - Cook – 11 March 2024 until 22 April 2024
 - the results of the testing of both membership lists of the Party conducted by the AEC in accordance with the sampling methodology developed by the Australian Bureau of Statistics (the ABS);
 - Part XI of the Electoral Act; and
 - the AEC *Guide for maintaining party registration*.

Findings of Fact

14. On the material before me, I make the following findings.
15. No member of the Party is a member of the Parliament of the Commonwealth.
16. The membership list lodged on 16 October 2023 contained the details of 1,553 people.

Membership List

17. The membership list submitted by the Party on 16 October 2023 contained 1,553 names of people that the Party considers to be current members (referred to as 'members' below). The following results were found after initial membership testing against the Commonwealth Electoral Roll (electoral roll) of the membership list submitted by the Party.

Submitted membership list	1,553
Automatically matched to the electoral roll	1,468
Manually matched to the electoral roll	83
Unable to match or not enrolled on the electoral roll	(0)
Deceased	(2)
Total matched to the electoral roll	1,551

18. In accordance with s 123A of the Electoral Act, in determining whether a political party has at least 1,500 members, the same member may not be relied on by more than one party. If an individual is a member of more than one political party, only the party nominated by the member may rely on the individual as a member. No party may rely on the individual as a member if the individual does not nominate a party after at least 30 days.
19. Fifteen members were identified as supporting the registration of other political parties. On 24 October 2023, the AEC wrote to the 15 members identified as also supporting the registration of another party to determine which party they supported for the purpose of being relied upon for registration. Responses were due by 23 November 2023. The results of the cross-party membership testing are:

Total cross-party duplicates	15
Affirmed support of the registration of the Party	3
Did not affirm support of the registration of the Party	12
Sub-total – removed from the membership list	12

20. Eight members were identified as inner-party duplicates and no members were under the age of 18.

Total matched to the electoral roll	1,551
Inner-party duplicates - members appearing more than once in the list	(8)
Under 18-year-old members	(0)
Cross-party duplicates – members identified as also being on other party membership lists and who did not affirm support for the Party	(12)
Total	1,531

21. Under the membership testing methodology and formula provided by the ABS, a list of 1,531 members requires contact with a random sample of 33 individuals on the membership list, and up to two denials of membership are permitted by the individuals contacted.

Results of membership testing for the 16 October 2023 list are 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*	58
Responses received	
- Confirmed Membership	31
- Denied Membership	3
PASS/FAIL	FAIL

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

22. Based on this information, the Party's membership list **failed** the membership testing assessment of the review process.

23. Accordingly, there are reasonable grounds on which I, as a delegate of the Electoral Commission, was satisfied that the Party does not have at least 1,500 members (s 137(1)(b) of the Electoral Act).
24. As such, the Party was issued with a s 137 Notice on 13 December 2023.
25. On 12 January 2024, in response to the s 137 Notice, the Party lodged a statement with the Electoral Commission setting out reasons why the party should not be deregistered.

Supporting statement

26. I have considered the Party’s statement. Extracts from that statement follow:

“The most significant reason for us not to be deregistered is simply we currently have over 7,000 members - more than four times the minimum requirement needed. Whilst this has been difficult to prove via your membership testing method, we are confident that if all of our 7,000 members were contacted via your membership testing, you would receive the 1,500 minimum required.

We therefore kindly ask to please run the membership test again based on an updated list attached of 1,601 members. The last list we provided you with last year, we had a few members cancel their membership after we had presented the list to you. Which was unfortunate. Should this happen again, we will endeavour to notify you.”

27. The revised membership list submitted by the Party on 7 May 2024 contained 1,544 names of people that the Party considers to be current members (referred to as ‘members’ below). The following results were found after initial membership testing against the electoral roll of the membership list submitted by the Party.

Submitted membership list	1,544
Automatically matched to the electoral roll	1,482
Manually matched to the electoral roll	61
Unable to match or not enrolled on the electoral roll	(0)
Deceased	(1)
Total matched to the electoral roll	1,543

28. In accordance with s 123A of the Electoral Act, in determining whether a political party has at least 1,500 members, the same member may not be relied on by more than one party. If an individual is a member of more than one political party, only the party nominated by the member may rely on the individual as a member. No party may rely on the individual as a member if the individual does not nominate a party after at least 30 days.
29. 26 members were identified as supporting the registration of other political parties. On 23 May 2024, the AEC wrote to the 26 members identified as also supporting the registration of another party to determine which party they supported for the purpose of being relied upon for registration. Responses were due by 23 June 2024. The results of the cross-party membership testing are:

Total cross-party duplicates	26
Affirmed support of the registration of the Party	4
Did not affirm support of the registration of the Party	22
Sub-total – removed from the membership list	22

30. No members were identified as inner-party duplicates and no members were under the age of 18.

Total matched to the electoral roll	1,543
Inner-party duplicates - members appearing more than once in the list	(0)
Under 18-year-old members	(0)
Cross-party duplicates – members identified as also being on other party membership lists and who did not affirm support for the Party	(22)
Total	1,521

31. Under the membership testing methodology and formula provided by the ABS, a list of 1,521 members requires contact with a random sample of 27 individuals on the membership list, and up to one denial of membership is permitted by the individuals contacted.

Results of membership testing for the 7 May 2024 list are as follows:

The relevant numbers for this membership test were:	Members
The random sample size	27
Maximum number of denials permitted	1
Contact attempts made*	47
Responses received	
- Confirmed Membership	22
- Denied Membership	5
PASS/FAIL	FAIL

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

32. Based on this information, the Party's membership list **failed** the membership testing assessment of the review process.
33. Accordingly, I reject the reasons outlined by the Party in its statement provided on 12 January 2024.
34. I remain satisfied that the Party does not have at least 1,500 members despite the Party's contention that they have 'more than four times the minimum requirement needed'. I consider that the membership testing results outlined above provide a more robust method for ascertaining whether a party has satisfied the requirements of the Electoral Act than the statement provided by the Party.
35. In my capacity as a delegate of the Electoral Commission I have deregistered Health Environment Accountability Rights Transparency (HEART) under s 137(6)(a) of the Electoral Act. The particulars of the Party have been cancelled from the Register under s 138 of the Electoral Act.

Review rights

36. Under s 141(2) of the Electoral Act, a person (including an organisation) affected by the decision who is dissatisfied with the decision may make a written application to the Electoral Commission for internal review of this decision within 28 days after the day on which the decision first comes to the notice of that person. There is no fee payable for requesting an internal review.
37. Requests for review of this decision should be addressed to Mr Tom Rogers, Australian Electoral Commissioner, and emailed to commission.secretariat@aec.gov.au or posted to Locked Bag 4007, Canberra City ACT 2601.

How do I request an internal review?

38. In accordance with ss 141(2) and 141(3) of the Electoral Act, an application for review must:
- be in writing;
 - specify the name of the applicant;
 - specify an address of the applicant; and
 - set out the reasons for making the application.
39. If you wish to apply for additional time beyond the 28 days to make an application for review of the delegate's decision, please also include the reasons for the application for additional time.

Who conducts an internal review?

40. The Electoral Commission, which is comprised of three members, the Australian Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
41. Under s 141(4) of the Electoral Act, the Electoral Commission shall review an application 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.

What can I do if I disagree with the outcome of an internal review?

42. If an internal review decision has been made by the Electoral Commission a person whose interests are affected, and who is dissatisfied with the decision made by the Electoral Commission, may apply to the AAT for an external merits review of the decision. More information on how to apply to the AAT and any applicable fees can be found on its website: www.aat.gov.au/applying-for-a-review/how-to-apply.

Freedom of Information

43. Under the *Freedom of Information Act 1982* ('the FOI Act') any person has the right to request access to documents held by the AEC. For more information about access to documents under the FOI Act please visit the AEC's "Access to AEC information" webpage at: www.aec.gov.au/information-access/index.htm.

44. Should you have any queries regarding party registration, please contact the AEC on 02 6271 4552, visit www.aec.gov.au or email fad@aec.gov.au.

(signed)

Joanne Reid
Assistant Commissioner
Delegate of the Electoral Commission

26 August 2024