

From: 10
Sent: Thursday, 5 May 2022 3:22 PM
To: Commission Secretariat
Subject: Application under s 141(2) regarding Health Australia Party

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To: Mr Tom Rogers
 via email: commission.secretariat@aec.gov.au

Hi,

This is an application under s 141(2) of the EA to review the decision to deregister Health Australia Party (HAP) [1].

I learned of HAP's deregistration on the 14th of April.

As a voter I am affected by the wrongful deregistration of political parties and I am concerned that the AEC's processes are inadequate. Thus I am concerned that wrongful deregistrations have occurred many times and are continuing to occur -- HAP being just one example of more than a dozen.

Particularly: I do not believe the AEC's membership testing method is accurate enough to support the decision.

This is because, based on the statistics gathered and published by the AEC in [1], the AEC's method had a false negative rate of $72.34\% \pm 0.12\%$ if HAP has > 1769 members. That is, *if* HAP has > 1769 members, *then* it is expected that the AEC's method has that false negative rate.

The number 1769 is important because, based on the data gathered by the AEC, *if* HAP could have submitted 1769 members then they would have passed this hypothetical membership test. (Note, there is no mathematical reason that the membership test methodology could not simply allow longer lists; the only restriction is *AEC policy alone*.)

HAP's Nov 2021 membership test had a false negative rate of $72.40\% \pm 0.12\%$ if HAP has > 1769 members.

This means that, if HAP has more than 1769 members (which would imply they are an eligible party), that the probability that HAP passed either the first test or failed the first but passed the second was only 0.476 -- i.e., 47.6%. That's worse odds than a coin flip.

Since the AEC, *by the Commission's own policy,* does not allow a party to submit more than 1650 members as part of the test methodology, there is no way -- by the best known principles of statistics and the philosophy of science available to us -- that the AEC can be statistically confident in the results of the membership test methodology, and thus the Commission does not have statistical grounds for the decision to deregister. This is especially poignant considering that HAP claims to have ~4,000 members nationally [1]. Considering the AEC's measurements to-date, it is reasonable to expect that HAP could produce an additional 129 members unless evidence can be produced to contradict this. The membership testing method does not gather such evidence -- and parties are forbidden from submitting additional members -- so it is a mystery how the AEC would have such evidence. In fact, if the lists that HAP submitted to the AEC have fewer than 1521 overlapping members, HAP has

already proven to the AEC that it does have sufficient membership.

How many members were on both lists submitted by HAP?

Given the above, I request that the decision to deregister HAP be set aside.

As evidence of my claims, please see [2] -- particularly Fig 6.6 which is the results of the statistical analysis of HAP's Feb 2022 membership test. (A link to the results of the analysis of HAP's Nov 2021 membership test are linked in Fig 6.6's description.)

Additionally, I note that the AEC has made trivial mistakes in the documentation and execution of the method (see [3]), so I have no faith that those employees or delegates of the Commission that execute the method have any idea whatsoever about how to do it correctly, what the requirements for statistical validity are, or how to check that they are not making a mistake.

Thus, the Commission should also reconsider their entire testing framework, setting aside all decisions to deregister or refuse registration on the basis of the results of the testing method until such a time when the Commission obtains the relevant skills necessary to develop a method that is not predetermined in some cases. I can't request that under s 141(2); it's just my opinion. Seems worth mentioning, though.

Max Kaye

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[1]: https://www.aec.gov.au/Parties_and_Representatives/Party_Registration/Deregistered_parties/files/statement-of-reasons-health-australia-party.pdf

[2]: <https://xertrov.github.io/aec-membership-test-simulator/#6-suspected-farces>

[3]: <https://xertrov.github.io/aec-membership-test-simulator/#circa-2012-to-2016>

REDACTION CODES

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2. Personal Information (date of birth) redacted.
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35. Tests, examinations or audits material redacted.
36. Management or assessment of personnel material redacted.
37. Proper and efficient conduct of the operations of AEC material redacted.
38. Lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law redacted
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