

**NOTICE OF PARTY REGISTRATION DECISION
APPLICATION TO CHANGE THE NAME AND REMOVE THE
ABBREVIATION IN THE REGISTER OF POLITICAL PARTIES
APPROVED
AUSTRALIAN FEDERATION 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 and remove the abbreviation of Australian Federation 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:

<i>Registered name:</i>	Trumpet of Patriots
<i>Registered abbreviation:</i>	<removed>

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 14 May 2023;
 - the notice issued to the Party on 14 August 2023 under s 131(1) of the Electoral Act;
 - the varied application, received by the Party on 15 November 2023 (the 15 November application);
 - the operation of s 127 of the Electoral Act 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 request by the Party to amend the 15 November application, received by the AEC on 27 August 2024;
 - written particulars objecting to the Application received from Michele and Sue;
 - Part XI of the Electoral Act;
 - the Register and the Register of Political Parties of each Australian State and Territory; 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 applicants of the Party; and
- set out the names and addresses of the applicants and particulars of the capacity in which each applicant makes the Application.

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

8. The name:

- **does not** comprise more than six words;
- **is not** obscene, frivolous or vexatious;
- **is not** the name, abbreviation or acronym of the name of another political party (not being a political party that is related to the party to which the application relates) that is a recognised political party;
- **does not** so nearly resemble 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 to which the application relates) that is a recognised political party that it is likely to be confused with or mistaken for that name or that abbreviation or acronym;
- **is not one** that a reasonable person would think suggests a connection or relationship exists between the party and a registered party if that connection or relationship does not in fact exist;
- **does not** comprise the words 'Independent Party' and **does not** comprise or contain the word 'Independent' and:
 - the name, or an 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 the name, of a recognised political party that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be.

9. Accordingly, the name does not contravene s 129 of the Electoral Act.

Party abbreviation

10. The Party's abbreviation, Federation Party, was removed from the Register.

Legislative framework – written particulars

11. 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 written particulars objecting to an application.

12. On 16 September 2024, 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 16 October 2024.
13. 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 test); 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).
14. 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 16 September 2024; 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.

Written particulars objecting to the Application

15. The Electoral Commission received two written particulars objecting to the application:

Written particulars from	Date received	Administrative requirements met	Grounds for objection under the Electoral Act
Michele	1 October 2024	Section 132(3)	Section 129
Sue	1 October 2024	Section 132(3)	Section 129

16. On 16 October 2024, the Party responded to the written particulars from Michele and Sue. The response was published on the AEC website in keeping with the intent of s 132(6) of the Electoral Act for such a reply to be made publicly available at the AEC’s principal office.

Written particulars and the Party’s response

17. The written particulars from Michele and Sue contained three main points:
1. “My objection is based on the Electoral Act Section 129 1(b), namely that the proposed name: **is obscene, frivolous or vexatious.**”
 2. “The proposed name has deliberate resonance with anti-democratic events in Washington on 6th January 2021 when so-called patriots and Proud Boys violently stormed government premises in support of a failed candidate called Trump.”
 3. “The proposed name also carries the vexatious implication that other parties in our electoral system are not patriotic.”

18. In considering the written particulars, I consider only points 1 and 3 above meet the grounds to be considered under s 132(2) of the Electoral Act, in particular s 132(2)(iii). I do not consider that point 2 requires consideration as there are no grounds under s 132(2) of the Electoral Act to refuse an application due to events occurring in Australia or overseas.
19. Regarding points 1 and 3, the particulars argue the Party's proposed name contravenes s 129(1)(b) of the Electoral Act, namely that the name is obscene, frivolous or vexatious.
20. As per s 132(7)(d) of the Electoral Act, I have also considered the Party's response to the written particulars objecting to the Application, and the six matters raised within.
21. The Party has (1.) indicated the written particulars' use of the term 'obscene, frivolous, and vexatious' are misapplied, and that this claim is without basis.
22. As per paragraph 8, of Schedule 1 of the Explanatory Memorandum to the *Electoral Legislation Amendment (Party Registration Integrity) Bill 2021*, the terms frivolous and vexatious [alongside obscene] are to be given their ordinary meaning, and are intended to include party names or abbreviations that are nonsensical or are malicious in their application. This would include, for example, an applicant seeking to register 'Australian Electoral Commission', or 'Australian Government' as a political party.
23. In considering these terms, their ordinary meaning and the explanatory memorandum, I do not agree the proposed name is obscene, frivolous, or vexatious.
24. The Party comments that "the term "**vexatious**", as applied under s **129 of the Act**, refers to actions intended to cause inconvenience or waste resources without legitimate basis". I do not agree with the Party's statement, noting the intent of 'vexatious', as per s 129(1)(b) of the Electoral Act, is in relation to a party's name or abbreviation, and not regarding the actions of those lodging written particulars objecting to a party's application.
25. The Party has (2.) indicated that the identical nature of the two written particulars suggests collusion between their authors. In considering this part of the Party's response, I note that 'Alleged Collusion Between Objectors' does not require a delegate's consideration under ss 129 or 132 of the Electoral Act.
26. The Party's response (3.) indicates that the written particulars speculate on link to events in Washington in 2021. Similar to the point immediately above, I am not required to give consideration to matters not prescribed under the Electoral Act.
27. The Party has (4.) highlighted the previous consideration of the same name. I note that the name, Trumpet of Patriots, has been considered by a delegate of the Electoral Commission in a previous application, and it was found that the name did not contravene s 129 of the Electoral Act. However, the assessment of a party's proposed name or abbreviation is undertaken at a point in time, and the assessment can change depending on circumstances. I have considered this application as a new assessment of the Party's proposed name.
28. The Party has indicated (5.) that the claims are subjective and speculative and should not be relied on as grounds to refuse the application. Further, the Party has indicated (6.) concerns about the redaction of the personal information of those who had submitted written particulars.

29. In considering these components of the Party's response, I note the application process, including written particulars, allows for members of the public to engage and respond to proposed names, logos and/or abbreviations for applicant parties. I note these written particulars were received in accordance with s 132 of the Electoral Act, but the authors' personal information has been redacted. This is a consistent policy approach applied to all valid written particulars received by the AEC for an application to register or to change the Register.
30. Having considered the written particulars and the Party's response, I am of the opinion the written particulars do not provide additional evidence as to why the Party's proposed name should be refused under s 129(1)(b) of the Electoral Act.
31. For the reasons outlined above, as a delegate of the Electoral Commission for the purposes of Part XI of the Electoral Act, I therefore approve the Application to change the name and remove the abbreviation of Australian Federation Party in the Register.

Your review rights

32. 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.
33. 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?

34. 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.
35. 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?

36. The Electoral Commission, which is comprised of three members, the Australian Electoral Commissioner, a judicial member and a non-judicial member, conducts internal reviews.
37. 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?

38. 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 Review Tribunal (ART) for a review of the decision. More information on how to apply to the ART and any applicable fees can be found on its website: www.art.gov.au.

Freedom of Information

39. 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.
40. 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 December 2024