

**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO CHANGE THE NAME, ABBREVIATION AND
REMOVE THE LOGO IN THE REGISTER OF POLITICAL PARTIES
APPROVED
INFORMED MEDICAL OPTIONS PARTY**

Notice of decision under s 134(6) of the *Commonwealth Electoral Act 1918* (Electoral Act) and Statement of Reasons

1. I am writing in accordance with s 134(6) of the Electoral Act to notify you of the determination of the application to change the name, abbreviation, and remove the logo of Informed Medical Options Party (the Party) in the *Register of Political Parties* (the Register).
2. I am authorised to determine this application to change the Register (the Application) under Part XI of the Electoral Act as a delegate of the Electoral Commission.

Decision

3. I have decided to approve the Application to change the Register as outlined below:

registered name: **Health Environment Accountability
Rights Transparency (HEART)**

registered abbreviation: **HEART Party**

Materials I have taken into account

4. In making my decision, I have had regard to:
 - the Application received by the Australian Electoral Commission (AEC) on 24 May 2023;
 - Part XI of the Electoral Act;
 - the Register and the Register of Political Parties of each Australian State and Territory;
 - a by-election in the federal electorate of Fadden; and
 - the AEC's *Guide for maintaining party registration*.

Findings of Fact

5. On the material before me, I make the following findings:

Procedural requirements

6. The Application:
 - was in writing, signed by three members of the Party;
 - set out the name and address of the applicants and particulars of the capacity in which each applicant makes the Application; and
 - was accompanied by a fee of \$500.

7. Accordingly, I am satisfied that the Application meets the requirements of ss 134(1)(b) and 134(2) of the Electoral Act.

Party name and abbreviation

8. The name 'Health Environment Accountability Rights Transparency (HEART)', and abbreviation, 'HEART Party':
- do not comprise more than 6 words;
 - are not obscene, frivolous or vexatious;
 - are not the name, or an abbreviation or acronym of the name of another political party (not being a political party that is related to the Party) that is a recognised political party;
 - do not so nearly resemble the name, abbreviation or acronym of the name of another political party (not being a political party that is related to the Party) that is a recognised political party that it is likely to be confused with or mistaken for that name or that abbreviation or acronym;
 - are not one that a reasonable person would think suggests a connection or relationship exists between the Party and a registered party;
 - do not comprise the words "Independent Party";
 - do not contain the word "Independent" and the
 - name, or abbreviation or acronym of the name of a recognised political party;
 - or
 - matter that so nearly resembles the name or an abbreviation or acronym of a recognised political party that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym.
 - do not contain a word that is in the name, or in the abbreviation of a name, of a registered political party that requires consent from an existing registered political party to use a word contained in the Party's name or abbreviation.
9. Under ss 129(5)(a) –(b) of the Electoral Act 'function words', and 'a collective noun for people' do not require consent. Schedule 1, paragraphs 13 and 15 of the [Explanatory Memorandum](#) to the *Electoral Legislation Amendment (Party Registration Integrity) Act 2021*, 'Collective noun for people' is intended to include words including, but not limited to 'Party', 'Group', 'Alliance', 'Network' and 'Team'. Therefore, 'Party' does not require consent.
10. Accordingly, I am satisfied on the materials before me that there is no basis to refuse the name and abbreviation under s 129 of the Electoral Act.

Party logo

11. The Party requested the current logo to be removed from the Register.
12. Accordingly, the Party's logo has been removed from the Register as there is no legislative basis under Part XI of the Electoral Act to refuse the removal of the Party's logo in the Register.

Fadden by-election

13. The Application was suspended from 12 June 2023 to 31 July 2023, due to the operation of s 127 of the Electoral Act for the issue of writ for the Fadden by-election.

Legislative framework – written particulars

14. Section 132(7) of the Electoral Act provides that the Electoral Commission shall not register a political party unless it has considered any particulars submitted objecting to a party's registration, or application in this instance, and any reply to particulars that may have been submitted. Section 132 of the Electoral Act also outlines the requirements for submitting and processing objections to an application.
15. On 18 August 2023, a notice of the application was advertised in 10 major newspapers circulating in each State and Territory of Australia and published on the AEC website. The closing date for written particulars objecting to the application was 18 September 2023.
16. In the context of this Application to change the register s 132(2)(b) of the Electoral Act, as modified by s 134(4), provides that a person can only submit written particulars objecting to this Application to change the Register if the person believes that:
 - the application should be refused under s 129 of the Electoral Act (the name and abbreviation tests); or
 - the application is not in accordance with s 134 of the Electoral Act (which sets out requirements for the contents of an application to change the Register).
17. Written particulars must also meet the following administrative requirements under ss 132(2)–(3) of the Electoral Act:
 - be in writing;
 - be signed by the person (either physically, or electronically as per s 10(1) of the Electronic Transactions Act 1999);
 - specify a postal address of the objector that does not consist of a post office box number (noting the definition of 'address' in s 123(1) of the Electoral Act and the postal service requirements in s 140(1) of the Electoral Act);
 - be submitted within one-month after the publication of the relevant s 132(1) Notice on the AEC website on 26 June 2023; and
 - set out the person's belief that the Application should be refused for a reason listed in s 132(2)(b) of the Electoral Act and provide grounds for that belief.
18. No written particulars were received.
19. For the reasons outlined above as a delegate of the Electoral Commission for the purposes of Part XI of the Electoral Act, I approve the Application to change the name, abbreviation and remove the logo of Health Environment Accountability Rights Transparency (HEART) in the Register.

Your review rights

20. 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.
21. 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?

22. 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; and
 - set out the reasons for making the application.
23. 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?

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

26. If an internal review decision has been made by the Electoral Commission and you do not agree with that decision, a person whose interests are affected, and who are dissatisfied with the decision made by the Electoral Commission may apply to the Administrative Appeals Tribunal (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

27. 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.

28. 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
3 October 2023